

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

19 February 2019

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, 19 February 2019 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.

Your attendance is respectfully requested.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

15 February 2019

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19 FEBRUARY 2019

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AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at 3.00pm and alert 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.

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 led by Cr S Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elisabeth. 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

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

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Anthony Middleton	Manager of Corporate and Community Services
Judy Stewart	Senior Administration Officer
Heather Marland	Senior Finance Officer
Phil Shephard	Town Planner
Robert Cowie	Administration/Regulatory Officer
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

Nil

APOLOGIES

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 11 DECEMBER 2018

Minutes of the Ordinary Council Meeting which was held on 11 December 2018 were previously circulated under separate cover and are at **Attachment 7.1.1**

OFFICER RECOMMENDATION/COUNCIL DECISION

That the Minutes of the Ordinary Meeting of Council held on 11 December 2018 be confirmed as a true record.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

8 ANNOUNCEMENTS by the Presiding Member without discussion.

9 DECLARATIONS OF INTEREST

Item 10.1 – Cr Radford is a member of the Parish Committee and Crs Ian and Sandra Pedler may wish to declare a proximity interest as the development may affect future property values.

Item 11.2 – Crs Hobbs, Benn and Radford have previously declared an interest in this matter as members of the Kojonup Tourist Railway Inc. CEO may wish to declare an interest as he is presently the ‘Authorised Person’ under the *Rail Safety National Law (WA) Act 2015*.

KEY PILLAR 1 – ‘PLACE’ REPORTS

- 10.1 VARIATION TO DEVELOPMENT APPROVAL FOR LAWRENCE HOUSE CENTRE (MULTI-USE COMMUNITY BUILDING) AT ST. MARY’S ANGLICAN CHURCH.

AUTHOR	Phil Shephard – Town Planner
DATE	Thursday, 31 January 2019
FILE NO	A6130
ATTACHMENT(S)	10.1.1 - Application Letter and Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP1 – Place	1.4 By enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.	1.1.2 Celebrate the significance of cultural, social and built heritage including indigenous and multicultural groups.

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a request from St Mary’s Anglican Church to vary 2 conditions of development approval for the multi-use community building approved by Council at the 21 February 2017 meeting. The request includes moving the position of the disabled car parking bay and changing the external cladding for the building.

The proponents have also requested Council waive the application fee of \$295.

BACKGROUND

The Church were granted development approval by the Council at its 21 February 2017 meeting (Resolution 2/17) for the use/development of the multi-use community facility subject to conditions including the following 2 conditions:

- b) *The building design to be modified to include:*
 - i) *The use of a roofing material/colour (such as grey coloured colorbond) that matches the existing church building roof to the satisfaction of the Shire of Kojonup.*
 - ii) *The weatherboard cladding to be painted in a tone/colour that reflects the existing church building walls to the satisfaction of the Shire of Kojonup.*

- e) *The proposed accessible car parking bay on the verge is approved subject to:*
- i) *Construction costs being met by the proponents.*
 - ii) *The footpath being altered so it is capable of withstanding vehicle crossing.*
 - iii) *They acknowledge it may need to be removed should future roadworks require it.*



Street view image of St Mary's Church looking south-east from Spring Street showing building colours and verge area

COMMENT

The Church's request covers several aspects which are discussed separately below:

Changing the external cladding for the building

The original proposal from the Church included "*.. a stone cladding on the walls which will hopefully blend the two (buildings), so they complement one another in the look and presentation ..*". They also advised for the roof cladding would be "*.. cream coloured colorbond sheeting to blend in with the colours used on surrounding properties.*".

The Church have now advised that due to the cost of the stone cladding, they will now clad all external walls with weatherboards.

Condition b) ii) recognises the use of weatherboard cladding for the walls and requires the cladding "*to be painted in a tone/colour that reflects the existing church building walls*". The advice received from Helen Munt (Heritage and Interpretation Consultant) regarding the original proposal for the new building included the following comments regarding the stone cladding and weatherboards:

- *The use of the featured stone cladding is only supported if it looks like authentic stone walling and not a poor mimic to the church. It should be high-quality material and produce a good visual outcome.*
- *Does not support the proposed weatherboards or cream coloured roofing proposed. Recommends to be in keeping with the new church, the walls should be grey or cream rendered masonry/brick walls and roof should be either plain galvanised or zincalume or a tone that matches the new church.*

Given these comments and the existing condition, the condition does not require any change and the Church should be advised to achieve compliance: the weatherboards should be painted in a grey or cream colour.

Moving the position of the disabled car parking bay

The original proposal from the Church included 1 disabled parking bay in the verge area along Spring Street “as it is ideally located and suited for the purpose.”

The Church have now requested the Council approve the relocation of the parking bay to within the lot for the following reasons:

- *Safety risk factor turning into or exiting from the designated parking bay is tight.*
- *Need for extensive excavation to level the area.*
- *The necessity of a safety rail to be erected on the north side.*
- *Risk of water entering the building in case of heavy rain.*
- *Encroachment onto Shire land.*

The Church state the advantages of the new site includes:

- *Safer entry into and/or exiting from the ‘disabled car parking bay’.*
- *Closer to front entrance of building.*
- *Level ground area.*
- *Existing vegetation on north side of building can be retained.*
- *Possible reduction in expense.*

Condition e) directly reflected the Church’s original request to have the disabled car parking bay within the Spring Street verge. Given they have now changed the proposal and removed the car parking bay from the verge to within their land, the condition can be deleted.

Waiving the application fee of \$295

The Church have requested the Council waive the application fee of \$295. There are no grounds included in the application for the waiving of the fee.

The original proposal had an estimated development value of \$850,000 and the development application fee was \$2,599.50 which was waived by Council at its February 2017 meeting as follows:

- 3) *THAT Council agree to waive the \$2,599.50 development application fee to support this community facility and request the proponents provide an update on the future use and management of the original church building.*

Council has also previously waived development application fees of \$147 for repairs to the church roof on the site due to that building's cultural heritage values.

The proposal and its construction phase (commencing in early 2017) has required staff to provide further advice and consider requests from the proponents and staff recommend that, in this instance, Council impose the application fee.

Local Heritage

The St Mary's Anglican Church (Place 10605) and adjoining Old Church of England (old St Mary's Church) (Place 01401) are included on the Shire's Municipal Inventory (MI) for their cultural heritage significance to the community.

The MI records the old church was constructed in 1911 and when it became too small to meet the parish needs, the new church was built in 1958, and subsequently the old church became the Parish Hall. The MI records the new church is constructed with rough faced stone walls and a steeply pitched gabled roof over the main transept. This steep pitch is emulated on an entrance gateway at the front and the bell tower on the north-east corner. This information points to the distinctive appearance of the new church.

The Council has yet to establish a heritage list under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and therefore no statutory heritage planning controls apply to the proposal now.

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 changes in the Church's request is considered consistent with the TPS3 objectives and 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 churches are included on the Shire's MI for their cultural heritage values. The request to change the wall cladding can be accommodated within the existing condition, subject to compliance with the tone/colour requirements of the approval. The relocation of the disabled car parking bay does not affect the built conservation or cultural 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 place of worship since 1911.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The proposal is expected to impact positively on the community as a whole by increasing the community facilities/activities available.

Alternate Options

The Council has several options available to it, which are discussed below:

1 Refuse the request

The Council can choose to refuse the request to alter the conditions. If refused, the Council need to provide grounds for not supporting the request.

2 Approve the request

The Council can choose to approve the request, in part or whole, and 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 from the proponent, if deemed necessary to complete the assessment, before proceeding to make a decision.

The decision of the Council is a reviewable determination under the *Planning and Development (Local Planning Schemes) Regulations 2015* (c.76) 'Review of decisions' and the landowner may apply to the State Administrative Tribunal for a review of the decision made by the Council. An appeal must be lodged within 28-days of being notified of the decision.

CONSULTATION

Nil undertaken.

STATUTORY REQUIREMENTS

The processing of the request 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 *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The fee to 'Determine an application to amend or cancel development approval' is \$295 in accordance with the Shire's adopted 2018/19 List of Fees and Charges. The proponents have requested Council waive the development application fee.

RISK MANAGEMENT IMPLICATIONS

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the request	Unlikely (D)	Minor (2)	Low	Managed by routine procedures, unlikely to need specific application of resources

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relevant to this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the request from St Mary's Anglican Church 'in part' as follows:

- 1) Deletes condition e) from the existing development approval for Lawrence House Centre (multi-use community building) issued by the Shire on 7 March 2017 as the parking bay has been relocated from the verge onto the subject property.*
- 2) Advises the Church that use of weatherboard wall cladding does not require any change to condition b) of the existing development approval for Lawrence House Centre (multi-use community building) issued by the Shire on 7 March 2017 and to achieve compliance with the condition, the weatherboards should be painted in a grey or cream colour.*
- 3) Not waive the \$295 application fee.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

10.2 MEDICAL/HEALTH SERVICES - KOJONUP

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Thursday, 7 February 2019
FILE NO	PH.SVP.1
ATTACHMENTS	10.2.1 – Correspondence Dated 5 February 2019

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	1.2 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 Develop and adopt a Health Plan.
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>2.2.4 Enable a sustainable aged-care service through public-private partnerships.</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>

KP 3 - Performance	3.3 Use a Building Assessment Framework and control our investment in building maintenance.	<p>3.3.1 Implement an asset rationalisation process based on the Building Assessment Framework.</p> <p>3.3.2 Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people.</p> <p>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.</p> <p>3.3.4 Undertake an asset management planning process to review and rationalize Shire buildings to maximize their use and value to the community</p> <p>3.3.6 Adapt the current 'Buildings Assessment Framework' project to include review of other asset classes; and dispose of surplus/ unsustainable assets as required.</p> <p>3.4.8 Update the Long-Term Financial Plan and ensure there is a mechanism in place to continuously link Asset Management to the Long-Term Financial Plan update cycle.</p>
	3.4 Be organised and transparent with our financial management.	

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council direction on the proposal submitted by Pam McGregor, Kevin Broom, Neville Matthews, William Harvey, Robert Sexton and Jim McGregor at the Briefing Session held 5 February, 2019 regarding the establishment of 'The George Church Community Medical Centre Inc.' with the purpose of building a standalone Medical Centre on land known as 'Walkers Block' subject to Council transferring the George Church Bequest to the incorporated body and renting the land long-term (50 + years) for a peppercorn rental.

Please Note:

Council is presently awaiting a reply from the Attorney General regarding whether the George Church bequest comes under the “Charitable Trusts Act” as per Council Decision 146/18 below:

‘That Council seek clarification from the Office of the Attorney General that the George Church bequest comes under the “Charitable Trusts Act”, or not, with an answer to be provided to the next Ordinary Council meeting.

The following Procedural Motion (Decision 147/18):

“That this matter now ‘Lay on the Table.’” was passed which prevented any further discussion on the matter at the 11 December 2018 Ordinary Meeting of Council.

As there is a previous procedural motion on the subject of a Medical Centre, a formal motion of Council is required to be passed by Council in order for agenda item 10.2 to be considered.

OFFICER RECOMMENDATION

That Council permit discussion of agenda item 10.2 despite advice from the Attorney General regarding use of the George Church Bequest not yet being received.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

BACKGROUND



Lot 3 Walkers Block

The lot is zoned “Public Purpose” which allows provision for a Medical Centre.

COMMENT

The attached submission makes reference to meeting the criteria of the Officer recommendation which lapsed through lack of a seconder from the 11 December 2018 meeting of Council. The submission also aligns with previous advice contained in the Shire Presidents correspondence (OCR 9786) sent to the Kojonup Rotary Club dated 21 December 2017, namely:

‘Alternatively, if there remains a strong desire from various community members to build a Medical Centre regardless of expert independent advice and the legal requirements imposed on the Shire, Council would be open to discuss the proposition of community members establishing a “Kojonup Medical Centre Fund Inc.” which has the specific aim of building, owning, operating, maintaining or leasing a medical centre with Council providing a site to be determined for a nominal sum.

The Fund would operate separately and autonomously from Council. It would be required to seek from the Australian Taxation Office – Tax Deductible Gift Recipient Status and establish a skill-based board, undertake fund raising and seek external grants, advertise and negotiate with potential tenants, etc. Not dissimilar to a Co-Op model but of course all subject to legal vetting and compliance.'

The Shire of Kojonup in accordance with S3.58 of the *Local Government Act 1995*, when considering any sale, lease or otherwise disposal of, whether absolutely or not of any property, is required to give public notice of its intentions to lease or sell and invite public submissions. Refer Statutory Requirements section of this report.

In order for the Shire of Kojonup to consider the delegations submission, it is essential that evidence of the Incorporation, i.e. Aims and Objectives of the Group, persons elected as Office Bearers and details of committee members, meeting procedures, bank account details, etc., be provided ASAP to demonstrate formal governance aspects and that a legal entity exists.

The Shire of Kojonup will also undertake research in relation to the provision and cost of essential 'headwork' charges and infrastructure requirements, including building and planning compliance. Once these costs are determined they can be negotiated with the Incorporated Group, however it should be remembered that the St Mary's Anglican Church development required the proponent to provide same. Any thought of fast tracking or retrospective approvals will not be entertained by the Shire of Kojonup as there is a clear statutory process which has to be followed based on the information required for formal approvals to be issued.

The proposal could be an opportunity for Council as part of negotiations to assess traffic/pedestrian layout, connectivity with Barracks Place, Kojonup Health Service, Springhaven and 'Spring' area as part of forward planning for the precinct rather than dealing with each aspect in isolation.

It is acknowledged that the development proposal aims to build a Medical Centre that will be wholly managed and maintained by the incorporated community body including attracting and retaining tenants. The delegation suggested a long-term peppercorn rent; however, Council may decide to gift/sell for \$1 part or all of the land to the Incorporated Group subject to various covenants. This allows potential private individual/company/group, WA Country Health Service or equivalent to negotiate directly with the Community Group to maximize future occupancy or long-term financial viability rather than assume ratepayers will subsidize short falls which has been an ongoing issue with some community members regarding the Kodja Place precinct.

CONSULTATION

Briefing Session – 5 February 2019

STATUTORY REQUIREMENTS

- *Charitable Trusts Act 1962*

"Part III — Schemes in respect of charitable trusts

7. Property may be disposed of for other charitable purposes

(1) Subject to the provisions of subsection (3), where any property or income is given or held upon trust, or is to be applied, for any charitable purpose, and

- (a) *it is impossible, impracticable or inexpedient to carry out that purpose; or*
- (b) *the amount available is inadequate to carry out that purpose; or*
- (c) *that purpose has been effected already; or*
- (d) *that purpose is illegal or useless or uncertain,*

then (whether or not there is any general charitable intention) the property and income, or any part or residue thereof, or the proceeds of sale thereof, shall be disposed of for some other charitable purpose, or a combination of such purposes, in accordance with a scheme approved under this Part.”

Local Government Act 1995

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.*

POLICY IMPLICATIONS

Capital Evaluation Policy

Objective:

To ensure that Capital Projects are evaluated against an appropriate framework so that Council attains best value for money to meet the community's needs while complying with all other relevant Council policies and procedures. The most appropriate mix of projects will then be selected for delivery within the available budget while maximising external funding.

Policy:

The Shire shall develop and implement a 'Capital Evaluation Framework' to evaluate all capital projects. The framework will be documented within 'Capital Evaluation Procedures' and include:

- A logical, consistent process to allow all projects to be comparatively evaluated and decisions made;
- Assessment of the degree each project meets council objectives;
- Assessment of risk relating to the consequences of inaction for each project;
- Assessment of the financial viability of each project, including the level of external funding;
- Assessment of the degree of positive impact implementation of each project will have to the community and organisation; and
- Assessment of the level of 'project readiness' for each project.

FINANCIAL IMPLICATIONS

The Asset Management Plan in relation to Buildings lists a minimum estimated annual renewal expenditure target of 53% or in dollar terms \$580,000 per annum. Council is presently only managing to allocate 22% or \$240,000. As a result, Council has buildings that require roof/gutter replacements, have structural issues, remain vacant/underutilised/no longer "fit for purpose", or not on separate title and therefore not capable of being sold to provide funds for new facilities.

The option of an Incorporated Community Group building, owning and operating the Medical Centre transfers the financial viability and risk of the facility to the Incorporated Group not Council. Council can, with some surety, continue to strategically focus on addressing the other 91 buildings on its Building Register.

RISK MANAGEMENT IMPLICATIONS

Minimizing risk exposure to Council and ratepayers in relation to possible tenants, financial costs, Internal fit out, compliance, future planning and public risk needs to be undertaken by the Incorporated Group who will need to demonstrate the following:

- 1) Lay solid foundations for management and oversight,
- 2) Structure Agreements to add value,
- 3) Act ethically and responsibly,
- 4) Safeguard integrity in reporting,
- 5) Make timely and balanced disclosure,
- 6) Respect the rights of stakeholders,
- 7) Recognise and manage risk,
- 8) Adapts to the ever-changing Health /Medical environment,

- 9) Is financially viable, and
9) Attracts committed Doctors and tenants.

ASSET MANAGEMENT IMPLICATIONS

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.

The proposal before Council does not add any new building assets to its list but there will need to be upgrades/extensions to essential infrastructure services such as roads, footpaths, street lighting, water/sewer/power which will require negotiation. Council also owns the existing car park which the proposal suggests can be shared.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Consolidates the provision of Health/Medical services for the Albany Highway in the Upper Great Southern Zone.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

Agree “In Principle” to progressing discussions with an Incorporated Community Group such as ‘The George Church Community Medical Centre Inc.’ regarding the construction of a Medical Centre on part of the property known as ‘Lot 3 Walkers Block’ taking into consideration:

- 1. Receiving evidence of Incorporation, Office Bearers, Committee Members, Banking details, Business Plan, Aims & Objectives of Incorporated Group, etc.,*
- 2. Council Officers clarifying ‘Headwork’ and other infrastructure Services provision/charges/extensions for further negotiation,*
- 3. Car Parking, Traffic/Pedestrian access and public amenity for the Barracks Place Precinct including Springhaven, ‘Spring’ area and Spring Street,*
- 4. Legal clarification regarding the transfer of the George Church Bequest to a newly Incorporated Community Group,*
- 5. Consideration by Council to formally sell all or part of Lot 3 Walkers Block for the price of \$1.00,*
- 6. Consideration by Council regarding any future maintenance provisions such as mowing, irrigation, weed suppression, etc., to be undertaken by the owner for example, in lieu of rates,*
- 7. Clarification on Planning and Building approval requirements specific to a Medical Centre including siting options, and*
- 8. Any other matters requiring consideration in order to progress the development in a timely manner.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

10.3 MAIN STREET (ALBANY HIGHWAY) POTENTIAL 40KPH SPEED LIMIT

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Monday, 11 February 2019
FILE NO	TT.PLN.3
ATTACHMENTS	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	1.4 Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.	<p>1.4.3 Form a programmed upgrade of Main Street through landscaping, furniture and signage.</p> <p>1.4.5 Review and implement a townscape plan and ‘Main Street’ development.</p> <p>1.4.6 Redevelop the Main Street to create a people friendly and vibrant retail centre.</p>

DECLARATION OF INTEREST

Nil

SUMMARY

To report on community feedback regarding the suggestion of approaching Main Roads WA to implement a 40KPH speed zone on the Albany Highway to replace the current 50KPH zone. (Council Decision 145/18)

BACKGROUND

Council at its meeting held 18 August 2015 following community feedback on the Albany Highway Heavy Vehicle Route officially requested (Decision 129/15) Main Roads WA to implement a uniform 50KMH speed zone on the Albany Highway from the intersection of Robinson Road to Stock Road, Kojonup (excluding the 40KMH School Zone). The 50 KPH speed zone was implemented in 2016.

Cr Radford at the 11 December 2018 Council Meeting indicated that Council should give consideration to a further reduction of the 50 KPH speed limit on the Albany Highway to 40KPH. Towns such as Collie, Katanning and Wagin have implemented 40KPH speed limits for their main streets, which is now becoming the norm rather than the exception to improve traffic and pedestrian management of main streets. Cr Radford has spoken with Transport Operators to ascertain if a 40KPH restriction poses any issues for trucks travelling north being able to pull trailers up the hill – outcome 50/50 for/against.

COMMENT

Council notified the Community via E News, Face Book, Kojonup News and Web site to provide feedback on the 40KPH option. Six (6) submissions were received which is not a sufficient number to make an informed determination for/against the suggestion.

Council Officers have received favourable comments encouraging Council to install a larger version of the 'Courtesy Speed Display Signs' which were lent to the Shire by WALGA in May 2018. The larger signs can be solar powered or wired to power with solar backup at a cost \$11,000 each and provide data on vehicle numbers, type, speed and time. Essential information to mount a case for a further speed limit reduction.

CONSULTATION

Community Notice – E News, Face Book, Web Site and Kojonup News

STATUTORY REQUIREMENTS

Road Traffic (Vehicles) Regulations 2014

Road Traffic (Administration) Regulations 2014

Road Traffic Act (Towed Agricultural Implements) Regulations 1995

Road Traffic Code 2000

Road Traffic (Charges and Fees) Regulations 2006

Road Traffic (Administration) Act 2008

Road Traffic (Vehicles) Bill 2011

National Heavy Vehicle Regulator

National Transport Commission

Department of Transport – Main Roads WA

Western Australia Police

Department of Mines and Petroleum

Road Safety Commission

POLICY IMPLICATIONS

Policy 3.16 – Community Consultation Charter aims to reflect Council's commitment to open and effective consultation with the community in the process of making important decisions about the wellbeing of the community.

FINANCIAL IMPLICATIONS

Financial Planning is critical in achieving short, medium, long term targets for the Main Street Renewal Strategy as it allows traffic/pedestrian planning to be achieved without incurring major expense widening roads. The permanent installation of courtesy speed display signs forms an effective part of main street planning.

RISK MANAGEMENT IMPLICATIONS

Ensure any future works undertaken on the Main Street address the safety of pedestrians, mobility requirements and motorist's needs.

ASSET MANAGEMENT IMPLICATIONS

No direct implications for the Shire of Kojonup.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

No direct implications.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council request officers as part of the 2019/20 Budget process to ascertain funding options to secure two (2) Courtesy Speed Display Signs for Kojonup's Main Street.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

10.4 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE RECOMMENDATIONS AND MINUTES

AUTHOR	Jane Kowald, NRM/Landcare Officer
DATE	Wednesday, 8 February 2019
FILE NO	GO.CNM.9
ATTACHMENT	11.2.1 – Minutes for the Natural Resource Management Advisory Committee meeting 6 December 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
KP1 – Place	1.2 Be happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.6 Develop environmental management plans for significant Shire Reserves (N1.2.2)

DECLARATION OF INTEREST

Nil

SUMMARY

At its 22 October 2015 Ordinary Council Meeting Council passed the following Council Decision:

1. Establish the Kojonup Natural Resource Management (NRM) Advisory Committee to advise Council on NRM matters and projects that should be promoted or pursued utilizing the Landcare Trust funds or sourcing external funds.
2. The NRM Trust Fund Reserve to be no less than \$20,000.00 at any one time.
3. Council allocating an agreed annual amount towards NRM projects as mutually agreed and prioritised with the Kojonup NRM Advisory Committee.
4. Community Representatives on the Advisory Committee for the next two (2) years to be Graham Blacklock, Kath Mathwin and Jennifer Edgerton-Warburton.

BACKGROUND

Natural Resource Management Advisory Committee meeting dates for 2019 were suggested for council approval to forward plan for members of the Committee.

COMMENT

Dates suggested do not clash with Ordinary Council Meetings or the Story Place/Gallery Work Group. There is no scheduled February meeting as the NRM/Landcare officer will be unavailable until end of March.

COMMITTEE DECISION 48/17

‘That the below dates for the Natural Resource Management Advisory Committee meetings be considered by Council for adoption, subject to change if found unsuitable for the majority of Natural Resource Management Committee members:

- 1. Thursday, 16 May 2019*
- 2. Thursday, 15 August 2019*
- 3. Thursday, 14 November 2019’*

CONSULTATION

Members of the Natural Resource Management Committee

STATUTORY REQUIREMENTS

Nil

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

OFFICER RECOMMENDATION

That Council:

- 1. Receive the Natural Resource Management Advisory Committee minutes for the meeting held 6 December 2018; and*
- 2. Acknowledge the Natural Resource Management Advisory Committee meeting dates for 2019 being:*
Thursday, 16 May 2019
Thursday, 15 August 2019
Thursday, 14 November 2019.

COUNCIL DECISION

/19 Moved: Cr Seconded: Cr

CARRIED/LOST

10.5 AUSTRALIAN CITIZENSHIP CEREMONIES CODE

AUTHOR	Lorraine Wyatt – Executive Assistant
DATE	Wednesday 13 February 2019
FILE NO	CR.CER.1
ATTACHMENT(S)	10.5.1 - Correspondence from The Hon David Coleman MP, Minister for Immigration, Citizenship and Multicultural Affairs

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP1 – Place	1.1 Have maximized our ‘One Community’ program through specific events, celebration of build form and enhancement of our environment.	1.1.2 Celebrate the significance of cultural, social and built heritage including indigenous and multicultural groups.

DECLARATION OF INTEREST

Nil.

SUMMARY

To provide a response to the Hon David Coleman MP, Minister for Immigration, Citizenship and Multicultural Affairs, regarding proposed changes to the Australian Citizenship Ceremonies Code.

BACKGROUND

Correspondence was received from the office of the Hon David Coleman MP, Minister for Immigration, Citizenship and Multicultural Affairs, outlining the Australian Governments review of the Australian Citizenship Ceremonies Code and presenting the proposed updated code (see attachment 10.5.1).

The areas within the code which are subject to change are as follows:

1. Local Government Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).
2. Federal members of Parliament, if attending a ceremony, should read the Minister’s message at citizenship ceremonies.
3. There will be a recommended standard of dress for ceremonies, which will be set by Councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.
4. Ceremonies must be scheduled to avoid parliamentary sitting days.

COMMENT

A comparison of the current code with the proposed code does not reflect any significant changes which would greatly impact either the Local Government or the Conferee.

Of note, was the initial concern that a requirement to hold ceremonies on particular days such as Australia Day, would attract a penalty payment for an officer who may be required to work? Further investigation reflected that while the Local Government is required to organise the event, community organisations are also able to conduct citizenship ceremonies on significant days which are already attended by the Shire President or a representative.

Further, community organisations within Kojonup such as Lions, may wish to apply/register with the Minister for Immigration, Citizenship and Multicultural Affairs, to hold their own events for example at the Australia Day Breakfast.

Protocols such as a Federal member of parliament reading the Ministers message, are an observed arrangement for any official event whereby a member of parliament is present and as such is not a significant change from current format.

Organisers

“Organisers are usually staff from local government councils or other approved organisations whose role it is to organise the ceremony. An organiser is responsible for ensuring a citizenship ceremony is conducted in accordance with the Code.

*Most citizenship ceremonies are conducted by local government councils. **Community organisations may also conduct citizenship ceremonies, particularly on significant national days such as Australia Day or Australian Citizenship Day.***

***Community organisations that wish to conduct a citizenship ceremony should approach their local office of the Department to discuss the possibility of hosting such a ceremony and securing a presiding officer.** Community organisations may be asked to sign an agreement with the Department on how ceremonies are to be conducted”.*

The requirement to liaise with the Department with regard to the scheduling of ceremonies is not something which is new however it is noted that the requirement to schedule and notify the department of particular dates, in advance, currently does not occur as it should. This will be rectified and will certainly allow for greater capacity to organise and structure events accordingly.

Scheduling ceremonies

In keeping with government policy that ceremonies be held at regular intervals, most local government councils should arrange for ceremonies to be held at least every two to three months, regardless of the number of conferees available to attend, and more frequently if necessary. There is no maximum or minimum number of conferees prescribed for citizenship ceremonies.

Local government councils must provide their local office of the Department with a schedule of their planned ceremony dates. This allows for the Department to allocate conferees to particular ceremonies. In localities which confer more than 100 conferees per year the council should provide the ceremony schedule for the calendar year.

Any changes to the schedule should be advised to the Department as soon as possible. Councils may schedule extra ceremonies throughout the year, in liaison with the Department, if the numbers of people waiting to attend a ceremony have increased. Community organisations holding approved/special ceremonies must give their local office of the Department at least three months' notice before the proposed date of the ceremony. Community organisations should also work in partnership with local government councils to ensure a coordinated approach.

Community organisations should consider the availability of authorised presiding officers such as the local Federal MP or mayor when scheduling citizenship ceremonies.

The standard of dress required for ceremonies is also not greatly impacted from a Council perspective as a corporate “dress code” is already observed by officers. With regard to the dress code for conferees, this is set out within the Australian Citizenship Ceremonies code (both current and proposed versions) and should be communicated to conferees upon confirmation of the ceremonial arrangements.

The scheduling of ceremonies to avoid parliamentary sitting days is not always possible however, it is noted that Australia Day (26 January) and Australian Citizenship Day (17 September) are not parliamentary sitting days.

In order to satisfy the requirement to notify (at least) three (3) scheduled dates, in advance to the Department, it is this officers suggestion that in addition to the Australia Day (26 January) and Australian Citizenship Day (17 September) dates, two additional dates being Council meeting days 21 May 2019 and 10 December 2019 which satisfies the requirements of Policy 3.15 Citizenship Ceremonies says however also upholds the requirements of both the current and proposed Code.

CONSULTATION

Nil undertaken.

STATUTORY REQUIREMENTS

Australian Citizenship Act 2007

There are three legal requirements under the Australian Citizenship Act 2007 (the Act) that must be strictly adhered to when conducting citizenship ceremonies:

1. Authorised presiding officer

It is a legal requirement that the presiding officer is authorised by the Australian Government minister responsible for citizenship matters. Authorisation is given to Australian citizens only and is specific to a position or person.

2. Reading the preamble

It is a legal requirement that the presiding officer must read aloud to the conferees the preamble for citizenship ceremonies (found at Schedule 1 of the Australian Citizenship Regulation 2016).

3. The pledge of commitment

It is a legal requirement that most conferees 16 years of age and over (at the time of application) make the pledge aloud before an authorised presiding officer.

POLICY IMPLICATIONS

The policy below is reflective of the current code however, could be updated to reflect the changes once announced with the addition of the designated dates being Council meeting days in May and December annually.

Policy 3.15 Citizenship Ceremonies

POLICY

“Candidates for Australian Citizenship will be given the opportunity to choose from the following three options for receiving the Certificate of Australian Citizenship:

1. *A private ceremony with the President or, in the President’s absence, the CEO;*
1. *A formal ceremony, during an Ordinary Council meeting; or*
2. *Where possible, citizenship certificates be held over to celebrate a special Citizenship Ceremony on Australia Day.*

In the interests of building community relations, citizenship ceremonies conducted by the Shire of Kojonup provide for the attendance of any family or supporting friends and for the attendance of all Councillors provided each applicant is consulted beforehand and approves.

FINANCIAL IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relevant to this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That

1. *Council support the revised Australian Citizenship Ceremonies Code; and*
2. *Policy 3.15 Citizenship Ceremonies be updated to reflect the designated dates being, Australia Day, Australia Day (26 January) and Australian Citizenship Day (17 September) and Council meeting days in May and December annually.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 AGED CARE RURAL AND REMOTE INFRASTRUCTURE GRANT

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer
DATE	Friday 1 February 2019
FILE NO	CP.DAC.2
ATTACHMENT(S)	11.1.1 - Australian Government Department of Health – Community Grants Hub

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
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.	2.2.4 Enable a sustainable aged care service through public – private partnership. 2.2.9 Design and upgrade the Springhaven Lodge kitchen.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council that the Federal Government has agreed to provide funding of \$478,990 to enhance/ improve infrastructure within Springhaven Lodge.

BACKGROUND

On 12 September 2018 the Federal Government – Department of Health announced rural, regional and remote aged care services could apply for up to \$500,000. The key objectives of the grant opportunity is to provide funding to regional, rural and remote aged care services to upgrade old or unsuitable infrastructure or to improve or upgrade existing buildings that:

- Support the delivery of aged care services
- Address the need for urgent maintenance and building upgrades to address impacts on quality, safety and accessibility of services and associated staff housing.

The intended outcome of the grant opportunity is to improve access and/or quality of aged care services in regional, rural and remote Australia. Grant applications closed 24 October 2018.

COMMENT

The Manager Aged Care Services (MACS), together with the Development Services Coordinator and Building Maintenance Coordinator, prepared and submitted an application for grant funding for improvements/upgrades at Springhaven Lodge which was supported by Council at its Ordinary Meeting held 16 October 2018.

Official notification from the Commonwealth (Attachment 11.1.1) was received 31 January 2019 which is a tremendous achievement by all involved in preparing the application.

CONSULTATION

Council Meeting 16 October 2018

STATUTORY REQUIREMENTS

Aged Care Act 1997 (must be compliant to apply for grant as defined under the act).

Currently operating an aged care service located in *Modified Monash Model Classification 3-7*. (Springhaven Lodge is classification 5).

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The \$478,990 Grant represents a huge investment for Springhaven that would not have occurred if Council had to rely specifically on rates and charges. Council acknowledged the need to set aside an amount each year as part of the budget process over a 10 year period for replacement/upgrade of Laundry and Kitchen equipment and staff amenities but access to Commonwealth funding now provides an enormous capital injection allowing works to be completed by June 2020.

RISK MANAGEMENT IMPLICATIONS

Upgrades will assist the facility in maintaining a safe, quality service for both residents and staff. Ageing equipment, wear and tear of floor coverings, food storage and preparation areas or relying on equipment well past its recommended manufacturers use-by date are contributing factors that increase risks and hazards in the workplace and for residents/visitors. The potential for lost time through injury and workers compensation claims increases affecting rostering, insurance premiums and community perception.

ASSET MANAGEMENT IMPLICATIONS

Improvements to our assets at Springhaven Lodge and throughout all council facilities is well documented in the Shires Asset Management Plan and Building Assessment Framework. A reliance on one off grants is not sustainable strategic planning nor is borrowing for items that should automatically form part of the financial planning (short, medium, long-term) of Council assets.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

- 1. Execute the financial agreement in accordance with Policy 3.8,*
- 2. Expresses its appreciation to the Australian Government – Department of Health for allocating \$478,990 under the Aged Care Rural and Remote Areas Program for Springhaven, and*
- 3. Congratulates Shire team members who prepared supporting documentation and lodgment of the application.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.2 KOJONUP TOURIST RAILWAY- ACCREDITATION

AUTHOR	Anthony Middleton, Manager Corporate and Community Services
DATE	Thursday 7 February 2019
FILE NO	RC.MUS.4
ATTACHMENT	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.1 – growing our state-wide and local tourism and shopping capabilities through regional alliances	2.1.2 - Promote and facilitate Kojonup as a short term tourist destination to and from Albany. 2.1.7 – Support local tourism initiatives

DECLARATION OF INTEREST

Cr Radford, Cr Hobbs and Cr Benn have declared a previous interest as members of the Kojonup Tourist Railway (KTR) Committee. CEO may wish to declare an interest as he is presently the ‘Authorised Person’ under the Rail Safety National Law (WA) Act 2015.

SUMMARY

To seek Councils formal approval to notify the Office of National Rail Safety Regulator (ONRSR) to change the present accreditation from the Shire of Kojonup to the Kojonup Tourist Railway Inc., given the Shire is unable to satisfy the requirements of s65 (c) (ii) of the *Rail Safety National Law (WA) Act 2015* that it “*has the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the railway operations*”.

BACKGROUND

Correspondence was received on 10 July 2018 from the Office of National Rail Safety Regulator who advised that under *Rail Safety National Law (WA) Act 2015*, the Shire of Kojonup (SOK) as the Accredited Entity for the Kojonup Tourist Railway Inc., is required to demonstrate it has the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from railway operations regardless if KTR is the operator of the Tourist Train from Kojonup to Denney Siding.

ONRSR was of the view that the existing insurance policy forwarded by KTR to them, did not include the SOK as a Principal to the policy.

ONRSR understands KTR holds a level of public risk insurance. However, as it appeared that the Accredited Entity (SOK) was not covered by this policy, they required written documentation that SOK hold sufficient insurance to undertake railway operations. Unfortunately, LGIS agreed that Council did not hold sufficient insurance to undertake railway operations and as a result Council had no alternative but to cease the railway’s operations forthwith.

COMMENT

In response to ONRSR's correspondence, the Manager Regulatory Services contacted KTR's insurer Willis Towers Watson who have advised that Clause 3.1 of the KTR insurance policy provides indemnity to Principals for their vicarious exposure arising out of the insured's negligence but does not extend to the principals own direct negligence.

The insurer was happy to provide a Certificate of Currency (COC) noting SOK as a Principal. A copy of the COC was forwarded to ONRSR for their information but failed to satisfy s65 (c) (ii) of the *Rail Safety National Law (WA) Act 2015* or resolve the issue of our Chief Executive Officer, Rick Mitchell-Collins who is still not indemnified under the KTR insurance policy. Changing the Notice of Accreditation from SOK to KTR would resolve the public liability issue to which the SOK CEO as the "Authorised Person" for KTR operation is currently exposed.

CONSULTATION

- Office of National Rail Safety Regulator (ONRSR)
- Local Government Insurance Services (LGIS)
- Kojonup Tourist Railway Inc.
- Council Briefing Session 3 July
- Chief Executive Officer

STATUTORY REQUIREMENTS

Rail Safety National Law (WA) Act 2015

POLICY IMPLICATIONS

Compliance with *Rail Safety National Law (WA) Act 2015* is paramount for the operation of the 'Spirit of Kojonup' on the railway line to Denney Siding. No formal tenancy agreements exist between the Shire and KTR regarding use of the railway line or associated buildings.

FINANCIAL IMPLICATIONS

The KTR derives no Tourist Train income while operations are suspended however Council presently contributes 50% towards the KTR insurance premiums.

RISK MANAGEMENT IMPLICATIONS

Council is the owner of the railway line however is not the operator of the Tourist Railway and relies on the KTR to compile, review and update its operating procedures including risks/hazard identification and treatment, rail infrastructure checklists, Workplace Health and Safety requirements, Position descriptions for operators, engine driver(s) including health checks, drug and alcohol compliance. A huge task but necessary regardless of the size of the operation in order to meet national criteria.

ASSET MANAGEMENT IMPLICATIONS

Council has allocated funds for the painting of the Railway Station building prior to 30 June 2019. The remainder of the line sits idle whilst operations are suspended. Councils Asset Register lists sleepers and rail line specifically pertaining to the actual railway line however stock piles at the Council Depot appear to be owned by KTR.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council notify the Office of National Rail Safety Regulator that the Shire of Kojonup wishes to change the present accreditation from the Shire of Kojonup to the Kojonup Tourist Railway Inc., given the Shire is unable to satisfy the requirements of s65 (c) (ii) of the Rail Safety National Law (WA) Act 2015 that it “has the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the railway operations”.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.3 BUSHFIRE ADVISORY COMMITTEE RECOMMENDATIONS AND MINUTES

AUTHOR	Robert Cowie, Administration/Regulatory Officer
DATE	Thursday 14 February 2019
FILE NO	ES.CIR.2
ATTACHMENT	11.3.1 – Minutes for the Bushfire Advisory Committee Meeting held 13 February 2019

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	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil.

SUMMARY

The Bushfire Advisory Committee (BFAC) is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision making process. Minutes of these meetings will be presented to Council to ensure information flow.

BACKGROUND

Following the Kojonup BFAC meeting held on Wednesday 13 February 2019, the BFAC discussed various topics, all contained within the supplied Minutes.

COMMENT

The recent BFAC meeting was a robust meeting with many topics being discussed. The topic regarding the communication issues was well received and further discussions with industry experts will be required prior to moving forward with the upgrade of the current tower. We need to be certain that any monies spent are spent with the long-term communications requirements in mind.

CONSULTATION

Members of the Bushfire Advisory Committee.

STATUTORY REQUIREMENTS

Section 38, 40 & 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

RISK MANAGEMENT IMPLICATIONS

There are no known risk management implications.

ASSET MANAGEMENT IMPLICATIONS

There are no known asset management implications.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

There are no known VROC implications

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council receive the Bushfire Advisory Committee minutes for the meeting held 13 February 2019.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (DECEMBER 2018)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Thursday, 17 January 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – December 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 INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 December 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 2018 to 31 December 2018 represents six (6) months, or 50% of the year.

The following items are worthy of noting:

- Closing surplus position of \$1.75m;
- Operating results:
 - 63% of budgeted operating revenue has been received; and
 - 39% of budgeted operating expenditure spent (no depreciation charged as yet);
- Capital expenditure achieved 23% of budgeted projects;
- The value of outstanding rates equates to 14.7% of 2018/2019 rates raised (includes instalments);
- Cash holdings of \$5.35m of which \$3.59m is held in cash backed reserve accounts; and

- Page 10 & 11 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 period 1 July 2018 to 31 December 2018, as attached, be noted.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.2 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (JANUARY 2019)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 11 January 2019
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.2.1 – January 2019 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 INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 January 2019.

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 2018 to 31 January 2019 represents seven (7) months, or 58% of the year.

The following items are worthy of noting:

- Closing surplus position of \$1.37m;
- Operating results:
 - 65% of budgeted operating revenue has been received; and
 - 45% of budgeted operating expenditure spent (no depreciation charged as yet);
- Capital expenditure achieved 24% of budgeted projects;
- The value of outstanding rates equates to 9.8% of 2018/2019 rates raised (includes instalments);
- Cash holdings of \$5.09m of which \$3.59m is held in cash backed reserve accounts; and
- Page 10 & 11 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 period 1 July 2018 to 31 January 2019, as attached, be noted.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

12.3 MONTHLY PAYMENTS LISTING

AUTHOR	Melissa Binning – Finance Officer
DATE	Tuesday, 5 February 2019
FILE NO	FM.AUT.1
ATTACHMENT	12.3.1 – Monthly Payment Listing 01/12/2018 to 31/12/2018 12.3.2 – Monthly Payment Listing 01/01/2019 to 31/01/2019

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 months of December 2018 and January 2019.

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

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 – 1 December 2018		TO – 31 January 2019
Municipal Cheques	14093 – 14104	\$29,326.86
EFTs	22675 – 23060	\$771,624.36
Direct Debits		\$783,928.50
Total		\$1,584,879.72

be received.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.4 RELINQUISH OF LAND IN LIEU OF RATES

AUTHOR	Heather Marland Senior Finance Officer
DATE	Wednesday 06 February 2019
FILE NO	A7609
ATTACHMENT(S)	12.4.1 – Correspondence to and From Owner Including Valuation Report

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
3.4.2	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 INTEREST

Nil

SUMMARY

The purpose of this report is to inform the Council of the offer made by the land owner of Lot 79 Liddell St to relinquish his land in lieu of outstanding rates owed on A7609 Lot 79 Liddell Street and A5470 10 Forsythe Street, both in the town site of Kojonup

BACKGROUND

The land owner owns 2 properties in the Shire, a residence at 10 Forsythe Rd and a vacant block of land at Lot 79 Liddell Street. The landowner has rate arrears and has made an offer to the Shire to transfer possession of 79 Liddell Street to the Shire in lieu of outstanding rates.

A7609 Lot 79 Liddell Street = \$840.56

A5470 10 Forsythe Street = \$13076.23

COMMENT

In November 2018 the Shire received a letter from the owner of 79 Liddell Street Kojonup acknowledging the outstanding rates. The bulk of the arrears relate to 10 Forsythe Rd. The owner is offering possession of 79 Liddell Street in lieu of the outstanding rates on both assessments.

In response to the landowners offer an independent valuation for Lot 79 Liddell Street was arranged and undertaken by LMW Southwest. The report was provided to the Shire of Kojonup on 26 November 2018 indicating a valuation of \$10,000 which is consistent with other valuations in the same area.

The valuation was substantially less than the 2008 purchase price of the property. Correspondence was sent to the landowner seeking clarification regarding a continuation of the offer to transfer the land to the Shire of Kojonup given the disparity.

An email was received from the landowner on the 31 December 2018, expressing disappointment with the valuation but wished to proceed with the original offer including a further offer to fund the difference between the valuation and the outstanding rates.

CONSULTATION

LMW Southwest

Anthony Middleton – Manager Corporate and Community Services

STATUTORY REQUIREMENTS

- **Local Government Act 1995 Section 6.43**

6.43. Rates and service charges are a charge on land

Subject to the Rates and Charges (Rebates and Deferments)

Act 1992, rates and service charges imposed under this Act, together with the costs of proceedings, if any, for the recovery of the rates or service charges, are a charge on the land rated or in relation to which the service charge is imposed.

6.44. Liability for rates or service charges

(1) The owner for the time being of land on which a rate or service charge has been imposed is liable to pay the rate or service charge to the local government.

(2) If there are 2 or more owners of the land they are jointly and severally liable to pay the rate or service charge, as the case requires.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an

agreement made with the person.

POLICY IMPLICATIONS

2.1.8 – Financial Governance – Management of financial risk prudently, having regard to economic circumstances.

FINANCIAL IMPLICATIONS

At the time of writing this agenda item, there is a total of \$13,916.79 outstanding as follows:

A7609 Lot 79 Liddell Street = \$840.56

A5470 10 Forsythe Street = \$13076.23

By accepting the offer of land, this will reduce the total amount. The cost to execute the offer also needs to be considered. The cost of a recent land transaction was approx. \$700.00.

Each party to pay their own fees and costs.

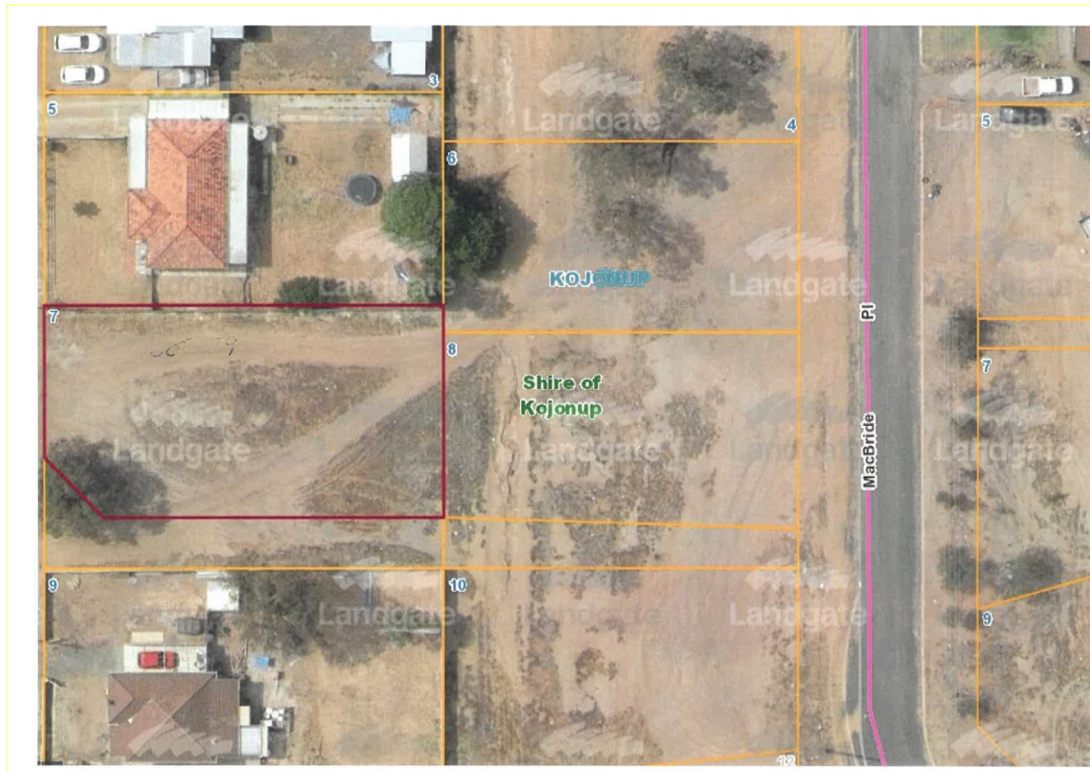
Budget code C305: Purchase of Land, has an allocation of \$6,000

RISK MANAGEMENT IMPLICATIONS

If the offer is not accepted and rates continue to go unpaid, there is the risk that in the future the cost to sell the property under the 3 year rule may be greater than the cost of the land.

ASSET MANAGEMENT IMPLICATIONS

If the offer is accepted, Lot 79 Liddell Street will be added to the asset register and will be maintained by the Shire.



SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That

1. Council accept the offer of Lot 79 Liddell Street in lieu of unpaid rates against A7609 Lot 79 Liddell Street and A5470 10 Forsythe Road to the value of \$10,000 with the balance of rates outstanding payable by the landowner; and
2. Each party meets their own legal costs at settlement.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.5 ANNUAL REPORT 2017/2018 & MEETING OF ELECTORS

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 11 February 2019
FILE NO	FM.AUD.2 & FM.FNR.1
ATTACHMENT(S)	12.5.1 - Annual Report 2017/2018 12.5.2 - Auditor's Management Letter

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

The purpose of this report is to accept the 2017/2018 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 will be considered by the Audit Committee at its meeting to be held 19 February 2019 at 9:00am. The Officer's Recommendation to the Audit Committee for their consideration is:

1. It be recommended to the Council that the 2017/2018 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.

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 2018, 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 5 March 2019 and 16 April 2019. 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 19 March 2019. 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 and Shire E-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 2018. 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 2017/2018 Annual Report, including the Annual Financial Report, as attached be adopted; and*
- 2. The Annual Meeting of Electors be held on Tuesday 19 March 2019 in the Sporting Complex, Kojonup, commencing at 5:00pm.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.6 LEASE OF COUNCIL PROPERTY – PART OF LOT 9999 THORNBURY CLOSE, KOJONUP

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 8 February 2019
FILE NO	CP.LEA.1
ATTACHMENT(S)	12.6.1 - Map showing relevant section of Lot 9999, Thornbury Close, Kojonup 12.6.2 - Tender Assessment Table

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.4 – Be organised and transparent with our financial management.	3.1.1 – Build partnerships with WA recreation, business and tourism. 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider tenders received for the lease of part of Lot 9999 Thornbury Close, Kojonup.

BACKGROUND

The section of Lot 9999 Thornbury Close, Kojonup (forming part of Certificate of Title Volume 2670/Folio 267 and excluding a north-west corner section currently leased separately until 31 October 2021 with further option to lease) represents approximately 18.8 hectares of industrial land and becomes available for lease as of 01 March 2019. It is currently leased, as per Council’s 17 May 2016 Ordinary Meeting (OM) resolution:

- ‘1. That the tender from Gary Cavanaugh of \$2,000 per annum GST inclusive for the lease of Lot 9999 Kojonup (part of Certificate of Title Volume 2670, Folio 367) being remainder of Lot 9 after subdivision for a two (2) year, eleven (11) month period from 1 April 2016 to 1 March 2019, be accepted;
2. The Kojonup District High School be notified that the South West corner of Lot 9999 has been leased to a third party and will therefore be unavailable for their use; and
3. The Southern fence of Lot 9999 be aligned in accordance with the lot boundary.’

The separate leasing of the excluded north-west corner section of this land subsequent to the May 2016 Council Meeting eventuated in a reduction to \$1,500 per annum for the current lease that is the subject of this item. With the upcoming expiry of the current lease, the Council, at its 11 December 2018 Ordinary Meeting, resolved as follows:

‘...that Council offers for lease by public tender the land that makes up Certificate of Title Volume 2670/Folio 367 Lot 9999 excluding the north-west corner section of Thornbury Close (that is currently being leased until 31 October 2021), as per the attached map.’

An invitation to tender was subsequently advertised in The West Australian (in accordance with regulation 13 of the *Local Government (Functions and General) Regulations 1996*), the Great Southern Herald, on the Shire’s website and in the Kojonup News.

COMMENT

Two tenders were received for the lease of part of Lot 9999, Thornbury Close, Kojonup.

Each tender was scored based on Price and Proposed Use of Land (required information as per the tender information package) as outlined in Attachment 2. The highest scoring tender was received from Tenderer Number 2 as a result of a higher price offered; both tenderers stated the same proposed use of land.

CONSULTATION

Manager Corporate and Community Services

STATUTORY REQUIREMENTS

Local Government Act 1995 s. 3.58:

3.58. Disposing of property

(1) *In this section —*

1. **dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
2. **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 —*

1. *(a) the highest bidder at public auction; or*
2. *(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.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease payment for this parcel of land is \$1,500; this tender recommendation, in addition to a cost reduction in fire hazard control for the Shire (the responsibility of the lessee), represents a \$500.00 increase in revenue when compared to the current lease.

RISK MANAGEMENT IMPLICATIONS

Due diligence in the use/maintenance of the land by another party (e.g.; a lessee) provides for fire hazard risk reduction.

ASSET MANAGEMENT IMPLICATIONS

Leasing of part of Lot 9999, Thornbury Close, Kojonup, for cropping and grazing purposes ensures the use, maintenance and fire hazard reduction of this land asset whilst also providing revenue to the Shire.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the tender from Craig Mitchell for \$2,000.00 per annum including GST for the lease of part of Lot 9999, Thornbury Close, Kojonup (as per attached map), for a three (3) year period commencing on 1 March 2019 and expiring on 28 February 2022 expressly for grazing and cropping purposes, be accepted.

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.7 LEASE OF COUNCIL PROPERTY – 162 BLACKWOOD ROAD, KOJONUP

AUTHOR	Judy Stewart – Senior Administration Officer Anthony Middleton – Manager of Corporate and Community Services
DATE	12 February 2019
FILE NO	CP.LEA.1
ATTACHMENT(S)	12.7.1 – Map Showing 162 Blackwood Road, Kojonup 12.7.2 – Table 1 – Assessment of Tenders

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.4 – Be organised and transparent with our financial management.	3.1.1 – Build partnerships with WA recreation, business and tourism. 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider tenders received for the lease of Lot 162 Blackwood Road, Kojonup.

BACKGROUND

Lot 162 Blackwood Road, Kojonup, represents approximately 34 hectares of agricultural land situated between Kojonup’s industrial estate and the Showgrounds/Sporting Precinct on Blackwood Road.

Council resolved, at its 17 May 2016 Ordinary Meeting, as follows:

“...that the tender from the Kojonup Football Club of \$3,200 per annum plus GST for the lease of Lot 162 Blackwood Road, Kojonup for a two (2) year, eleven (11) month period beginning 1 April 2016 and concluding 1 March 2019, be accepted”.

Previously, this land had been leased to the Kojonup Football and Cricket Clubs for farming purposes to provide funding for the Clubs’ ongoing operations.

With the upcoming expiry of the current lease, Council, at its 11 December 2018 Ordinary Meeting, resolved as follows:

‘...that Council offers for lease by public tender Lot 162 Blackwood Road, Kojonup with the following conditions:

- 1. Term of lease to be for a period of three (3) years;*
- 2. The lessee accepts the property on an ‘as is’ basis;*
- 3. The lessee is to maintain fences at the current standards;*
- 4. The Shire will not be liable for any issues arising from fencing and/or containment of stock;*
- 5. The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and*
- 6. Any stocking rates will be agreed by both parties on an ‘as needs’ basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.’*

The tender was subsequently advertised in The West Australian (in accordance with regulation 13 of the *Local Government (Functions and General) Regulations 1996*), the Great Southern Herald, on the Shire’s website and in the Kojonup News.

COMMENT

At the close of tenders on 7 February 2019, two tenders had been received for the lease of 162 Blackwood Road, Kojonup. As per Council’s December 2018 agenda item regarding this lease, the following selection criteria weighting was to apply to the tender assessment process:

Contribution to Smart Possibilities	70%
Price	10%
Proposed Property Improvements	20%

Each tender has been considered against the above criteria with a raw score out of five and a comparative score out of 100 awarded as outlined in Attachment 2. Based on this qualitative assessment, Tenderer 2 ranked highest.

Interest was also shown in this tender by another Community group with very strong strategic links to the outcomes of the Shire’s *‘Smart Possibilities’*. This group did not submit a tender for fear of upsetting the status quo; however, is seeking a parcel of land for a project that could create significant employment and a value adding industry.

This lease represents 34 hectares that have traditionally been cropped and grazed by sporting entities for fundraising purposes; however, Council may wish to explore the potential to divide this land and allow for potential diversification of use and benefit to the wider community, within the scope of the 5 Key Pillars of Council’s Strategic Community Plan. If the Council wished to pursue this option, a method of dividing the land into 2 parcels and the cost of doing so would need to be taken into consideration. This option is outside of the tender offered and therefore it would be recommended that no tenders be accepted and that alternative arrangement be made.

Council is not required to accept any tender presented.

The Council has two main options, as follows:

1. Based on tenders submitted and the tender offering advertised, resolve:
That the tender from Mobrup Polocrosse Club Inc of \$3,500 per annum including GST for the lease of 162 Blackwood Road, Kojonup, for a 3 year period beginning 1 March 2019 and concluding 28 February 2022 expressly for cropping and grazing purposes, be accepted;
2. In keeping with the objectives of Smart Possibilities, the Shire's Community Strategic Plan, resolve:
That Council not accept any tender submitted and staff further investigate optimal uses of this land in accordance with Smart Possibilities and the two tenders received and report back to the Council with a suitable recommendation.

Option two is the Officers' preferred recommendation.

CONSULTATION

Manager Corporate and Community Services
Senior Ranger/Building Maintenance Coordinator

STATUTORY REQUIREMENTS

Local Government Act 1995 s. 3.58:

3.58. Disposing of property

- (1) *In this section —*
 3. **dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 4. **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 —*
 3. *(a) the highest bidder at public auction; or*
 4. *(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.*

Local Government (Functions and General) Regulations 1996 r. 18:

r. 18. Rejecting and accepting tenders

- (5) *The local government may decline to accept any tender.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease payment for this parcel of land is \$3,200.

If the Council resolves to award the tender to Tenderer No. 2, this tender represents a \$300 increase per annum on the existing lease and also a cost reduction in fire hazard control for the Shire as the lessee is responsible for this task.

If the Council was to resolve to re-consider this lease and advertise the land for lease, in say, two parcels, financial implications may change with the inclusion of fencing costs associated with division of the land. The Shire's Building Maintenance Coordinator has estimated one fence across the shortest distance costing in the vicinity of \$1,600.

RISK MANAGEMENT IMPLICATIONS

Due diligence in the use/maintenance of the land by another party (e.g.; a lessee) provides for fire hazard risk reduction.

ASSET MANAGEMENT IMPLICATIONS

Leasing of 162 Blackwood Road, Kojonup, ensures the use, maintenance and fire hazard reduction of this land asset whilst also providing revenue to the Shire and the community.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The Council not accept any tender submitted; and*
- 2. Staff further investigate optimal uses of this land in accordance with Smart Possibilities and the two tenders received and report back to the Council with a suitable recommendation.*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

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

Tuesday, 19 March 2019 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	7.1.1	Minutes of the Ordinary Council Meeting held 11 December 2018
Item 10.1	10.1.1	Application Letter and Plan
Item 10.2	10.2.1	Correspondence dated 5 February
Item 10.4	10.4.1	Minutes for the Natural Resource Management Committee Meeting held 6 December 2018
Item 10.5	10.5.1	Correspondence from The Hon David Coleman MP, Minister for Immigration, Citizenship and Multicultural Affairs
Item 11.1	11.1.1	Australian Government Department of Health Community Grants Hub
Item 11.3	11.3.1	Minutes for the Bushfire Advisory Committee Meeting held 13 February 2019
Item 12.1	12.1.1	Financial Management – Monthly Statement of Financial Activity (December 2018)
Item 12.2	12.2.1	Financial Management – Monthly Statement of Financial Activity (January 2019)
Item 12.3	12.3.1	Monthly Payments Listing 1/12/2018 to 31/12/2018
	12.3.2	Monthly Payments Listing 1/1/2019 to 31/1/2019
Item 12.4	12.4.1	Correspondence to and From Owner and Valuation Report
Item 12.5	12.5.1	Annual Report 2017/2018
	12.5.2	Auditors Management Letter
Item 12.6	12.6.1	Map showing relevant section of Lot 9999, Thornbury Close, Kojonup
	12.6.2	Tender Assessment Table