

Kojonup



One community, many choices

SHIRE OF KOJONUP

MINUTES

Ordinary Council Meeting

17 April 2018

MINUTES FOR THE COUNCIL MEETING HELD ON 17 APRIL 2018

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MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.02pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points 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.

2 ATTENDANCE & APOLOGIES

Cr Ronnie Fleay	President
Cr Ned Radford	Deputy President
Cr John Benn	
Cr Jill Mathwin	
Cr Ian Pedler	
Cr Sandra Pedler	
Cr Judith Warland	

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Anthony Middleton	Manager of Corporate Services
Heather Marland	Senior Finance Officer
Pam Chambers	Senior Administration Officer
Phil Shephard	Planner
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Graeme Hobbs

MEMBERS OF THE GALLERY

Peter Zadow

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 PETA ZADOW – PRESIDENT OF THE KOJONUP PASTORAL AND AGRICULTURAL SOCIETY

Peta Zadow, President of the Kojonup Pastoral and Agricultural Society spoke to item 12.7 Proposed Horse/Office Shelter at Showgrounds Area and tabled the following:

Good morning, thank you for the opportunity to present today and provide background to the Kojonup P&A Society and Kojonup Equestrian Club application for development. I am happy to answer any questions related to the application.

Outline of history of the Kojonup Equestrian Club Horse Office situated on the Kojonup Show Grounds:

- Built by Kenweld, a local shed building business approximately 30 years ago.*
- Cost was approximately \$7,000.00*
- Funds were entirely raised by the Kojonup Equestrian Club, a group of likeninded volunteers*
- Six years ago after the tragic suicide of their son, the Campbell family, the Shire and Police approached the Kojonup Equestrian Club and asked for permission to remove the shed as it was continuing to attract anger fuelled vandalism.*
- The Kojonup Equestrian Club agreed to the removal of the shed as long as a replacement was provided which was duly promised.*
- The Kojonup P&A Society was not consulted or informed. The imminent removal of the building became known through "pub talk" just before a Show.*
- The first year a marquee was proposed so that various locations could be tested. A marquee could be used by the community wherever the need arose, throughout the year.*
- A very large, strong marquee was hired, erected and dismantled by council staff. It was located on the oval area itself. This proved to be an improved location - closer for patrons, competitors, much better vision of events for managing volunteers.*
- The second year Shire staff chose to purchase a smaller marquee. This was not so strong, not so large and was not as successful as the previous tent had been. Over the next few years a reluctance to erect and dismantle the marquee became evident. The marquee was not removed on Show day and in difficult weather conditions it was damaged.*
- The YMCA bus was then offered as an alternative - this was used but was*

inappropriate

Mechanically difficult - smoked, backfired

Access difficult, high step in and out of bus No space for patrons, competitors

Insufficient space to provide protection from weather Communication difficulties through window

- *A return to use of marquees occurred, difficulties due to damaged covers, were not weather proof and finally failed so that last year the Shire did not keep the undertaking they had given: - that an alternative source of cover, protection would always be provided if the original shed was taken away.*
- *The original shed was in very good condition. It is believed that the materials from the demolition were sold at one of the Shire Depot auctions. No compensation was offered or received. Aged over 30 years this building had not required any maintenance and did not look like needing any attention except for the damage as mentioned above.*

The Kojonup P&A Society and Kojonup Equestrian Club are asking for Council support and assistance in building a replacement shed:

- *To provide a base from which to operate Kojonup Equestrian Club events*
- *To provide a base from which to operate the ring events at the Kojonup Show.*
- *To provide protection from the elements for competitors, patrons and volunteers*
- *To eliminate the need for Shire staff to erect and dismantle a marquee*
- *To eliminate the need for the Shire to purchase a replacement marquee*
- *To provide a meeting place for the Kojonup Equestrian Club members or any other people wanting to run any kind of event on the Show Grounds oval.*
- *To provide storage for equipment to reduce the workload of volunteers having to cart equipment in and out, back and forth*

The events run by both the Kojonup Equestrian Club and the Kojonup P&A Society attract participants and spectators from far and wide. Over one hundred riders are involved in the Kojonup Show and they all bring support staff with them. These people spend money when they come to town having a positive economic impact on the businesses and organisations of our community.

The Kojonup Equestrian Club and the Kojonup P&A Society are asking Council to approve our application for development of a shed for use as a Horse Office at the Kojonup Show grounds.

We are asking Council for in principal support of this project so we can progress grant and funding applications.

Jointly, we are asking Council for financial support in recognition of the undertaking given six years ago to always provide shelter and a place from which to organise events on the Kojonup Show Grounds oval.

Peta Zadow
President
Kojonup Pastoral and Agricultural Society
17th April 2018

Peta Zadow left the meeting at 3.10pm

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 20 MARCH 2018

Minutes of the previous Ordinary Council Meeting which was held on 20 March 2018 were previously circulated under separate cover and are at **Attachment 7.1.1**

COUNCIL DECISION/OFFICER RECOMMENDATION

30/18 Moved Cr Benn, seconded Cr Mathwin that the Minutes of the Ordinary Meeting of Council held on 20 March 2018 be confirmed as a true record.

CARRIED 7/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Congratulations to everyone involved in the Potts Flagg Event in particular Zahra for being a great team leader. I commended Jack Cox on his contribution to the Destination WA program which was recently aired on TV focussing on Kojonup and the Kodja Place.

9 DECLARATIONS OF INTEREST

- Senior Administration Officer, Pam Chambers declared an interest in Item 12.7 Proposed Horse/Office Shelter at Showgrounds Area as a member of the Equestrian Club.

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 REGIONAL GROWTH FUND – EXPRESSION OF INTEREST

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer
DATE	Friday, 6 April 2018
FILE NO	GS.PRG.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 - 1 Place	1.1 – Have maximized or “One Community” program through specific events, celebration of built form and enhancement of our environment.	1.2.11 – Sporting Infrastructure Upgrades.
KP – 3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community. 3.4 – Be organised and transparent with our financial management.	3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams. 3.1.5 – Implement strategies to improve Councillors role as community leaders and asset custodians 3.2.3 – Develop and implement a formal media and two-way communications strategy. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents
KP – 4 Prosperity	4.1 - Be providing Business assistance for growth in small local industry. 4.2 – Have added value to the agricultural sectors to attract new people to the region. 4.3 – Be attracting support industries and diverse and new business sectors to the region.	4.1.4 – Draft a local economic development policy focused to create employment opportunities that attract and retain population in Kojonup. 4.2.2 – Enable and advocate for new industry to set up in and around Kojonup. 4.2.4 – Expand the Industrial Estate as required. 4.3.4 – Drive population growth through the support of local industry,

		development of new industry and promotion of Kojonup point of difference.
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DECLARATION OF INTERST

Nil

SUMMARY

To seek Council endorsement for officers to prepare and lodge an initial application with supporting documentation under the Regional Growth Fund (RGF).

BACKGROUND

The Australian Federal Government \$272.2 million Regional Growth Fund (RGF) is now open for initial applications. Funding is provided for major transformational projects, which support long term economic growth and create jobs in regional and remote areas. Selection of projects will be undertaken in two stages. Stage One requires submission of an Initial Application for competitive assessment. Stage Two is for the submission of a Full Business Case.

To be competitive in Initial Applications you must score highly against all three of the following criteria:

- Create Jobs
- Drive Economic Growth
- Build Stronger Regional Communities.

The minimum funding available under RGF is \$10 million with a requirement for matching funding. The fund is open to state and territory governments, local governments, the private sector and not-for-profit organisations for projects that are for common-use infrastructure or private use infrastructure that will deliver significant and sustainable benefits to the region by creating jobs and flow-on benefits to the economy.

Projects may include a number of strategically linked projects, which together form a package of works that will unlock opportunity and potential in regional communities to deliver long term jobs and drive economic growth.

Applications close on 27 April 2018 and successful projects must be fully acquitted by 30 June 2022.

Programme Guidelines are available at <http://regional.gov.au/regional/programs/regional-growth-fund.aspx>

COMMENT

The Shire of Kojonup has undertaken extensive planning over the past 4 years in relation to:

1. Main Street
2. Kodja Place Precinct
3. Benn Parade/Tourist Railway/Apex Park/RSL areas
4. Sports Precinct

5. Civic Precinct – Memorial Hall/Hillman Park/Harrison Place
6. Community Strategic Plan – ‘SMART Possibilities’
7. Sale yards area
8. Water Harvesting & Reuse
9. Health/Aged Care Provision
10. Review of Town Planning Scheme

Possession of the above accompanied by business plans has enabled external funding to be sourced for Springhaven improvements, 6 additional ILU’s and executive residence in Loton Close. Great Southern shires have also been successful in securing \$10 million under the ‘Building Better Regions Fund’ for staff and aged appropriate housing and is presently awaiting State Government advice if the region has also been successful in leveraging funds from the Regional Aged Accommodation Program (RAAP).

The Regional Growth Fund has the potential to provide the Shire of Kojonup a one-off opportunity to ‘bundle’ together all of our identified projects which individually may take 25 – 30 years to fund.

For example: -

- Gymnasium at the netball courts, completion of the new internal access roads/car parks, disability access to the Sports Complex, etc.
- Piping of the drain and extended car park, replacement of defective rammed earth walls, new entrance and community room to Storyplace/Gallery/Visitor Information Centre, etc.
- Revitalising off street parking, paving, street furniture, improved public conveniences, etc. for the Main Street, Memorial Hall, Hillman Park, Council Chambers, Hillman Park, Harrison Place, CWA areas.
- Extension of Sewer/Water/Power/Roads for Soldier Road, Murby/John Streets and Katanning Road area for new residential subdivisions.
- Drainage improvements and developing final stage of Industrial estate.
- Relocating Men’s Shed etc. to Benn Parade and implementing Interpretation Strategy recommendations.
- Swimming Pool – Asset Renewal
- Upgrading RSL Hall and surrounds including associated infrastructure.
- Improving infrastructure and interpretation at the ‘Kojonup Spring’ and surrounds.

The Shire of Kojonup and State Government would need to secure \$5 million each as our \$ for \$ matching contribution. This amount may initially seem daunting but when allocated over a 20 - 25 year repayment schedule the injection of \$20 million into Kojonup for assets that will last upwards of 50 years is worth pursuing.

CONSULTATION

Council Briefing Session – 3 April 2018

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS – POLICY 2.1.7 – MAJOR GRANT APPLICATIONS

“OBJECTIVE

To assist Council in the sustainable delivery of infrastructure and ensure adequate matching financial resources are available.

POLICY

The following should be considered before acceptance of Grant Funding:

Councils Corporate Business Plan, Risk Management Plan and Long Term Financial Plans;

The amount of matching funds required if any;

The ongoing operational costs associated with the new asset;

The whole of Life costing associated with preservation of new asset;

The value of the asset to the community; and

The level of community consultation required.”

FINANCIAL IMPLICATIONS

If the initial application proceeds to Stage 2 the Shire of Kojonup will experience unprecedented levels of sustained capital projects for at least the next 5 – 7 financial years. The appointment of a dedicated Project Manager will be required together with appropriate resource support from team members to form the ‘Development Action Team’. Capital, Asset Management and Operational costs will form part of the Business Plan and reflected in the Long Term Financial Plan to project Principal and Interest repayments and rating level implications on future budgets.

RISK MANAGEMENT IMPLICATIONS

If Council does not prepare and lodged a RGF application it will be ‘business as usual’ on a project by project basis as presently occurs. Preparation of the RGF application will bring a vast number of major projects under one umbrella and clearly demonstrate employment opportunities, economic growth and regional community capacity that is underpinned by the Community Strategic Plan.

The saying “Nothing ventured, nothing gained!” is pertinent to the Regional Growth Fund application. Lodging an application clearly demonstrates Kojonup’s ability to prepare ‘shovel’ ready projects that are supported by a strong business case, address identified aspirations contained in the Community Strategic Plan while meeting the RGF criteria.

ASSET MANAGEMENT IMPLICATIONS

Access to \$15 million from State and Commonwealth sources would be of enormous benefit to Kojonup and the Great Southern Region by not only retiring old assets but extending our asset base for recognised and needed infrastructure that presently inhibits growth. The RGF is a funding source that allows Kojonup to ‘bundle’ together a vast number of capital improvement projects.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Goal 1

Stimulate economic growth and business opportunity.

Goal 5

Build capacity to enable communities to achieve.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Endorse Council Officers preparing an initial ‘Kojonup Revitalisation’ application for competitive assessment in accordance with the Regional Growth Fund (RGF) guidelines, and**
- 2. A Special Meeting of Council be held on Tuesday, 24 April 2018 commencing at 4.45pm to consider the RGF initial application, project scope, funding allocation and integrated planning and reporting considerations prior to lodgement on 27 April 2018.**

COUNCIL DECISION

31/18 Moved Cr Radford, seconded Cr Ian Pedler that Council:

- 1. Endorse Council Officers preparing an initial ‘Kojonup Revitalisation’ application for competitive assessment in accordance with the Regional Growth Fund (RGF) guidelines, and**
- 2. A workshop be held on Monday 23 April 2018 commencing at 4.45pm followed by a Special Meeting of Council meeting to commence at 7.00pm to consider the RGF initial application, project scope, funding allocation and integrated planning and reporting considerations prior to lodgement on 27 April 2018.**

CARRIED 7/0

Reason for change: A Monday workshop and special council meeting allows an additional 24 hours to change application.

11 **KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

11.1 **LOCAL LAW REVIEW**

AUTHOR	Anthony Middleton – Manager Corporate Services
DATE	Friday, 6 April 2018
FILE NO	LE.LCL.1
ATTACHMENT(S)	11.1.1 – Southern Link VROC Local Law Review

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
2. Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.2 – Support appropriate initiatives to improve safety and deduce crime (N2.4.2).

DECLARATION OF INTERST

Nil.

SUMMARY

The purpose of this report is to define the scope for the review of the Shire of Kojonup’s Local Laws, in conjunction with the Southern Link VROC.

BACKGROUND

At its meeting held on 17 March 2015, the Council resolved:

‘That Council endorse a collaborative approach to a review of Local Laws of each Southern Link Voluntary Regional Organisation of Councils (VROC) member Council.’

Following this 2015 resolution, the VROC has been working towards a standardisation of all local laws to ensure uniformity for staff working between local governments and for community members doing business with multiple local governments.

A snapshot of each Council’s local laws, with a brief description of each, is contained within the attached report prepared by the CEO of the Shire of Broomehill-Tambellup.

COMMENT

Local Laws are required to be reviewed every 8 years. Most of the Shire of Kojonup’s local laws have not been reviewed since 2000. Following the review undertaken by the VROC, the following outcomes are recommended for the Shire of Kojonup:

Review in accordance with the Model:

The following existing local laws are very similar to the adopted model local laws, and it is recommended that the models be adopted to simply update and modernize the local law:

- Activities in Thoroughfares and Trading in Thoroughfares and Public Places;
- Cemeteries;
- Health;
- Local Government Property; and

- Standing Orders - The Shire of Kojonup Standing Orders Local Law is inadequately brief and it is recommended that the model be adopted in its place. The current law places too much responsibility on the Shire President and has no support for that office. It is recommended that the model Meeting Procedures Local Law be adopted in its place.

New Local Laws:

- Bush Fire Brigades Local Law
Section 41(1) of the Bush Fires Act 1954 states that “*for the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus*”. Presently, with no such local law adopted, the legal status of the Council’s twelve bush fire brigades is questionable. For example, how are they created, what are their boundaries, names and membership structures? As such, it is recommended that a local law based on the model be adopted.
- Dogs Local Law
The Shire of Kojonup does not currently have a Dogs Local Law and therefore cannot prohibit dogs from specific areas. Should the Council wish to prohibit dogs from specific areas, such as playgrounds, sporting facilities or the Rose Maze, a local law will be required.
- Fencing Local Law
A major advantage of a Fencing Local Law is the definition of a “standard fence” which is used to calculate financial contributions between neighbours and to set the amenity of the area; and
- Urban Environment and Nuisance Local Law
This model local law has previously been supported by the Council and is therefore recommended for adoption.

Continue without a Local Law:

- Extractive Industries
Due to the absence of a commercial quarry, it is not seen necessary to have an Extractive Industries Local Law in the Shire of Kojonup;
- Landfill and Transfer Station Local Law
This local law provides basic management provisions for the operation of a landfill site and is not seen as an area that requires a local law to manage in the Shire of Kojonup;
- Parking and Parking Facilities Local Law
This local law provides for the control and management of parking and parking facilities and is not seen as an area that requires a local law to manage in the Shire of Kojonup;
- Pest Plants Local Law
This local law provides powers for the identification and treatment of plants considered to be pests. It is considered that existing State laws adequately address this area and that it is not an issue that the Shire of Kojonup is adequately resourced to become actively involved in. This issue should remain the responsibility of the State Government;

- Waste Services Local Law
This local law provides for the management and operation of the collection of municipal waste. It is not seen as an area that requires a local law to manage in the Shire of Kojonup; and
- Cats Local Law
This local law provides for the control of cats and it is not seen as an area that requires a local law to manage in the Shire of Kojonup.

This agenda item does not adopt, amend or repeal any local law, however, gives direction to staff in the continuation of the VROC Local Law review project. Future agenda items will be prepared with detailed copies of proposed laws and/or amendments for the consideration of the Council.

CONSULTATION

Southern Link VROC CEO's.

STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 3.16 requires that all of the local laws of a local government must be reviewed within an eight (8) year period after their commencement or subsequent review, to determine if they should remain unchanged or be repealed or amended.

Section 3.12 sets out the procedures for making local laws. A Council may determine (by absolute majority) whether or not it considers that a Local Law should be repealed or amended.

If a Council resolves to repeal and/or amend any Local Law, then the process to do so must be undertaken in the same manner as adoption of a Local Law as required under s3.12. If a Council resolves not to repeal and/or amend any Local Law, no further action is required and the review process is finalised.

The specific head of power for making Local Laws under the *Local Government Act 1995* is s.3.5 and s.3.10. Consequently, the following Local Laws are made referencing this head of power:

- Extractive Industries
- Parking and Parking Facilities
- Public Places and Property
- Standing Orders/Meeting Procedures
- Thoroughfares
- Urban Environment and Nuisance

Additionally, Local Laws may be made under a head of power provided for in specific Acts, for example:

- Bush Fire Control - s33(5a) and s62 of the *Bush Fires Act 1954* (Firebreaks) and s14, s43 and s62 of the *Bush Fires Act 1954* (Bush Fire Brigades);
- Cemeteries - s55 of the *Cemeteries Act 1986*;
- Dogs - s26(2), s32(5), s45A, s49 and s51 of the *Dog Act 1976*;
- Health - s342 of the *Health Act 1911*;

- Pest Plants - s109 to s112 of the *Agriculture and Related Resources Protection Act 1976*;
- Waste - s64 of the *Waste Avoidance and Resource Recovery Act 2007*; and
- Cats - s79 of the *Cat Act 2011*

POLICY IMPLICATIONS

There is no relevant policy for this report. It is the opinion of the author that policy development is not needed.

FINANCIAL IMPLICATIONS

Costs associated with the review will be advertising and gazettal of the reviewed local laws. There is provision within the budget for advertising and no un-budgeted costs will be needed.

RISK MANAGEMENT IMPLICATIONS

Maximising compliance with legislation minimizes the risks to the organization of non-compliance and any associated penalties, damage to image or reputation that may occur.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The Southern Link VROC Strategic Directions 2015-2020 identifies at Goal Four (Increase capacity through collaboration) the following strategy:

Strategy 1 – ‘Share systems and processes between member LGAs’.

VOTING REQUIREMENTS

Simple Majority (Absolute Majority when formally adopting, reviewing or amending the local laws)

OFFICER RECOMMENDATION

That:

The Chief Executive Officer be requested to review, via further detailed agenda items to the Council, the Shire of Kojonup Local Laws as follows:

- 1. Update existing local laws in accordance with the Model Local Law:**
 - **Activities in Thoroughfares and Trading in Thoroughfares and Public Places;**
 - **Cemeteries;**
 - **Health;**
 - **Local Government Property; and**
 - **Standing Orders.**
- 2. Adopt new local laws in accordance with the Model Local Law:**
 - **Bushfire Brigades Local Law**
 - **Dogs Local Law**
 - **Fencing Local Law**
 - **Urban Environment and Nuisance Local Law**

3. **Not pursue the following proposed local laws as identified in the Southern Link VROC Local Law Review:**
 - **Extractive Industries**
 - **Landfill and Transfer Station Local Law**
 - **Parking and Parking Facilities Local Law**
 - **Pest Plants Local Law**
 - **Waste Services Local Law**
 - **Cats Local Law**

COUNCIL DECISION

32/18 Moved Cr Ian Pedler, seconded Cr Mathwin that the Chief Executive Officer be requested to review, via further detailed agenda items to the Council, the Shire of Kojonup Local Laws as follows:

1. **Update existing local laws in accordance with the Model Local Law:**
 - **Activities in Thoroughfares and Trading in Thoroughfares and Public Places;**
 - **Cemeteries;**
 - **Health;**
 - **Local Government Property; and**
 - **Standing Orders.**
2. **Adopt new local laws in accordance with the Model Local Law:**
 - **Bushfire Brigades Local Law**
 - **Dogs Local Law**
 - **Fencing Local Law**
 - **Urban Environment and Nuisance Local Law**
3. **Not pursue the following proposed local laws as identified in the Southern Link VROC Local Law Review:**
 - **Landfill and Transfer Station Local Law**
 - **Parking and Parking Facilities Local Law**
 - **Pest Plants Local Law**
 - **Waste Services Local Law**
 - **Cats Local Law**
4. **Further investigation into the pros and cons around having an Extractive Industries Local Law.**

CARRIED 7/0

Reason for change: Council felt more information was required regarding current and any potential future extractive industry arrangements.

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

12.1 **FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MARCH 2018)**

AUTHOR	Anthony Middleton – Manager Corporate Services
DATE	Tuesday, 10 April 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – March 2018 Monthly Financial Statements

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.	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 INTERST

Nil.

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 March 2018.

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 2017 to 31 March 2018 represents nine (9) months, or 75% of the year. The following items are worthy of noting:

- Surplus position of \$912,614.
- Operating results:
 - 86% of budgeted operating revenue has been received; and
 - 75% of budgeted operating expenditure spent;
- Capital expenditure achieved 56% of budgeted projects;
- The value of outstanding rates equates to 8.0% of 2017/2018 rates raised, which includes previous years arrears and instalment options but excludes deferred rates;

- Cash holdings of \$4.15m of which \$3.76m is held in cash backed reserve accounts;
- Page 7 & 8 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.

COUNCIL DECISION/OFFICER RECOMMENDATION

33/18 Moved Cr Mathwin, seconded Cr Warland that the monthly financial statements for the period 1 July 2017 to 31 March 2018, as attached, be noted.

CARRIED 7/0

12.2 MONTHLY PAYMENTS LISTING

AUTHOR	Melissa Binning – Finance Officer
DATE	Monday, 9 April 2018
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 01/03/2018 to 31/03/2018

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.	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 month of March 2018.

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 Services prior to the meeting.

CONSULTATION

No consultation was required.

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

Refer to the VROC Strategic Plan

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

34/18 Moved Cr I Pedler, seconded Cr Benn 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 – 1 March 2018		TO – 31 March 2018
Municipal Cheques	13994 – 14008	\$45,044.89
EFTs	20766 – 21007	\$651,297.11
Direct Debits		\$399,518.80
Total		\$1,095,860.80

be received.

CARRIED 7/0

12.3 MINUTES FROM THE AUDIT COMMITTEE MEETING HELD 20 FEBRUARY 2018 AND 20 MARCH 2018

AUTHOR	Lorraine Wyatt – Executive Assistant
DATE	Tuesday, 10 April 2018
FILE NO	GO.CNM.96
ATTACHMENT	12.3.1 – Confirmed minutes from the Audit Committee Meeting held 20 February 2018 12.3.2 - Unconfirmed Minutes from the Audit Committee Meeting held 20 March 2018

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 3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money. .

DECLARATION OF INTERST

Nil.

SUMMARY

The Audit committee is established under Section 71A of *the Local Government Act 1995* ensuring transparency in Councils financial management and decision making process. The minutes of the Audit Committee meetings held 20 February and 20 March 2018 respectively, are presented with subsequent recommendations arising, for Council consideration.

BACKGROUND

In accordance with Section 71.A of the Local Government Act 1995, the Audit Committee was established with defined terms of reference and a membership consisting of six (6) committee members being, four (4) Councillors; and two (2) Community Members. A decision of the Audit committee is to be made by a simple majority.

COMMENT

The Audit Committee typically meets approximately 4 times per year (at least quarterly, or as required), and has held two meetings since the commencement of the calendar year being 20 February 2018 and 20 March 2018.

While the February minutes have now been confirmed, subsequent recommendations were dealt with at the February and March Ordinary Council meetings as follows:

20 February 2018

Decision 9/18

Item 10.2: Investment Policy Review – updated policy was amended.

Decision 10/18

Item 10.3: Audit Committee Review of Title and Terms of Reference – title and terms of reference were amended with an effective date of 1 July 2018.

20 March 2018

Decision 22/18

Item 10.4: Compliance Audit Return – Compliance Audit Return was adopted.

Recommendations to Council raised in the unconfirmed Audit Committee minutes of 20 March 2018 are as follows:

Item 8.2 – Annual Financial Report

Audit Committee Decision

Moved Cr J Warland, seconded James Hope that:

- 1. It be recommended to the Council that the 2016/2017 Annual Financial Report be adopted; and*
- 2. The matters raised in the Auditors Management Letter be noted and included in the Committee Status Report of future Audit Committee Agendas.*

Carried 5/0

This item was presented to the Ordinary Council meeting held 20 March 2018 (Item 12.6 Annual Report 2016/2017 & Meeting of Electors) however was subsequently withdrawn. The item is again presented at this meeting. Refer to item 12.4, page 22 of this Agenda.

Item 8.3 – Kodja Place Update

Audit Committee Decision

Moved Cr J Mathwin, seconded James Hope that it be recommended to the Council to hold a community information meeting to discuss the future of The Kodja Place going forward, with agenda items to be invited from the community and submitted to the Council prior to the meeting.

Carried 5/0

This item was subsequently raised at the Ordinary Council meeting of 20 March 2018 as follows:

ITEM 16.4 AUDIT COMMITTEE RECOMMENDATION

Cr Mathwin, chair of the Audit Committee tabled the following recommendation from their meeting held earlier in the day and requested Council's consideration.

29/18 Moved Cr Warland, seconded Cr Hobbs that Council adopt the Audit Committee Recommendation to hold a community information meeting to discuss the future of Kodja Place going forward with agenda items from the community to be submitted prior to the meeting

Lost 3/5

The Council noted that questions on notice will be invited for the Annual Electors meeting and it was felt that there was not sufficient time to organise and prepare for a second community meeting.

CONSULTATION

Members of the Audit Committee.

STATUTORY REQUIREMENTS

Sections 71.A to 7.1C of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION/OFFICER RECOMMENDATION

35/18 Moved Cr Benn, seconded Cr Pedler that Council receive the minutes from the Audit Committee meetings dated 20 February 2018 and 20 March 2018.

CARRIED 7/0

12.4 ANNUAL REPORT 2016/2017 & MEETING OF ELECTORS

AUTHOR	Anthony Middleton – Acting Chief Executive Officer
DATE	Friday, 6 April 2018
FILE NO	FM.AUD.2 & FM.FNR.1
ATTACHMENT(S)	12.4.1 Annual Report 2016/2017 12.4.2 Audit Report and Annual Financial Report 2016/17

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.	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 INTERST

Nil.

SUMMARY

The purpose of this report is to accept the 2016/2017 Annual Report, incorporating the Annual Financial Report and Audit Report, and to set a date for the annual meeting of electors.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire’s activities for the financial year and is an integral part of the accountability principles established for local governments in WA.

COMMENT

The Annual Financial Report, Audit Report and Management Letter was considered by the Audit Committee at its meeting held 20 March 2018. The Audit Committee resolved that:

1. **It be recommended to the Council that the 2016/2017 Annual Financial Report be adopted; and**
2. **The matters raised in the Auditors Management Letter regarding be noted and included in the Committee Status Report of future Audit Committee Agendas.**

The Audit Report and Annual Financial Report both form part of the Annual Report which is attached to this item. The Auditor’s management letter is provided as additional information to the Council for transparency and full disclosure.

The attached Annual Report provides a summary of the key financial indicators and ratio's for the financial performance of the Shire of Kojonup as at 30 June 2017, in easy to understand 'traffic lights' colour combinations.

The Annual Elector's Meeting must be held within 56 days of accepting the Annual Report, with appropriate time being allowed after adoption to give notice of the meeting, say 14 days. This effectively means that the Annual Electors Meeting needs to be held between 1 May 2018 and 12 June 2018. In previous years, the Annual Electors Meeting has been held in the evening following the Council Meeting, so it is therefore recommended that the meeting be held on Tuesday 15 May 2018. It is also proposed to hold the meeting at the Sporting Complex.

The Annual Electors Meeting will be publicised in the Great Southern Herald, Shire web site and Shire Facebook page as soon as possible after the date is set, and in the next available Kojonup News.

CONSULTATION

Audit Committee, Auditors and Senior Staff.

STATUTORY REQUIREMENTS

Section 5.26 to 5.33; 5.53 & 5.54 - *Local Government Act 1995*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996*

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the financial position of the Shire as at 30 June 2017. 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:

- 1. The 2016/2017 Annual Report, including the Annual Financial Report, as attached be adopted; and**
- 2. The Annual Meeting of Electors be held on Tuesday 15 May 2018 in the Sporting Complex, Kojonup, commencing at 7:00pm.**

COUNCIL DECISION

36/18 Moved Cr Benn, seconded Cr Radford that:

- 1. The 2016/2017 Annual Report, including the Annual Financial Report, as attached be adopted; and**
- 2. The Annual Meeting of Electors be held on Tuesday 15 May 2018 in the Sporting Complex, Kojonup, commencing at 7:00pm.**
- 3. Council apologies for the lateness in calling the Annual Meeting of Electors however delays were experienced in receiving the Final Audit.**

CARRIED 7/0

Reason for change: The Auditors took an excessive amount of time to complete the final audit report.

12.5 ASSET MANAGEMENT – CAPITAL EVALUATION FRAMEWORK

AUTHOR	Anthony Middleton – Manager Corporate Services
DATE	Monday, 9 April 2018
FILE NO	CM.ASM.2
ATTACHMENT(S)	12.5.1 – Proposed Addition to Council Policy 2.3.4 - Asset Management 12.5.2 - Proposed Capital Evaluation Procedure

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 – Performance	3.3 – Use a Building Assessment Framework and control our investment in building maintenance.	3.3.3 - Develop a Capital Assessment Framework for all new asset decisions. Implement a ‘Capital Evaluation’ policy and procedure to ensure all potential future projects are evaluated appropriately; and only the projects most aligned to achievement of council’s objectives and long-term sustainability are selected for implementation.

DECLARATION OF INTERST

Nil.

SUMMARY

The purpose of this report is to consider amending the Council’s policy on asset management to include a new process to assess all proposed capital projects above a pre-defined threshold.

BACKGROUND

Recommendation 1 from the Shire’s Asset Management Plan 2017 is as follows:

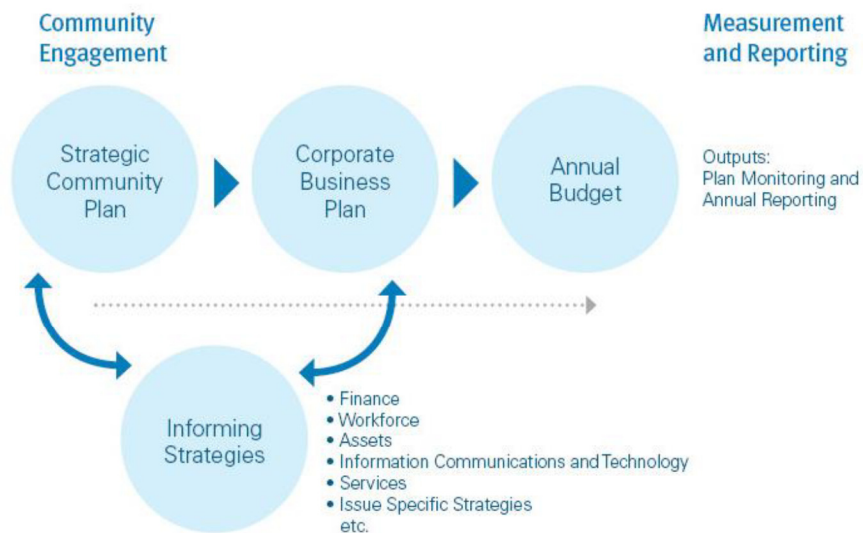
‘Implement a ‘Capital Evaluation’ policy and procedure to ensure all potential future projects are evaluated appropriately; and only the projects most aligned to achievement of council’s objectives and long-term sustainability are selected for implementation. This will include:

- *Development and adoption of a ‘Capital Evaluation Policy;*
- *Development and adoption of a ‘Capital Evaluation Procedure’ including:*
 - *Identification of ‘Capital Evaluation’ assessment processes with different intensity/ thoroughness of assessment for individual projects based on ‘thresholds’ for assessment;*
 - *A description of ‘thresholds’ for assessment (The level of risk, financial value or other indicators at which a project undergoes a given level of assessment);*

- *Identification of assessment criteria, criteria weighting and methodology for ‘multi-criteria’ analysis;*
- *Templates to be used during assessment and flow-charts to assist with keeping the process on track; and*
- *Documentation of the timing for assessment to be undertaken (for example prior to consideration of each budget for annual projects and at given times during the year for special projects, in special circumstances).’*

COMMENT

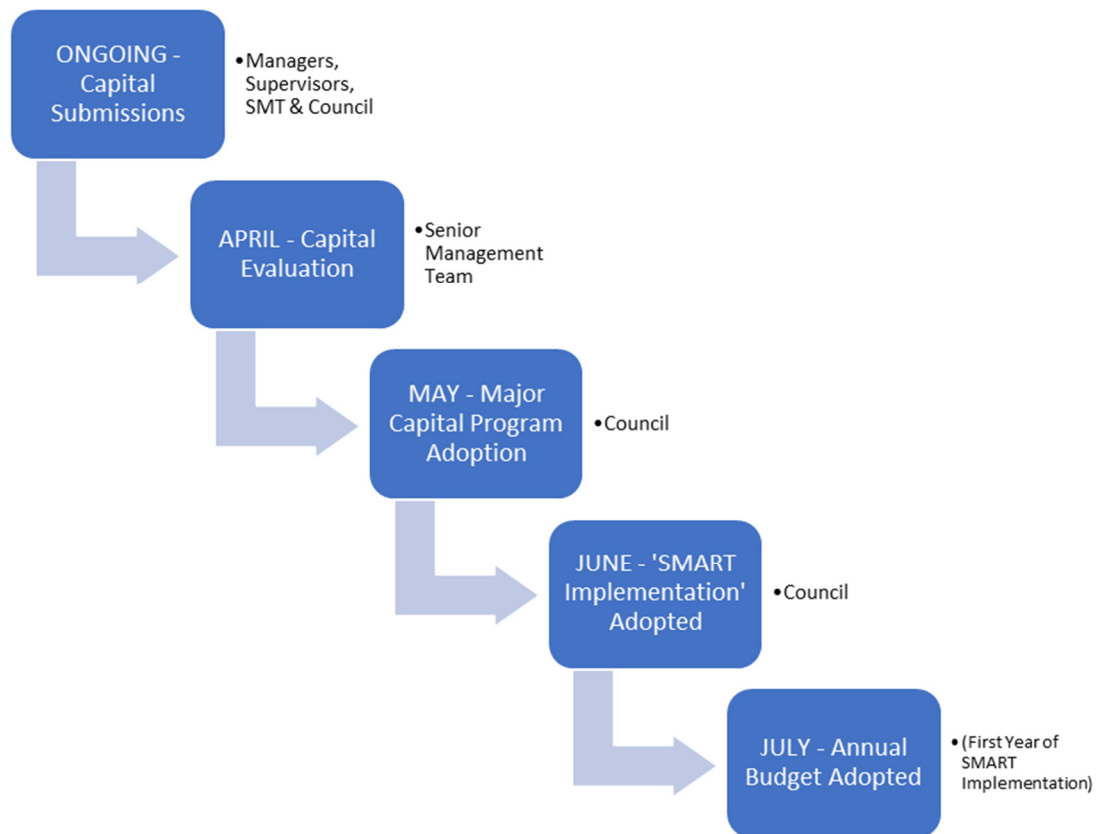
The Shire has care, control and responsibility for over \$215.8m of assets and, as such, the Asset Management Plan, Council Policy and associated procedures are an important informing strategy within the integrated planning and reporting process. The integrated planning process can be summarised as follows:



Elements of Integrated Planning and Reporting Framework

The attached amendments to Council Policy and associated procedure and scoring system complete the first recommendation of the Asset Management Plan 2017 as listed above in the background section of this report.

This capital evaluation framework creates a direct link into the integrated planning and reporting process as required by local governments in WA, by creating an assessment tool of new asset investment. This tool prioritises new additions into ‘SMART Implementation’ (Corporate Business Plan) and then these additions flow through to become the major projects in the annual budget. This is shown within the proposed policy additions as follows:



The proposed Capital Evaluation Framework ensures that investment in future assets is conducted in a planned, researched, measured and methodical manner.

CONSULTATION

Senior Management Team.
Council Briefing Session held 3 April 2018.

STATUTORY REQUIREMENTS

As part of the integrated planning and reporting process for local governments in WA, *Local Government (Administration) Regulations 1996* requires:

19DA. Corporate business plans, requirements for

- (3) A corporate business plan for a district is to —
 - (c) develop and integrate matters relating to resources, including **asset management**, workforce planning and long-term financial planning.

Asset Management is also completed as an essential measure of good governance.

POLICY IMPLICATIONS

Council Policy 2.3.4 – Asset Management. This policy was amended in April 2017 by adding the building assessment framework component, ensuring that it is regularly reviewed and amended as necessary within a changing environment. This agenda item recommends further amending this policy to include a capital evaluation framework component, resulting in a robust and more complete asset management system for the Shire.

Further additions and reviews of this policy will occur as the twelve (12) recommendations contained within the Asset Management Plan 2017 are developed and implemented.

FINANCIAL IMPLICATIONS

The outcome of the Asset Management Plan 2017 and Capital Evaluation Framework is an essential tool in managing the Shire's assets within the available financial and human resources. **This cannot be understated for the long term financial management of the Shire.**

This agenda item itself does not have a financial impact, apart from staff and contractor costs to develop the capital evaluation framework.

RISK MANAGEMENT IMPLICATIONS

The capital evaluation framework and sound asset management practices is a primary tool to minimise risks across all areas of the Shire. Public access to facilities, buildings or infrastructure that is not maintained, is beyond the intervention levels for asset management and does not meet basic legal compliance represents an unacceptable risk to the organisation. This process is a very important step to address such issues.

The Capital Evaluation Framework ensures that investment in future assets is conducted in a planned, researched, measured and methodical manner.

ASSET MANAGEMENT IMPLICATIONS

This item recommends the adoption of a new section of the Council's Asset Management Policy, which further enhances the existing asset management systems and controls.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

COUNCIL DECISION/OFFICER RECOMMENDATION

37/18 Moved Cr I Pedler, seconded Cr Mathwin that:

- 1. Council Policy 2.3.4 'Asset Management' be amended by adding a 'Capital Evaluation Framework' section as attached (attachment 12.5.1); and**
- 2. The Capital Evaluation Procedure as attached be endorsed.**

CARRIED 7/0

12.6 WRITE –OFF OF RATES

AUTHOR	Heather Marland, Senior Finance Officer
DATE	Monday, 9 April 2018
FILE NO	A9696
ATTACHMENT(S)	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 – 3	3.4 Be organised and transparent with our financial management.	3.4.2 Act with sound long-term and transparent financial management and deliver residents considered value for money

DECLARATION OF INTERST

Nil.

SUMMARY

The purpose of this report is to seek Council authorisation to the write-off outstanding rates and legal costs pertaining to 8 McBride Place Kojonup now that the property ownership has been transferred to the Shire for non-payment of rates.

BACKGROUND

The property in question is a vacant block surrounded by other vacant blocks. The block was gifted to the current owner by his father in August 2003. Numerous attempts had been made to contact the owner over the non-payment of rates. At its meeting held on 19 May 2014, the Council resolved (motion 59/14):

‘That in accordance with section 6.64 of the Local Government Act that the Council approves administrative action via AMPAC to recover unpaid rates and charges by the sale of the land.’

After due process, an auction to sell the land was held on site by PL Bolto & Co on 27 November 2015. There were no attendees present at the auction other than Shire staff. At its meeting held on 19 April 2016, the Council resolved (Decision 46/16):

‘that council supports the transfer of ownership of A9696 being 8 McBride Place Kojonup to the Shire of Kojonup in lieu of payment of rates in the legislated timeframe after 28th November 2016 as per Section 6.71 of the Local Government Act.’

COMMENT

The required timeframe has passed and 8 McBride Place is now legally owned by the Shire of Kojonup.

CONSULTATION

Ampac Debt Recovery
Price Sierakowski Corporate (Solicitors)
Manager of Corporate Services

STATUTORY REQUIREMENTS

Section 6.64 of the *Local Government Act 1995* provides that, if any rates or service charges due to a local government have been unpaid for at least three years, the local government may take possession of the land and/or proceed to sell the land. Section 6.68 (1) of the *Local Government Act 1995* prevents the local government from exercising the power of sale unless the local government has at least once attempted to recover money due to it under 6.56 of the *Local Government Act 1995*.

In order to take possession of the property and proceed with the sale, Council must cause notice requiring the payment of rates under Schedule 6.3 of the *Local Government Act 1995*. Such notice is also to be served on any party with an interest in the land.

Schedule 6.3 of the *Local Government Act 1995* states that at the expiration of three months from the date of issue of this notice the rates remain unpaid, the Shire of Kojonup may proceed with selling the land by public auction.

The Landgate Practice Manual states that a Memorial of Advertisement remains in force for 12 months. A Transfer of Land can only be executed by the Shire in the registered period that the Memorial remains in force on the title.

Section 6.71 of the *Local Government Act 1995* allows for the transfer of the land to the Shire or the Crown. This can only occur once 12 months has passed from the date on which the land has been offered for sale by public auction.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is currently an outstanding amount of \$28,782.03. This sum is made up of:

- Rates \$7,590;
- Interest \$9,147.69;
- ESL charges \$1,139.96; and
- Legal charges \$10,804.38.

RISK MANAGEMENT IMPLICATIONS

If action is not taken to write-off the rates the outstanding amount will increase each year by the interest accrued at 11% annually. This will not be a true reflection of money owned and collectable by the Shire.

ASSET MANAGEMENT IMPLICATIONS

The lot has been transferred to the Shire, will be added to the asset register and will now need to be maintained by the Shire.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That Council authorise the write-off of the outstanding amount of \$28,782.03 owed against Assessment 9696, 8 McBride Place Kojonup.

COUNCIL DECISION

39/18 Moved Cr Radford, seconded Cr S Pedler that Council authorise the write-off of the outstanding amount of \$28,782.03 owed against Assessment 9696, 8 McBride Place Kojonup plus any minor adjustments.

CARRIED 7/0

Reason for change: Council took into account any further legal costs associated with the transfer of title, which are yet to be received.

12.7 PROPOSED HORSE OFFICE/SHELTER AT SHOWGROUNDS AREA

AUTHOR	Phil Shephard – Town Planner
DATE	Tuesday, 10 April 2018
FILE NO	PR.RES.13697
ATTACHMENT(S)	12.7.1 - Site Plan Kojonup Equestrian 12.7.2 - Club letter of support and Builder's quotation.

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance	3.3 – Use a building Assessment Framework and control our investment in building maintenance. 3.4 – be organised and transparent with our financial management	3.3.1 – Implement and asset rationalisation process based on the Building Assessment Framework. 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 consider the application for development approval to construct a 7m x 6m x 3m-high shed to be used as a horse office/shelter at the Showgrounds.

The recommendation is to grant development approval subject to conditions.

BACKGROUND

Nil.

COMMENT

The Kojonup Pastoral and Agricultural Society propose to erect a 42m² steel framed shed with open-face to be clad in zincalume sheeting with concrete floor for use as a horse office/shelter during the annual show event and other horse events undertaken by the Kojonup Equestrian Club as set out in the attached letter of support.

Zoning and Land Use/Development

The proposed land use is consistent with the definition of Community Use in Town Planning Scheme No. 3 (TPS3) which is defined as:

means land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and

includes any land appurtenant thereto used for recreation, and includes a residential club;

The development of the horse office/shelter is not exempt from requiring development approval and Council must determine the application.

The land is contained within the Recreation Local Reserve under TPS3.

Clause 2.2 ‘Matters to be Considered by the Council’ of TPS3 requires:

Where an Application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to:

- (a) The objectives as outlined below; and*
- (b) The ultimate purpose intended for the reserve;*

And the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

The objectives for the Recreation Local Reserve (c.2.3.1) are:

- a) To secure and reserve land for public access and recreation.*
- b) To maintain public recreation areas for the use of sporting and recreation bodies.*
- c) To preserve areas of natural vegetation worthy of retention.*
- d) To provide visual or noise buffer areas between incompatible uses.*
- e) To reflect and protect areas already set aside for National Parks or Crown Reserves.*

In accordance with c.5.4 of TPS3, any development of land shall conform to the requirements for that use in Table II – Development Table. There is no listing for community use in Table II and c.5.4.1 and Council must determine the requirements to apply consistent with the predominant use and objectives for the reserve.

Table II establishes setbacks, plot ratio, landscaping and car parking requirements for the various listed uses and these requirements are discussed below:

Setbacks

The proposed site for the horse office/shelter is adjacent to the horse show arena area within the Showgrounds area (see attached Site Plan), and will be well setback from all boundaries.

Plot Ratio

The plot ratio is not considered relevant to the proposal.

Landscaping

No additional landscaping is proposed in the application.

Car Parking

There is sufficient additional areas available within the showground area for any additional car parking required.

Heritage

The Showgrounds are contained on the Shire’s Municipal Inventory (Place No. 10602).

The listing advises:

These Showground buildings have historical and social significance. The Kojonup Show continues to be an important event in the life of a rural community, and run by the Pastoral and Agricultural Society.

The listing also advises the place has a high authenticity and high integrity.

Clause 5.16.1 of TPS3 advises:

The purpose and intent of the heritage provisions are to:

- (a) Ensure the conservation of any place, area, building, object or structure of heritage value;*
- (b) Afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality;*
- (c) Ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.*

Clause 5.16.4.4 of TPS3 requires:

Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the inventory or contained within a heritage precinct without first having applied for and obtained the Planning Consent of the Council pursuant to the provisions of clause 5.16.5 of the Scheme.

Clause 5.16.6.1 of TPS3 advises:

Without affecting the generality of any other provision of the Scheme specifying the way the Council is obliged or permitted to deal with an application for Planning Consent, the Council in dealing with any such application may, for reasons related to the conservation of a place of cultural heritage significance or a heritage precinct:

- (i) Refuse approval;*
- (ii) Grant approval without conditions; or*
- (iii) Grant approval with conditions including conditions aimed at the conservation of the place or precinct.*

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed horse office/shelter is considered consistent with the TPS3 objectives for recreation reserves and

Matter to be Considered	Response
	compliant with the relevant provisions contained in TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposal satisfies the requirements of orderly and proper planning. There are no other draft scheme amendments or planning instruments that affect this proposal.
(k) the built heritage conservation of any place that is of cultural heritage significance;	The showgrounds are included on the Shire's MI for its cultural heritage values. The proposed horse office/shelter will assist the P&A during the annual show and Kojonup Equestrian Club during other times and is not expected to adversely affect the heritage values of the place.
(w) the history of the site where the development is to be located;	The site has a long-standing use as a showground.

The proposal is considered to generally comply with those relevant matters listed in the above table.

The Council has a number of options available to it, which are discussed below:

1 Not approve the proposal

The Council can choose to refuse to approve the proposal. If this option was chosen, the shed would not be able to proceed.

2 Approve the proposal

The Council can choose to approve the proposal, with or without conditions.

3 Defer the proposal

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition. An appeal must be lodged within 28-days of being notified of the decision/condition to be appealed.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015* - The processing of the development application is required

to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the provisions of the Act/Regulations.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147 as set out in the adopted 2017/18 List of Fees and Charges.

As the Shire is the 'owner' of the property in this case, the Shire needs to engage the services of a Building Certifier, to complete the Building Permit documentation (i.e. Certificate of Design Compliance estimated cost \$350).

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant approval for the horse office/shelter at the Showgrounds	Unlikely (D)	Insignificant (1)	Low	Managed by routine procedures, unlikely to need specific application of resources

ASSET MANAGEMENT IMPLICATIONS

The buildings and other improvements on the Showground reserve are included on the Shire's Asset Management Strategy. The new horse office/shelter is small in area and constructed of materials that can be removed from the site when no longer required.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

40/18 Moved Cr Radford, seconded Cr Warland that Council:

- 1) **Grant development approval for the proposed horse office/shelter shed on the Kojonup Showgrounds at Lot 37 Blackwood Road, Kojonup subject to the following conditions:**
 - a) **The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.**
 - b) **The shed and improvements to be removed from the site when no longer required.**
 - c) **The applicant is required to pay the application fee of \$147 as set out in the adopted 2017/18 List of Fees and Charges.**

Advice Notes:

- ***You are required to obtain a Building Permit prior to any construction activity commencing.***
- ***As you have been previously advised in September 2017, the Showgrounds and all buildings are subject to a review by Council on Asset Management (Building Assessment Framework) with the preliminary findings now being considered by Council which may affect the future use and development of buildings at the Showgrounds.***

CARRIED 5/2

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

13.1 **OFFER OF PURCHASE – DISPOSAL OF LOT 14 THORNBURY CLOSE**

AUTHOR	Pam Chambers – Senior Administration Officer
DATE	Monday 9 April 2018
FILE NO	A20313
ATTACHMENT(S)	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 4 – Prosperity	4.3 - Be attracting support industries and diverse and new business sectors to the region.	4.3.4 Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.

DECLARATION OF INTERST

Nil

SUMMARY

The purpose of this report is to request Council to authorise the Chief Executive Officer to progress the disposal of Lot 14 Thornbury Close, Kojonup in accordance with S3.58 of the *Local Government Act 1995*.

BACKGROUND

Mr Donaldson expressed an interest in purchasing Lot 14 Thornbury Close to the Chief Executive Officer by email on the 15th February 2018.

The Shire of Kojonup owns Lot 14 and at present does not use the land for any purpose.

COMMENT

Lot 14 Thornbury Close is a vacant block of land in the Thornbury Road Industrial area. The lot is 1945m².

Mr Donaldson intends to use the land to expand his mechanical business and build a large shed to work on large plant/machinery which he cannot do on the existing site.



Lot 14 Thornbury Close

Section 3.58 of the *Local Government Act 1995* states:

3.58. *Disposing of property*

- (1) *In this section -
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to-*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
 - (a) *it gives local public notice of the proposed disposition -*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include -*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition -*
- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to -*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Local Government Act 1995, section 3.58

POLICY IMPLICATIONS

2.1.11 Related Party Transaction Disclosures

FINANCIAL IMPLICATIONS

There is a cost of \$990.00 to determine the value for Lot 14.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Sale of surplus land will reduce any ongoing maintenance expenses.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION/OFFICER RECOMMENDATION

41/18 Moved Cr Benn, seconded Cr Radford that Council authorise the Chief Executive Officer to progress the disposal of Lot 14 Thornbury Close, Kojonup in accordance with section 3.58 of the Local Government Act.

CARRIED 7/0

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil.

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

Nil.

18 NEXT MEETING

Special Council meeting to be held Monday 23 April 2018 commencing at 7.00pm.
Ordinary Council meeting to be held Tuesday, 15 May 2018 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 4.03pm.

20 ATTACHMENTS (SEPARATE)

Item 7	7.1.1	Minutes of the Ordinary Council Meeting held 20 March 2018
Item 11.1	11.1.1	Southern Link VROC Local Law Review
Item 12.1	12.1.1	March 2018 Monthly Financial Statement.
Item 12.2	12.2.1	Monthly Payments Listing
Item 12.3.	12.3.1	Audit Committee Minutes 20 February 2018
	12.3.2	Unconfirmed Audit Committee Minutes 20 March 2018
Item 12.4	12.4.1	Annual Report 2016/2017
	12.4.2	Audit Report and Annual Financial Report 2016/17
Item 12.5	12.5.1	Proposed Addition to Council Policy 2.3.4 – Asset Management
	12.5.2	Proposed Capital Evaluation Procedure
Item 12.7	12.7.1	Site Plan Kojonup Equestrian
	12.7.2	Club letter of support and Builder’s quotation