

SHIRE OF KOJONUP
Kojonup



AGENDA

Ordinary Council Meeting

16 February 2021

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 16 February 2021 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.


RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

12 February 2021

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 16 FEBRUARY 2021

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS.....	4
2	ATTENDANCE AND APOLOGIES.....	5
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	5
4	PUBLIC QUESTION TIME	5
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS	6
6	APPLICATIONS FOR LEAVE OF ABSENCE	6
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	6
9	DECLARATIONS OF INTEREST.....	6
10	KEY PILLAR 1 – ‘PLACE’ REPORTS	7
10.1	KOJONUP SPORTING PRECINCT PLAYGROUND AND OUTDOOR GYM PLAN	7
10.2	PURCHASE OF LAND – 1 BROOMEHILL ROAD, KOJONUP (PORTION OF)	10
11	KEY PILLAR 2 – ‘CONNECTED’ REPORTS	14
11.1	SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – NEW MEMBERS	14
11.2	34 KATANNING ROAD - KOJONUP.....	17
11.3	GREAT SOUTHERN TREASURES – MEMORANDUM OF UNDERSTANDING 2020-2023	22
11	KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS.....	26
12.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (NOVEMBER & DECEMBER 2020 & JANUARY 2021).....	26
12.2	MONTHLY PAYMENTS LISTING 27 NOVEMBER 2020 TO JANUARY 2021.....	28
12.3	ADDITION OF DELEGATION TO DELEGATION ADMIN 005 – APPOINTMENT OF AUTHORISED PERSONS	30
13	KEY PILLAR 4 – ‘PROSPERITY’ REPORT.....	33
14	KEY PILLAR 5 – ‘DIGITAL’ REPORTS.....	34
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	35
16	NEW BUSINESS.....	35
17	CONFIDENTIAL REPORTS	35
18	NEXT MEETING.....	35
19	CLOSURE	35
20	ATTACHMENTS (SEPARATE).....	36

The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.

Leading community outcomes

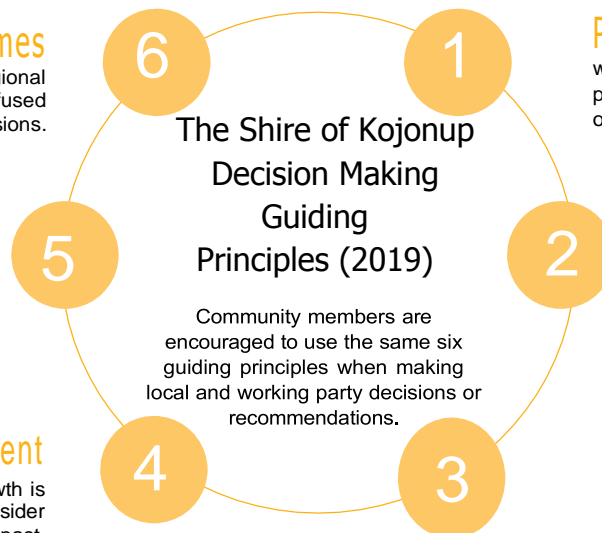
community strategic direction, plus regional impact and state-wide needs are fused together when making decisions.

Compliance

appropriate compliance and tolerable risk is considered, although not so much as to fatigue or delay growth.

Past and Present

forward-thinking growth is encouraged, whilst we consider and celebrate the past.



People First

when considering public spaces, people will be given precedence, over transport and business.

Sharp Funding

short and long term financial implications will be considered, along with collaborative ownership options

Analysis-based

objective and evidence-based data and insights must support decision making

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at__ and draw the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging

Prayer – Cr Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.

We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.

Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.

We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on Public Committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.

2 ATTENDANCE AND APOLOGIES

COUNCILLOR

Cr Benn

Cr Radford

Cr Fleay

Cr Gale

Cr Pedler

Cr Webb

Cr Wieringa

Shire President

Deputy Shire President

STAFF

Rick Mitchell-Collins

Anthony Middleton

Emily Sleight

Judy Stewart

Lorraine Wyatt

Chief Executive Officer

Manager Corporate and Community Services

Sport and Recreation Officer

Senior Administration Officer

Executive/Human Resource Coordinator

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Singh

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Questions may be submitted using the special email address for Council Meeting Public Question Time being cmpqt@kojonup.wa.gov.au

The Manager Corporate and Community Services will table all correspondence received.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

From: Parminder Singh
Sent: Monday, 8 February 2021 12:27 PM
To: Rick Mitchell-Collins
Subject: Leave of absence

Dear Sir

I am standing as an independent candidate for MLC agricultural region at the upcoming state election and therefore seek a leave of absence from now until 14 March 2021

Yours sincerely
Cr Parminder Singh

OFFICER RECOMMENDATION

That Councillor Singh be granted a leave of absence from 16 February to 14 March 2021.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 8 DECEMBER 2020

Minutes of the Council Meeting which was held on 8 December 2020 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION

That the Minutes of the Council Meeting held on 8 December 2020 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 KOJONUP SPORTING PRECINCT PLAYGROUND AND OUTDOOR GYM PLAN

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Wednesday, 10 February 2021
FILE NO	GS.PRG.19
ATTACHMENT(S)	10.1.1- Kojonup Sporting Precinct Play Space Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.2 - Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.10 – Sports Precinct Master Plan – Install destination playground and outdoor gym

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of the report is for the Council to consider the design of the Kojonup Sporting Precinct Playground and Outdoor Gym prior to going to tender for its construction.

BACKGROUND

At its meeting held on 17 September 2019, the Council resolved as follows (motion 107/19):

“That Council:

- 1. Confirms approval of the preferred development option scope based on changes to the project indicative cost estimates:**
 - **Netball courts – 2 covered acrylic courts (metal roof) and 2 asphalt courts not covered:**
Indicative Cost Estimate = \$2,026,290 ex GST;
 - **Football oval lighting:**
Indicative Cost Estimate = \$406,350 ex GST;
 - **Playground and outdoor gym:**
Indicative Cost Estimate = \$489,300 ex GST;
 - **Toddler pool shade structure:**
Indicative Cost Estimate = \$19,021 ex GST;
 - **Kitchen upgrade:**
Indicative Cost Estimate = +/- \$250,000 ex GST; and
 - **Audio-visual equipment:**
Indicative Cost Estimate = \$63,754.74 ex GST. ”

In March 2020, Council was advised that the LotteryWest application for \$449,657 to fund a new playground, outdoor gym and pool shade shelter was successful. The pool shade shelter portion of this project was completed in November 2020, with a total cost of \$35,950. This leaves a balance of \$413,707 of the Lotterywest grant for use in constructing the Playground. A further \$32,000 has been allocated from the Sporting Reserve, with the balance to come from Council funds.

The attached plan 10.1.1 Kojonup Sporting Precinct Play Space Plan, completed by H&H Architects, has been developed from the original draft, undergone community consultation and is ready for progression to construction.

COMMENT

Planning for this playground has taken into account the various ages and abilities of users of the Sports Precinct, as well as requests gathered from the Sports Precinct User Group meetings since 2018. As such, levels in the playground will accommodate the majority of users in this space. These levels separate the playground into zones, which are accessed via the pathways or by choosing the more challenging routes available – rocks, soft landscaping and retaining walls. The overall result will be a space that is inviting, challenging and a definite destination playground for the Shire.

CONSULTATION

Sports Precinct User Group

Sport user group workshop held 7 December 2020 with H&H Architects.

Kojonup Sports Alliance

Council briefing session 2 February 2021

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Council's Purchasing and Creditor Control Policy requires all purchases over \$250,000 to go through a public tender process.

FINANCIAL IMPLICATIONS

This project has an adopted budget of \$444,540, comprising of \$411,657 of Lotterywest grant funding, \$32,000 of Sporting Reserve funds and the balance to come from Council budget funds. \$15,245 has been spent to date.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Engagement	Inadequate involvement with or support of community groups	Community engagement/networking	Review and assess Community Engagement Strategy and Plan
Project/Change Management	Lack of communication and consultation Inadequate project planning	Project Management procedures Project status reporting to Council	Implement formal Project Management Guidelines
<i>Risk rating Low</i>			
IMPLICATIONS			
<p>Extensive Community consultation has occurred during the early planning stages of this project, with feedback from users of the space received by Shire staff. Council has representatives as part of the Sports Precinct User Group.</p> <p>This project has been before Council throughout the planning stages, confirming funding sources and advising of changes and alterations. Given the extent of consultation, the adoption of this plan is considered low risk.</p>			

ASSET MANAGEMENT IMPLICATIONS

The addition of another playground for the Shire will increase required monitoring and maintenance of play spaces. There will be requirements for maintenance of play equipment, soft fall surfaces, garden areas, water points and rubbish collection points.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the attached “Kojonup Sporting Precinct Play Space Plan”, be adopted for the construction of the Kojonup Sports Playground and Outdoor Gym.

10.2 PURCHASE OF LAND – 1 BROOMEHILL ROAD, KOJONUP (PORTION OF)

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Friday, 12 February 2021
FILE NO	CP.ACD.2; A10785
ATTACHMENT(S)	<p>10.2.1 - Drawing showing area of subdivision for purchase – Lot 1 Broomehill-Kojonup Road, Kojonup</p> <p>10.2.2 – Kojonup Park Realignment</p> <p>10.2.3 - Subdivision & Land Purchase Agreement</p> <p>10.2.4 - Valuation Report – Acumentis</p> <p>UNDER SEPARATE COVER</p> <p>10.2.5 - Subdivision quotation</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Delivered Activity/Corporate Actions
KP 1 – Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment.	Creation of local environments that support active healthy communities and lifestyle. Maintenance and upkeep of parks, reserves, public open space, cemeteries and verges.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider the purchase of a portion of Lot 1 Broomehill-Kojonup Road, Kojonup for car park construction and Kojonup Brook realignment purposes.

BACKGROUND

As part of the Drought Communities Programme and the Local Roads and Community Infrastructure Grant funding streams, the Shire of Kojonup recognised the opportunity to realign the Kojonup Brook to improve hydrology and environmental flows, extend stormwater piping by increasing the car park footprint to provide safer access/egress for vehicles, and install a new water tank to store water from the South Dam for irrigation application to Kojonup Park during summer.

A survey of the area showed that a portion of the land required for the realignment and car park improvements was owned by neighbouring resident, Mr Paul Bourdon; this land is critical to the realignment project proceeding. A valuation report was obtained from Acumentis in respect of Lot 1, Broomehill-Kojonup Road, Kojonup stating a valuation of \$10,000 for the area required by the Shire. Upon factoring in subdivision costs (payable by the Shire), an offer of \$5,000 was made to Mr Bourdon which was accepted.

COMMENT

The extra land this purchase will provide is necessary for the completion of the Kojonup Brook realignment project that is being partially funded through the Drought Communities Programme and a Local Roads and Community Infrastructure grant.

The purchase of this portion of Lot 1 Broomehill-Kojonup Road, as shown in the attachments, will enable increased parking capacity and enhance traffic flow in the area especially for longer vehicles such as mobile homes and those towing caravans etc. that have previously experienced difficulty within the curvature of the previous design.

Following purchase of the land, Council officers would make changes to the new Local Planning Scheme to reflect the new usage/zoning of the land.

CONSULTATION

Western Australian Local Government Association

Landgate

Department of Finance – Office of State Revenue

Town Planner – Zoning/Local Planning Scheme

Senior Administration Officer – (seeking above consultation advice)

STATUTORY REQUIREMENTS

Local Government Act 1995: - (unless Local Roads and Community Infrastructure Grant funding is able to be used)

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) –

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

POLICY IMPLICATIONS

Policy 3.8 'Common Seal' provides for the signing of land acquisition documentation by the Shire President and the Chief Executive Officer.

FINANCIAL IMPLICATIONS

Subdivision (quotation obtained), purchase of land, and settlement agent costs are estimated to total in the vicinity of \$18,000 including a Bushfire Attack Level (BAL) assessment should a BAL be required.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Asset Sustainability Practices	Inadequate design (not fit for purpose)	Routine maintenance schedule: Hard Infrastructure (Roads, bridges, drainage, footpaths)	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
<p>The previous configuration of the Kojonup Park car park area created difficulty for larger vehicles and towed vehicles and provided limited parking capacity. The purchase of this land assists in addressing these design issues and also allows for the project currently being undertaken to proceed to completion within the original scope of the realignment plan for the Kojonup Brook.</p> <p><i>Financial risk aspect dependent on whether funding can be used.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

Any newly acquired land will become an addition to the Shire of Kojonup’s (Shire) Asset Register and recognised within its maintenance programme.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority (if budget amendment required)

OFFICER RECOMMENDATION

That:

- 1 the Chief Executive Officer (CEO) be authorised to give effect to facilitating a subdivision application from Mr Paul Bourdon for Lot 1 Broomehill-Kojonup Road, Kojonup, as per a valuation report by Acumentis dated 26 November 2020 as presented, with all subdivision costs to be borne by the Shire of Kojonup (Shire); and**
- 2 following successful subdivision of Lot 1 Broomehill-Kojonup Road, Kojonup, the CEO be authorised to arrange the Shire’s purchase of the said subdivided land, in accordance with a Subdivision and Land Purchase Agreement between the Shire of Kojonup and Paul Bourdon signed 18 August 2020 for \$5,000.00, with all settlement costs and associated fees borne by the Shire;**
- 3 the Shire President and CEO be authorised to execute the land transfer documentation and apply the common seal where required as per *Council Policy 3.8 Common Seal*; and**
- 4 the costs incurred in purchasing this land be addressed at Council’s 20/21 Budget Review to be conducted in March 2021.**

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – NEW MEMBERS

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer	
DATE	Wednesday, 3 February 2021	
FILE NO	GR.LRL.2	
ATTACHMENT	Nil	
STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances.	2.1.1 – Build partnerships with WA recreation, business and tourism. 2.1.6 Explore shared services options with neighbouring local governments to improve efficiencies.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to approve a request from the Shires of Gnowangerup and Katanning to become full members of the Southern Link – Voluntary Regional Organisation of Councils (VROC).

BACKGROUND

At the Southern Link VROC meeting held on 8 November 2019, it was resolved:
“That an invitation be extended to the Shire President, Deputy Shire President and CEO of the Shires of Katanning and Gnowangerup to attend Full VROC and CEO meetings respectively for the 2020 calendar year to gauge interest in joining the Southern Link VROC”

COVID-19 restricted the number of meetings that Southern Link VROC held and at the Southern Link VROC meeting held on 4 December 2020, it was resolved:

“That the Southern Link VROC seek existing member shire agreement for the Shires of Gnowangerup and Katanning to become full members.”

COMMENT

The expansion of the Southern Link VROC to include two more local governments enables the group to represent a larger area and population in the Great Southern hinterland, hopefully increasing negotiating power when the group raises issues and/or advocates on behalf of our communities, including joint projects and resource sharing.

CONSULTATION

Southern Link VROC Meetings – 8 November 2019 and 4 December 2020
 Council Briefing Session – 2 February 2020

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An additional two local governments in the VROC will enable financial contributions required to achieve strategic objectives, addressing common issues, joint initiatives, research, etc., to be shared amongst six shires rather than the existing four local governments.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Compliance	Failure to fulfil Compliance Requirements (Statutory Regulatory); Ineffective policies & processes; Ineffective monitoring of changes to legislation	Councillor/Staff Training	Adhere to Legislative requirements and undertake governance reviews
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
The strategic risk to the Shire of Kojonup is considered low as there is no adverse impacts (financial or management) on the Shire with the VROC having additional members. The Shire of Kojonup as with other member Councils must have full council approval for projects, resource sharing and research, etc., including the allocation of funds when adopting the annual budget.			

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications as no additional assets are being created.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Aligns with local governments’ ability to undertake “Integrated Planning and Reporting” both individually and collectively which is supported.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council approves the request of the Shires of Gnowangerup and Katanning to become full members of the Southern Link Voluntary Regional Organisation of Councils.

11.2 34 KATANNING ROAD - KOJONUP

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Wednesday, 3 February 2021
FILE NO	A7708
ATTACHMENT	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups.	<p>2.2.1 Work with regional, state and national health providers to develop innovative health services.</p> <p>2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system.</p> <p>2.2.3 Establish formal networks between all health service providers within Kojonup.</p> <p>2.2.5 Advocate for the Department of Health to maintain the presence of existing health services and promote their availability throughout the region.</p>

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council’s consideration regarding an approach from an Allied Health Professional who wishes to hire rooms within the premises of 34 Katanning Road, Kojonup (previously occupied by St Lukes Family Practice).

BACKGROUND

Council at its meeting held 17 November 2020 passed the following resolution:

“That,

- 1. Cr J Benn’s notice of motion be withdrawn as 39 Vanzuilecom Street Kojonup is required staff housing in accordance with Policy 2.2.7 and therefore is not available for renting by the GCCMC Inc.*

2. *Given the joint public notification by GCCMC Inc. and St Luke’s Family Practice that the new Medical Centre will be leased to St Luke’s Medical Practice for initially 3 years from February 2021, Council will give due consideration to disposal (Lease/Sale) options for 34 Katanning Road, including self-supporting loan considerations on or before 16 March 2021.”*

Cr Radford, following clarification from Mr Robert Sexton – Chair of the George Church Community Medical Centre Inc., advised Councillors via email:

1. The lease of the new Medical Centre to St Luke’s Family Practice is now 12 months not 3 years as indicated in the Kojonup News, and
2. Dr Du Preez is responsible for negotiating, attracting and accommodating allied health services, etc., to the new Medical Centre.

Council, as part of the Building Better Regions Great Southern Housing Initiative and Planning Scheme Review, identified the future residential growth potential of the old Drive-In area and submitted a Guided Development Plan (GDP) to the WA Planning Commission in 2015. The aim of the GDP is to provide input and feedback from service providers such as Western Power, Water Corp, DFES, Main Roads WA, etc., on the infrastructure, engineering and environmental considerations required to be addressed to allow subdivision development to occur which in turn would be incorporated into a new Planning Scheme.

Stage 1 of the Development Plan identified 26 – 34 Katanning Road (5 lots fronting Katanning Road which now consist of 3 houses, car park and vacant medical practice) being fully serviced including connection to sewer allowing each lot to be subdivided and have a separate title for future “disposal” in accordance with the provisions of the *Local Government Act 1995*. This approach accords with Councils strategic objective of planning for the future. Extension of the sewer main from Murby Street will allow new lots from John Street and Murby Street to be created for residential purposes in line with the GDP.

COMMENT

Council as part of the 2 February 2021 Briefing Session, addressed the question raised in the CEO agenda item tabled at the 17 November 2020 Council Meeting, *“What happens to the Council owned Katanning Road Surgery after February/March 2021 when St Luke’s Family Practice takes up occupancy as Lessee of the Spring Street Medical Centre?”*

It is to be noted that vacant possession of 34 Katanning Road will occur on 1 March 2021.

As indicated above, the intent of Council and as per the Planning Strategy is to undertake staged development of the Old Drive-In area incorporating Katanning Road, John Street and Murby Street to develop serviced lots to encourage residential growth and in-fill development of vacant land within the township of Kojonup.

To offset the costs of subdivision and infrastructure development as part of the Guided Development Plan, once lots receive clear title, Council can sell the lots at market value including 30, 32 and 34 Katanning Road in accordance with the requirements of the *Local Government Act 1995*.

This process is estimated to take 18 -24 months allowing Council, in the interim, to gain income from hiring out space in 34 Katanning Road for Allied Health Services with

prospective occupants clearly understanding as part of the hiring agreement, the property will be offered for sale once title is achieved.

It should also be acknowledged that in accordance with the principles of the National Competition Policy and National Reform Agenda, monopolies should not exist as competitive markets will generally best serve the interests of consumers and the wider community. Governments are to ensure regulatory and commercial neutrality between their significant government businesses (including local government) and competing private businesses where the benefits exceed the costs. This was a commitment under the Competition Principles Agreement.

For example, there should not be an expectation that a GP, Pharmacist, Dentist, Psychologist and other Allied Health professionals can only be accommodated at the new Medical Centre. The Community Strategic Plan 'SMART Possibilities' Key Pillar 4 – Prosperity, advocates economic development as a major driver in achieving the future growth of the Kojonup and surrounds.

Council encourages queries for allied health services to approach the new Medical Centre via Dr Du Preez. If negotiations do not prove fruitful and there is a facility available for hire whether half day, full day or weekly then Council should not discourage such approaches and will deal with each application on its merits.



Sewer Line extension from Murby Street which captures 26 – 34 Katanning Road

CONSULTATION

Briefing Session – 2 February 2021

Council Workshop – Capital Evaluation Framework 21 July 2020

STATUTORY REQUIREMENTS

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Fees and Charges Register 20/21 does not have a hire fee as the property is presently subject to a Lease Agreement with St Lukes Family Practice. Based on hire fee applicable for Lesser Hall, Bagg Street and Community Room at the Kodja Place a hire figure for two rooms at 34 Katanning Road, Kojonup of \$125 per week is not unreasonable if undertaken for a 12 month period. This can be reviewed on an annual basis until clear title to the property is issued via a tenancy agreement. The tenant would also be required to pay for utilities on a pro-rata basis if not the only tenant. This is income that would not otherwise be received by Council if the building (Asset) remained vacant until sold.

As the property will be vacant from 1 March 2021, \$125 per week will contribute to costs such as building and garden maintenance.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Compliance	Failure to fulfil Compliance Requirements (Statutory Regulatory); Ineffective policies & processes; Ineffective monitoring of changes to legislation	Councillor/Staff Training	Adhere to Legislative requirements and undertake governance reviews
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
Council has a number of building assets which are underutilised and a responsibility to ratepayers and community to maximise usage in order to generate income and promote economic development and improved service provision.			
Building assets that can be utilised but remain vacant is counterproductive to the above strategic objective.			

ASSET MANAGEMENT IMPLICATIONS

The Shire's limited resources must focus on the 'core' business of Council.

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition, where

possible, rationalizing and consolidating assets that are no longer used or do not provide the agreed level of service.

Asset Management is the systematic process of effectively planning for, maintaining, upgrading and operating assets. The benefits to both the council and the community of improved asset management are:

- Strong governance and accountability in the delivery of efficient and effective services;
- Sustainable infrastructure investment decisions through the appropriate consideration of all options and the recognition of life cycle costs;
- Improved understanding of customer requirements and the alignment of the performance of assets to the community expectations; and
- Effective risk management.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

It is noted that the Federal Government has provided \$500,000 for a new Medical Centre to be established in the old shire admin building at Katanning. In the absence of a full business plan for the Great Southern Hinterland, have Medical Services been duplicated allowing prospective Medical Practices/Allied Health providers to negotiate to the party who provides them the greatest benefit/incentives?

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the CEO's report be received and Council agree to hire rooms in 34 Katanning Road, Kojonup subject to the following conditions:

- 1. A weekly hire fee of \$125 per week (GST inclusive) with payments 2 weeks in advance,**
- 2. Weekly hire fee to be reviewed annually in accordance with adopted Fees and Charges Register which forms part of the Annual Budget with the next review to occur in the 22/23 Financial Year.**

OFFICER RECOMMENDATION

That it is the intention of Council upon separate titles being issued for 30, 32 and 34 Katanning Road, to dispose by way of auction, each of the lots.

11.3 GREAT SOUTHERN TREASURES – MEMORANDUM OF UNDERSTANDING 2020-2023

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 2 December 2020
FILE NO	ED.IND.2
ATTACHMENT(S)	11.3.1 – Draft Memorandum of Understanding

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances	2.1.1 – Build partnerships with WA recreation, business and tourism 2.1.2 – Promote and facilitate Kojonup as a short term tourism destination to and from Albany 2.1.7 – Support local tourism initiatives
KP3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.1 – Build partnerships with WA recreation, business and tourism
KP3 – Performance	3.2 – Be exceptional in two-way communication with our community, and market our brand outside of our community	3.2.6 – Define and grow our brand and continually promote and activate the diverse features of Kojonup.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider entering into a Memorandum of Understanding (MOU) with the Shires of Broomehill-Tambellup, Cranbrook, Gnowangerup, Katanning, Kent, Plantagenet and Woodanilling to affirm the partnership and collaboration of the local governments known as Great Southern Treasures and to further the shared aims.

BACKGROUND

The Great Southern Treasures (GST) Committee has been reviewing its governance arrangements and long term plans. The Council endorsed the *Great Southern Treasures’ Strategic Plan and Forward Directions 2020 – 2023* at its meeting held 17 November 2020. As Great Southern Treasures is not an incorporated body, an MOU between the eight (8) local government participants is seen as the most appropriate governance structure.

COMMENT

A copy of the proposed MOU is attached to this agenda item, however, the highlights are as follows:

- The term shall be three (3) years, commencing on 1 January 2021 and expiring on 30 June 2023, unless otherwise agreed or extended by the Member Councils in writing.
- The purpose of the MOU is to affirm the partnership and collaboration of the local governments and to further the shared aims.
- The shared aims are as follows:
 1. To maximise the economic return from tourists and visitors to the participant local governments
 2. To promote and develop the tourism assets of the participant local governments
 3. To cooperate and take an active interest in tourism matters affecting the participant communities
 4. Nurture industry partners and key stakeholders within the local, regional, state and national tourism industry
- The values of the member Councils guiding participation in the MOU are that they:
 1. Working together to be a preferred regional destination
 2. Shared benefits
 3. Championing each other's tourism assets

This proposed MOU is a first for the governance and operations of Great Southern Treasures and fills a void that has existed for some time. As such, it is recommended that the MOU be entered into.

CONSULTATION

Great Southern Treasures, Chief Executive Officer, Cr Fleay.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire contributes financially to Great Southern Treasures each year both operationally and for special projects, typically between \$7,000 and \$11,000 per annum and this is expected to continue into the future to a greater extent.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Engagement	<ul style="list-style-type: none"> • Relationship breakdowns with community groups • Leadership inattention to current issues • Inadequate documentation or procedures • Inadequate Regional or District Committee attendance 	<ul style="list-style-type: none"> • Community-based Committees, forums & workshops • Community engagement/networking • Public Notices/Local papers/website communication • Advisory committees/groups 	Nil.
<i>Risk rating - Moderate</i>			
IMPLICATIONS			
<p>In a period where regional tourism funds have become more competitive, with previous government tourism promotion and funding seeming to focus on the coastal shires of the Great Southern it is important that the upper Great Southern Shires continue to have a voice and presence to ensure that economic benefits from tourism flows through to the smaller regional Shires.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

All VROC members are part of Great Southern Treasures. The MOU will provide a governance basis for building a regional strategy for tourism and promotion.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That:

- 1. Council enter into the attached Memorandum of Understanding with the Shire's of Broomehill-Tambellup, Cranbrook, Gnowangerup, Katanning, Kent, Plantagenet and Woodanilling to affirm the partnership and collaboration of the local governments known as Great Southern Treasures and to further the shared aims; and**
- 2. The Shire President and Chief Executive Officer be authorised to execute the Memorandum of Understanding and affix the common seal.**

11 **KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS**

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (NOVEMBER & DECEMBER 2020 & JANUARY 2021)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 8 February 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	<p>12.1.1 – November 2020 Monthly Financial Statements</p> <p>12.1.2 – December 2020 Monthly Financial Statements</p> <p>12.1.3 – January 2021 Monthly Financial Statements</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	<p>3.4.1 - Increase regularity of readable financial reporting to the community.</p> <p>3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.</p>

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending:

- 30 November 2020;
- 31 December 2020; and
- 31 January 2021.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2020 to 31 January 2021 represents seven (7) months, or 58% of the year.

The following items are worthy of noting:

- Closing surplus position of \$1.6m;
- Operating results:
 - 61% of budgeted operating revenue has been received; and
 - 63% of budgeted operating expenditure spent;
- Capital expenditure achieved 21% of budgeted projects;

- Cash holdings of \$4.59m of which \$3.54m is held in cash backed reserve accounts and \$275,987 is a grant held for other parties; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the monthly financial statements for the following periods, as attached, be noted:

- **30 November 2020;**
- **31 December 2020; and**
- **31 January 2021.**

12.2 MONTHLY PAYMENTS LISTING 27 NOVEMBER 2020 TO JANUARY 2021

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Sunday - 7 February 2021
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 27/11/2020 to 28/01/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 27 November 2020 to 28 January 2021.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate and Community Services prior to the meeting.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then

a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 27 November 2020		TO – 28 January 2021
Municipal Cheques	14278 - 14288	\$40,411.07
EFTs	27139 - 27562	\$1,677,401.61
Direct Debits		\$792,172.12
Total		\$2,509,984.80

be received.

12.3 ADDITION OF DELEGATION TO DELEGATION ADMIN 005 – APPOINTMENT OF AUTHORISED PERSONS

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 12 February 2021
FILE NO	PE.AUT.2
ATTACHMENT(S)	12.3.1 - Instrument of Delegation Admin 005 – Appointment of Authorised Persons showing addition

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions/Delivered Activity
3 - Performance (part thereof)	3.4 - Be organised and transparent with our financial management. (part thereof)	Provision of organisational direction through effective and engaged Council decision making processes.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to endorse an additional delegation under *1. Instrument of Delegation Admin 005 – Appointment of Authorised Persons* in Council’s Delegation Register.

BACKGROUND

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. The Shire of Kojonup’s Delegation Register was last reviewed by the Council in September 2020 to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

Under the *Local Government Act 1995*, the Council is only able to delegate to the Chief Executive Officer (CEO) and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

COMMENT

The Western Australian Local Government Association (WALGA) Infopage of 3 February 2021 states that the Department of Local Government, Sport and Cultural Industries (DLGSC) has advised that local governments should, by 24 February 2021, authorise an officer for the purposes of receiving complaints and withdrawals of complaints, in accordance with clause 11 (3) of the Local Government (Model Code of Conduct) Regulations 2012 (Regulations). The Regulations were gazetted and came into effect on 2 February 2021 (see also *Statutory Requirements*). This report seeks to meet the requirements of the Regulations within the recommended timeframe advised by the Department.

Whilst a Council may appoint an officer of its own choosing, the recommendation is to delegate that authority to the CEO. As stated in the Instrument of Delegation, in exercising a Delegation, the CEO shall have regard to the qualifications and experience of the person to

be appointed and must consider them a fit and proper person. The CEO is also aware of the role of each staff member. Each person authorised under a Delegation must be given a certificate of authority or identity card outlining the power or responsibilities they have been delegated.

CONSULTATION

Western Australian Local Government Association - Infopage 3 February 2021

STATUTORY REQUIREMENTS

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

Specifically, section 5.42 of the *Local Government Act 1995* allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

**Absolute majority required.*

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

The Local Government (Model Code of Conduct) Regulations 2012 (pertaining to Council Members, Council Committees and Candidates), clause 11 (3) states:

11. *Complaint about alleged breach*

(3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. <i>Compliance</i>	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework.	Ineffective policies & processes; Ineffective monitoring of changes to legislation.	Nil
Risk rating: Adequate			
IMPLICATIONS			
This report ensures legislative compliance occurs within the timeframe required.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Delegation Register reviewed September 2020 be updated to include the following delegation to the Chief Executive Officer under *1. Instrument of Delegation Admin 005 – Appointment of Authorised Persons:*

<i>Legislation</i>	<i>Functions and Duties</i>
<i>Local Government (Model Code of Conduct) Regulations 2021– cl. 11 (3)</i>	<i>To appoint an authorised officer/s for the purpose of receiving complaints and withdrawals of complaints relating to Council Members, Committee Members and Candidates.</i>

in accordance with clause 11 (3) of the Local Government (Model Code of Conduct) Regulations 2021.

13 **KEY PILLAR 4 – ‘PROSPERITY’ REPORT**

Nil

14 **KEY PILLAR 5 – ‘DIGITAL’ REPORTS**

Nil

15 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

16 **NEW BUSINESS**

17 **CONFIDENTIAL REPORTS**

18 **NEXT MEETING**

Ordinary Council Meeting Tuesday, 16 March 2021 commencing at 3.00pm.

19 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at pm.

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Ordinary Council Meeting held 8 December 2020
Item 10.1	10.1.1	Kojonup Sporting Precinct Play Space Plan
Item 10.2	10.2.1	Drawing showing area of subdivision for purchase – Lot Broomehill-Kojonup Road, Kojonup
	10.2.2	Kojonup Park Realignment
	10.2.3	Subdivision & Land Purchase Agreement
	10.2.4	Valuation Report – Acumentis
Item 11.3	11.3.1	Draft Memorandum of Understanding
Item 12.1	12.1.1	November 2020 Monthly Financial Statements
	12.1.2	December 2020 Monthly Financial Statements
	12.1.3	January 2021 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 27/11/2020 to 28/01/2021
Item 12.3	12.3.1	Instrument of Delegation Admin 005 – Appointment of Authorised Persons showing addition
Confidential Attachment		
Item 10.2	10.2.5	Subdivision quotation