



# SHIRE OF KOJONUP

## AGENDA

Ordinary Council Meeting

10 December 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, 10 December 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

6 December 2019

**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 10 DECEMBER 2019**

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



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**

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

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

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

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

**2      ATTENDANCE and APOLOGIES**

**COUNCILLOR**

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Fleay

Cr Gale

Cr Pedler

Cr Webb

Cr Wieringa

**STAFF**

Rick Mitchell-Collins

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Judy Stewart

Senior Administration Officer

Lorraine Wyatt

Executive Assistant

Phil Shephard

Planner

**LEAVE OF ABSENCE**

Cr Singh

**APOLOGIES**

**3      SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**4.3      Jenny Matthews – Price of Council Meeting Agenda**

Dear Jenny

**MATTERS RAISED AT 19 NOVEMBER 2019 COUNCIL MEETING**

**1. Public Toilets**

I apologise for the lack of a formal response to your letter dated 6 May 2019, however given our previous discussions at the Council Office and follow up phone calls regarding the condition of public toilets over the 2019 Easter and School Holiday period, the issues raised in your correspondence were addressed at this time.

For example, as a direct result of the concerns you raised verbally with me, I informed you of operational actions that would be immediately undertaken including additional inspections and cleaning schedules for the public toilets given the high volume of use following our first discussion on Wednesday, 24 April 2019. These actions would also apply to future public holidays as I reiterated to Staff and Council that visitors tend to judge the image of towns by the condition and cleanliness of public toilets.

We had follow up phone calls where you indicated that despite the increase in cleaning schedules and inspections the toilets were still subject to being messy.

I was in regular communication with the Cleaning Supervisor who advised that the volume of public using the toilets was extremely high despite cleaning schedules three times a day. The problem of cleanliness was not helped by vandalism to the toilet roll holders and attempts to block toilets by stuffing toilet rolls into the bowls.

## 2. Council Agendas

Your comments about receiving hard copies of Council agendas and the inconsistent advice from staff members required some investigation following the Council Meeting as the Shire of Kojonup's adopted 2019/20 list of Fees & Charges indicates that Council Agenda's and Minutes are free on web or via email but hard copies per meeting is \$10.00 or an annual subscription of \$130.00

Council also provides hard copies for the Public Gallery on the day of the Council Meeting.

I thank you for drawing this inconsistency to Council's attention as it is important that team members consistently apply Council's adopted policies. I will also notify the community via our Enews.

## 4.5 Suzanne Bilney – Kojonup Telecentre & Kojonup News

Dear Susanne

### Kojonup CRC – Briefing 8 October 2019

Council is in receipt of your various emails which you also raised during Public Question time at the 19 November 2019 Council Meeting.

As you are aware the Shire President is the primary spokesperson for the Shire unless authorisation is given to the CEO, in this instance the Shire President has asked that I respond.

Council conducts Information Sessions on average twice a month except for January and December in accordance with the Integrated Planning and Reporting Framework established by the State Government. **It is important to understand that these sessions are not formal meetings and notes are taken. The only forum where Council can make a binding decision is at a formal Council Meeting with the record captured in the minutes via an adopted resolution.**

The Information sessions incorporate the following areas:

#### COUNCILLOR Q&A

Where Councillors can ask operational questions of the Chief Executive Officer.

#### PROJECTS FORUM

Where Senior Management/officers provide monthly Status Reports on Projects adopted via the Annual Budget or a formal request has been directed by Council to the CEO.

#### AGENDA FORUM

Where officers provide a status update or seek guidance in the work up of an item for a future agenda. This allows Councillors to stay informed and ensure items have been adequately researched by the time the item is formally presented to Council. No decisions are made on the item and all aspects considered will form part of the officer's report.

#### CONCEPT FORUM

Where plans, strategies, and opportunities can be work shopped between staff and Councillors to guide the initial stages of development and test concepts before allocating further resources to the concept work up. This is normally not open to the public unless otherwise advised, where the workshop may involve members of a committee or community group.

This is supported by the Department of Local Government Guideline on Council Forums that states:

*“Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.*

*Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allow elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.”*

#### GUESTS

By prior notice and scheduling with the CEO or Shire President enabling Council to receive updates from State Authorities, Ministers, Parliamentarians, Community Groups, Incorporated or Not for Profits, etc.

#### INFORMATION BULLETINS

The bulletins generally contain information pertinent to local government and Council, but not requiring a formal consideration through the Council Meeting process. Bulletins are generated by the Western Australia Local Government Association, Great Southern Development Commission, Tourism WA, etc.

Response to matters you raised at the 19 November Council Meeting:

1. Who were the councillors who approved the minutes of the 8 October 2019 Briefing Session?

Response:

Attendees are listed at commencement of session are on the Council web site. The 'notes' are not 'minutes' and do not need to be 'approved'. Councillors do have the opportunity to comment.

2. When are the minutes going to be removed from the Shire Website?

Response:

As CEO, I have not received any instruction from Council to remove the notes. The notes “not minutes” aim to reflect the overall discussions in relation to this subject.

3. Do the Shire realise that they brought one State Government and one Federal Government Department into disrepute which potentially impacts ‘Be Connected’ funding?

Response:

In what respect? Please elaborate.

4. When is the Council going to negotiate with the Kojonup News in an open and transparent manner?

Response:

Kojonup News and Kojonup CRC are separate incorporated organisations who operate within a Shire owned building. In the absence of a current tenancy agreement and formal understanding of what items can be provided to Kojonup News and what items are subject to payment given we do not appear to have received any accounts or correspondence, there will be ongoing dialogue in order to clarify same.

It is also noted that Council was first approached by CRC Chair – Francis Trouchet and Committee of Management Member – Lyn Boys in October 2016 advising that the CRC was facing financial difficulty and that despite the support of the Kojonup News would most likely cease trading in March 2017 but definitely by June 2017 and as a fall back strategy what was Council’s interest in assuming full responsibility and control of the Kojonup CRC including a new management model and operational focus. Council visited the Centre on 7 February 2017 and an agenda item was discussed at the Council Meeting held 21 February 2017.

It hasn’t been helpful that our Shire Rep on the committee - Cr Ian Pedler was told his presence wasn’t required. Council has had no further formal discussion at a Council Meeting until 19 November 2019 and the matter was deferred given there were four new councillors recently elected.

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS



6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 19 NOVEMBER 2019

Minutes of the Council Meeting which was held on 19 November 2019 were previously circulated under separate cover and are at [Attachment 7.1.1](#)

OFFICER RECOMMENDATION

That the Minutes of the Council Meeting held on 19 November 2019 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 NATURAL RESOURCE MANAGEMENT COMMITTEE MINUTES AND RECOMMENDATIONS

<b>AUTHOR</b>	Jane Kowald, NRM/Landcare Officer
<b>DATE</b>	Tuesday, 26 November 2019
<b>FILE NO</b>	GS.PRG.7
<b>ATTACHMENT</b>	10.1.1 – Unconfirmed minutes for the Natural Resource Management Committee meeting 14 November 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
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**

The purpose of this report is to receive the unconfirmed minutes of the Natural Resource Management Advisory Committee held on 14 November 2019 and to review the subsequent recommendations made, for approval by Council.

**BACKGROUND**

The Natural Resource Management Committee Meeting held 14 November 2019 presents its minutes to the Council inclusive of the following recommendations.

**10/19 Moved: Marina Murray, Seconded: Jennifer Edgerton-Warburton**

***That the Natural Resource Management Advisory Committee recommend to Council that Phil Worts be accepted as the replacement Community Representative for Mr G Blacklock on the Committee.***

**12/19 Moved: Jennifer Edgerton-Warburton, Seconded: Kath Mathwin**

***That the Natural Resource Management Advisory Committee recommends to Council the revegetation of approximately 1Ha along the northern side of the Old Rubbish Tip road be undertaken in 2020 with a Budget provision of \$3,930.***

**13/19 Moved: Ned Radford Seconded: Paul Retallack**

***That the Natural Resource Management Advisory Committee recommends to Council to make provision within the 2020/21 budget to progress the removal of town sites weeds as per Attachment 11.9 (Town Weed Map).***

**COMMENT**

10/19 Phil Worts has had extensive experience in the Natural Resource Management field, working for many years as a Land for Wildlife Officer, where assessment of vegetation with a view to conservation was required. Recently he has worked as a contractor for the Shire of Kojonup, including compiling a status report for the Myrtle Benn Flora and Fauna Sanctuary (2017). The Natural Resource Management Committee believes his experience and enthusiasm for NRM will make him a proactive member of the committee. (Mr Worts in accepting a position on the Advisory Committee, must also be aware of his obligations to declare an interest when acting as a contractor).

12/19 While the Rubbish Tip Closure Plans are being checked for currency, the NRMAC would like to keep the community interested in the project. The site suggested to re-plant in 2020 has been sprayed in the years 2018 and 2019, and will require little earthworks for preparation. The local schools could be engaged to help plant the seedlings, which was a successful engagement activity this year.

13/19 The NRMAC believe that the Eastern States Wattles (Golden Wattle, Black Wattle and Flinders Range Wattle) and Tagasaste that are growing on roadside reserves within the town site of Kojonup need to be removed before the group can implore landholders to remove them on private property. The map of weeds in Attachment 11.9 is not complete, as many roads have not yet been mapped.

**CONSULTATION**

Members of the Natural Resource Management Committee

**STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council will need to consider for the 2020/21 budget an allocation of \$3,930.00 for seedlings, planting, spraying and earthworks required to plant 1 Ha native species along the old rubbish tip road.

A similar consideration will be needed by Council for the 2020/21 budget for the removal of roadside reserve weeds within the Kojonup Townsite.

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Absolute majority

(Appointment to committee)

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive the Natural Resource Management Committee unconfirmed minutes for the meeting held 14 November 2019.**
- 2. That Council accepts Phil Worts as a Community Representative of the Natural Resource Management Advisory Committee.**
- 3. Endorse the Natural Resource Management Advisory Committee decision 12/19 that 1 Ha along the northern side of the Old Rubbish Tip road be revegetated with native species in 2020/2021 with a Budget provision of \$3,930.**
- 4. Endorse the Natural Resource Management Advisory Committee decision 13/19 to make provision of \$10,000 within the 2020/2021 budget to progress the removal of Kojonup Town Site weeds.**

10.2 KOJONUP PASTORAL AND AGRICULTURAL SOCIETY INC – REQUEST FOR IN PRINCIPLE SUPPORT FOR GRANT FUNDING APPLICATIONS/IMPACT OF KOJONUP SHOWGROUNDS’ PUBLIC LIABILITY RISK ASSESSMENT FINDINGS

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate and Community Services Judy Stewart – Senior Administration Officer	
<b>DATE</b>	Monday, 2 December 2019	
<b>FILE NO</b>	CP.MTC.23	
<b>ATTACHMENT(S)</b>	10.2.1- Kojonup Pastoral and Agricultural Society Inc. letter of request 10.2.2 - Local Government Insurance Services – Public Liability Site Risk Assessment – Kojonup Showgrounds	
<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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.	1.1.4 – Through delivery of an Events Strategy, sponsor, support and promote events that stimulate economic activity and attract visitors to the area.
KP 3 - Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.  3.3 – Use a Building Assessment Framework and control our investment in building maintenance.	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.  3.3.2 – Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people. 3.3.3 – 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.

		3.3.4 – Undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.
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#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

The purpose of this report is for the Council to consider a request from the Kojonup Pastoral and Agricultural Society Inc. (P & A Society) for in-principle support of grant funding applications the P & A Society wish to apply for through the Regional Agricultural Show Development Grants Program.

#### **BACKGROUND**

At Council's November 2019 Ordinary Meeting the President of the P & A Society addressed Council requesting in principle support for the submission of a *Small Grants for Small Shows* application to the Regional Agricultural Show Development Grants Program for improvements to the Showgrounds (Lot 37 Blackwood Road, Kojonup – 19.11ha). The Chief Executive Officer advised that a report based on a public liability site risk assessment conducted by Local Government Insurance Services (LGIS), on the Kojonup Showgrounds, was imminent and that, once this report was received, a meeting would be called between Councillors and the P & A Society committee members, to discuss further.

Councillors, Staff and P & A Society committee members met on Tuesday, 26 November 2019 to discuss the Kojonup Showgrounds public liability site risk assessment November 2019 report, options for the Kojonup Show into the future and the P & A Society's grant application intentions.

The land that is occupied by the P & A Society for conducting the annual Kojonup Show is owned by the Shire of Kojonup (Shire) as freehold land with Crown Land Grant conditions (Racecourse, Agricultural Showground and Recreation purposes); the site is unsecured and contains several buildings of varying uses. With the exception of the Wool Room which is hired weekly by the P & A Society to a gymnastics club, usage of other buildings generally occurs on the annual Kojonup Show day. As per P & A Society advice, equestrian activities take place on an ad-hoc basis. No revenue is received by the Shire from any of these usages.

The Shire and the P & A Society do not currently have a formal lease agreement for the use of the land and, therefore, there are no written responsibilities for either party nor is there a defined decision making process. The creation of formal agreements with users of Shire owned facilities is recognised within the Shire's Risk Management Framework's tasks to be actioned. Any dealings relating to the land require approval from the Minister for Lands.

## **COMMENT**

A public liability site risk assessment was undertaken to assist in determining the potential liability risk exposure the Showgrounds site presents to the Shire, along with the safety of persons who access and use the Site in its current form, and how these risks can be managed. Primarily, the purpose of the assessment was to identify hazards, potential risks, liability issues, and to provide practical treatment options.

Liability considerations identified by LGIS (detailed more comprehensively in the attached report) include:

- unrestricted access to the site,
- unsealed/unlevel roads/walking surfaces,
- lack of signage,
- structural integrity/deteriorating timber in load/retainer areas and walls,
- erosion issues around concrete footings,
- lack of handrails on elevated walkways,
- toilet block hygiene and accessibility issues,
- questionable structural integrity and capability in tiered seating,
- possible manual handling hazards associated with lifting of heavy awnings and security points representing trip hazards when awnings are not erected,
- damaged access ramps,
- lack of light fittings,
- aging electrical infrastructure,
- fit for purpose (unknown if) gymnasium structures,
- an internal sharp iron hazard,
- lack of gutter maintenance,
- bar area cabinetry hazard,
- trip and slip hazards within buildings and other structures; and
- unmaintained trees (risk of branch failure).

Whilst the list is considerable, some items requiring work will represent a minimal cost whilst others may represent a much higher cost. Until the true extent of costs involved in addressing the identified risks can be established, the financial cost to remedy or mitigate the identified risks is uncertain. Shire records show an expenditure of \$168,515 on the Show and Showgrounds since 2013/14.

Options for consideration were presented by staff at the meeting held on Tuesday, 26 November 2019 between Councillors, Staff and P & A Society committee members.

### Options

#### **Option 1 - Do Nothing**

Not an option for the reasons listed previously.

#### **Option 2 – Shire Ownership/P & A Society Lease**

Advantages – Defines responsibilities, each party clear on responsibilities.

Disadvantages – Infrastructure remains old (with large investment required to bring up to standard), Shire is still ultimately responsible for liability (and P & A Society decisions), Significant public assets for limited use.

Option 2 would require the approval of the Minister for Lands.

**Option 3 – P & A Society Own and Operate**

Advantages – P & A Society free to run their own race, Shire liability removed for other parties' decisions.

Disadvantages – liability now rests with a community group, setting the P & A Society up to fail, infrastructure remains old (with large investment required to bring up to standard), significant community assets for limited use.

*What would this option look like?* P & A Society would own the land freehold, Crown Grant conditions continue to apply (Racecourse, Agricultural Showgrounds, Public Recreation), P & A Society accept all assets as is/where is, P & A Society accept all possible liabilities (Shire completely removed).

Option 3 is subject to further advice from the Department of Lands; any dealings relating to the land require the approval of the Minister for Lands.

**Option 4 – Relocate the Show into town**

Advantages – Better facilities available 365 days of the year, shared infrastructure for use by other community groups, any investment in new or upgraded facilities open to the whole community, possibility for greater attendances on Show days (e.g.; passing traffic), possibility for combining events (e.g.; Wildflower Show).

Disadvantages: Change, Show format may change (possibly an advantage), parochial protection of how things have always been.

*What would this option look like?* Sporting Complex and Railway precinct available for use (ideal time of the year as far as other sports are concerned), netball getting a roof over two courts (grant pending), oval lighting for use at night (grant for upgrade pending), old fire brigade running track area under-utilized/available.

It is imperative that a decision is made on this matter prior to the 2020 Kojonup Show.

**Request from P & A Society – in-principle support for grant funding applications**

Grant funding opportunities to improve regional showgrounds, historically, are rare (if they have ever occurred previously) and the P & A Society has been proactive in taking the opportunity to apply for funding to make improvements and add infrastructure to the Showground precinct. The P & A Society is applying for a grant which includes:

- re-surfacing of flooring,
- a horse office,
- portable staging,
- mobile tiered seating,
- a grassed area; and
- a universal toilet within the bar area.



The risks identified in the LGIS report will remain along with ongoing whole of life costs into the future.

Due to the relatively short timeframe between receiving the LGIS public liability risk assessment of the Kojonup Showgrounds and the timeframe for submission of grant applications by the P & A Society, Council is somewhat limited to the information it can base a decision on with regard to providing in-principle support for infrastructure to be upgraded or added to within the Showground precinct (and, therefore, the Shire's responsibility as owners of the land). At this point in time Council is not aware of the expenditure the Shire may need to effect to address the risks identified in the LGIS report (to bring the Showground facilities up to an acceptable safety/fit for purpose standard) and, therefore, the feasibility of doing so. Given this uncertainty, Councillors and Staff propose, as stated at the 26 November 2019 meeting between Councillors, Staff and the P & A Society, that any in-principle support is conditional upon any structures erected, using grant funds, being capable of being relocated (if required) in the future.

### **CONSULTATION**

Kojonup Pastoral and Agricultural Society Inc. Committee  
Chief Executive Officer

### **STATUTORY REQUIREMENTS**

Nil for in-principle support request

The *Local Government Act 1995 (Act)* – s. 3.58 (5) (d) - *Disposal of Property* does not apply due to exemption under r. 30 of the *Local Government (Functions and General) Regulations 1996*.

*Local Government (Functions and General) Regulations 1996:*

30. *Dispositions of property excluded from Act s. 3.58*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(b) *the land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

### **POLICY IMPLICATIONS**

2.3.4 Asset Management – Objective: To guide the management of the Shire's infrastructure assets to meet agreed service delivery and performance expectations, as the asset custodian for the community. To achieve this objective the Shire of Kojonup is committed to ensuring that Asset Management is recognised as a major corporate function.

2.3.5 Risk Management – Objective: to state the Shire's intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles. To achieve best practice (aligned with AS/NZS 31000:2018

Risk management – Guidelines) in the management of all risks that may affect the Shire meeting its objectives.

### FINANCIAL IMPLICATIONS

If the P & A Society is successful in gaining grant funding for the grant application projects outlined during the 26 November 2019 meeting, there is potential for maintenance/fit for purpose whole of life cost implications into the future for the Shire as the owner of the land upon which any infrastructure is placed. Financial impact may also be influenced by the contents of any potential future agreement the Shire enters into with the P & A Society and either party's ability (or lack of) to maintain the infrastructure into the future.

### RISK MANAGEMENT IMPLICATION

Risk management implications will apply if the P & A Society grant funding applications are successful and the projects identified go ahead.

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 – Asset Sustainability Practices	Inadequate maintenance activities	Asset Register; Routine maintenance schedule – buildings; Asset Replacement Schedule	
10 – Management of Facilities, Venues and Events	Lack of lease/contract/agreement/MOU/Licence documentation	Lease agreements for Shire facilities; signage at all venues	Develop lease agreements for all Shire facilities
IMPLICATIONS			
Risk management applies in relation to the ownership of infrastructure on Shire land and ultimate responsibility for that infrastructure. From this perspective, ongoing financial whole of life costs (such as maintenance and security) and fit for purpose requirements fall under the responsibility of the Shire until/unless there is a formal agreement in place that delegates responsibility to another party.			

### ASSET MANAGEMENT IMPLICATIONS

As part of the *Asset Management Plan 2017* review process and the adoption of the *Building Assessment Framework*, modelling was undertaken to demonstrate the impact of rationalising the 25 lowest scoring buildings, of which the Showgrounds contains ten (10) of these on the list. Hypothetically, if it is assumed that the Council disposed of these 25 buildings immediately, the results would be as follows:

	Currently	After Disposal of All Buildings with a Score < 30	Difference (Savings)
<b>ASSET VALUE</b>			
Depreciable Assets	\$142.33m	\$136.83m	\$5.51m
Building Assets	\$46.26m	\$40.75m	\$5.51m or 11.9%.
<b>MAINTENANCE</b>			
Underspend on Buildings Maintenance	\$6,390 per year for the next 20 years	\$6,034 per year for the next 20 years	\$356 per year for the next 20 years
Total Maintenance Gap	\$127,802 after 20 years	\$120,680 after 20 years	\$7,122 after 20 years
<b>RENEWAL</b>			
Underspend on Buildings Renewal (Renewal Gap)	\$791,852 per year	\$581,497 per year	\$210,355 per year
Total Renewal Funding Gap	\$15.84m after 20 years	\$11.63m after 20 years	\$4.21m over 20 years

The renewal gap figures shown in the above table clearly demonstrate how important this process is for the future financial management of the Shire. Determining the management (or otherwise) of the Shire's community halls will assist with determining asset management requirements into the future.

In addition to the figures shown above, it needs to be remembered that essential building maintenance on the top ten (10) ranked buildings in the Building Assessment Framework (such as the Memorial Hall, Sporting Precinct and The Kodja Place) is not adequately being addressed, as the assets held by the Shire simply exceed the available resources to appropriately maintain them.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council**

- 1. The Council's adopted strategic position in relation to the future of the Kojonup Showgrounds be that the Kojonup show be relocated into the Kojonup Sporting Complex / Railway Precinct and the remaining infrastructure not required at the Showgrounds be decommissioned;**
- 2. Considering feedback received to-date from the Kojonup P&A Society Inc., it is strongly suggested that the relocation of the Kojonup Show will not occur. As such, the Chief Executive Officer be requested to offer to the Kojonup P&A Society the purchase of Lot 37 Blackwood Road, Kojonup (Kojonup Showgrounds) as is, where is, following approval of the Minister for Lands at a cost neutral outcome to the Shire of Kojonup; and**
- 3. Provides in-principle support to the Kojonup Pastoral and Agricultural Society Incorporated (P & A Society) lodging applications seeking Commonwealth funding under the Regional Agricultural Show Development Grants Program conditional upon any structures erected using grant funds being capable of being relocated (if required) in the future.**

10.3 SPORTING PRECINCT ADVISORY COMMITTEE MINUTES 28 OCTOBER 2019

<b>AUTHOR</b>	Emily Hills – Sport and Recreation Officer
<b>DATE</b>	13 November 2019
<b>FILE NO</b>	CP.DAC.12
<b>ATTACHMENT(S)</b>	10.3.1 - Unconfirmed minutes for the Sports Precinct Advisory Committee meeting 28 October 2019

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP1 - 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.	1.2.3 Provide community infrastructure that attracts outsourced or privately run facilities and programs.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to for Council for receive the minutes from the Sporting Precinct Advisory Committee meeting 28 October 2019

**BACKGROUND**

The minutes attached are to advise Council on the continuing discussions of the Sporting Precinct Advisory Committee.

**COMMENT**

The minutes attached from the Sporting Precinct Advisory Committee are for council reference.

**CONSULTATION**

Representatives of the following Sporting groups make up the Sporting Precinct Advisory Committee:

Kojonup Squash Club

Kojonup Netball Club

Kojonup Football Club

Kojonup Junior Football Club

Kojonup Hockey Club

**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 the minutes of the Sporting Precinct Advisory Committee held 28 October 2019, as attached, be received.**

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

11.1 **THE KODJA PLACE – OPERATING HOURS**

<b>AUTHOR</b>	Rick Mitchell-Collins – Chief Executive Officer
<b>DATE</b>	Friday, 29 November 2019
<b>FILE NO</b>	CP.MTC.21
<b>ATTACHMENT</b>	<b>11.1.1 - 2019 First &amp; Last Visitor/Transaction Graph</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 2 – Connected	2.1 Be growing our state-wide and local tourism and shopping capabilities through regional alliances	2.1.2 Promote and facilitate Kojonup as a short term tourism destination to and from Albany. 2.1.5 Foster a strong relationship with Kojonup’s Aboriginal community to further recognise and grow the recognition of Aboriginal culture and leadership in the shire. 2.1.7 Support local tourism initiatives.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To present to Council a review of operating hours to ascertain travelling public and visitor movements within the Kodja Place Precinct that complement the Black Cockatoo Café operating hours and opportunity to reduce operating costs aligned to addressing the operational surplus ratio raised by the Audit & Risk Committee following last year’s audit report.

**BACKGROUND**

Some in the community remain opposed to the construction of the Kodja Place since its inception two decades ago whilst others query the cost to maintain the facility 364 days a year with the main attraction (Storyplace /Gallery), anticipated entry fees and the level of Council subsidy never truly being recognized when the original business plan was presented.

Others want more volunteers including the Kojonup Aboriginal Corporation involved in the Precinct but the sad reality has been well documented in past reports especially the Gibson Master Plan in that the Precinct is fragmented with some elements free such as the Rose Maze and the lack of connectivity between the Café and Visitor Information Centre/Storyplace Gallery necessitating a new approach and injection of capital and energy.

Travellers overwhelming feedback is that they want an interactive experience which Elder Jack Cox provides but also wish to hear other community member stories that are either captured on multimedia, but preferably ‘in person’, because static displays need new content to build on the past 20 years since The Kodja Place was established.

#### **COMMENT**

Council possesses ‘The Kodja Place’ (KP) ‘Master Plan’ which lists a number of recommendations to reinvigorate the iconic tourism, cultural and heritage interpretive centre. The challenge is being able to convert the recommendations into reality and achieve more paying customers into the Kodja Place Storyplace and Gallery. The Visitors Centre is well patronized providing a beneficial service to visitors however this space only represents approximately 30% of the building footprint.

Community Development & Tourism team members have collated ‘Point of Sale’ transactions for the Visitor Centre, Storyplace/Gallery as well as general enquiries to ascertain the patterns of visitation to the precinct.

Research undertaken indicates that Black Cockatoo customers look forward to a morning ‘cuppa’ from 9.00am weekdays and 8.00am on weekends for motorists travelling to/from Perth or Albany. The main visitor times occur between 10.00am and 2.00pm and it is also noticeable that by 3.30pm motorists are keen to get home before dark.

There is a pattern that entry to the Visitor Centre also drops off considerably from 3.00pm which coincides with the Black Cockatoo Café closing at 3.00pm.

Staying open after 4.00pm based on the analysis undertaken cannot be justified and will not tarnish KP’s reputation as the facility will still remain open for 7 hours each day = 49 hours per week rather than 56 hours per week.

Opening days have also been reviewed however it is important that the Visitor Centre/Gallery opening days reflect the opening days of the Café which is currently 364 days per year. No change is recommended at this time however the CEO will continue to consult with the Lessees of the Black Cockatoo Café in this regard.

#### **CONSULTATION**

Point of Sale Transactions  
Senior Management Meetings  
Council Briefing Sessions

#### **STATUTORY REQUIREMENTS**

*Local Government Act 1995*

#### **POLICY IMPLICATIONS**

A reduction in closing time by one hour per day does not jeopardise the Visitor Centre’s accreditation with Tourism WA as the minimum operating hours per day is six hours.



### **FINANCIAL IMPLICATIONS**

Reducing operating hours by 1 hour per day per week = 7 hours x 52 weeks = 364 hours or the equivalent in wage costs of \$12,834 per annum. There will also be savings in power consumption and utility services.

### **RISK MANAGEMENT IMPLICATIONS**

Asset Sustainability Practices

Areas included in the scope are:

- Inadequate design (not fit for purpose);
- Ineffective usage (down time);
- Outputs not meeting expectations;
- Inadequate maintenance activities;
- Inadequate financial management and planning (capital renewal plan); and
- Buildings not being used to potential.

Key Controls:

Routine maintenance schedule: buildings

Asbestos register and procedures

Asset register (roads, buildings, playgrounds, etc.)

Asset replacement schedule

Heritage Inventory List

Indicators:

Asset Consumption Ratio (The ratio highlights the aged condition of stock of physical assets)

Asset Renewal Funding Ratio (The financial capacity to fund asset renewal as required, and continue to provide existing levels of services)

Asset Sustainability Ratio (Measures the extent to which assets are replaced as they reach the end of their useful lives)

Asset utilisation ratio

Breakdowns

Complaints against asset conditions

Overall Risk Rating = Moderate

### **ASSET MANAGEMENT IMPLICATIONS**

The International Infrastructure Management Manual (IIMM) (2006, section 5) discusses 'Optimised Decision Making' (ODM). The IMM describes that:

*"In making any decision we have to weigh up the pros and cons and make trade-offs.... ODM provides a process to ensure you make the best, or optimal decisions given those trade-offs and financial considerations." (p3.77).*

The IIMM (2006) describes the use of a 'Multi Criteria Analysis' (MCA) as part of ODM. The MCA "Takes into account range of criterion which are both qualitative and quantitative in nature and which reflect the cultural, social, economic or environmental characteristics of the project..." (p3.81).

The Buildings Assessment Framework is a process of qualitative assessment of all Shire building assets against an agreed set of criteria to identify which assets should remain on the Shire's inventory and which assets should be considered for replacement rationalisation/disposal.

The buildings assessment framework has been prepared taking into account relevant information and direction contained within the IIMM.

		Degree to which provision of the building meets SCP commitments Level of efficiency with regards to operational and maintenance costs Fit for Purpose/ Risk and BCA Compliance (score to the highest possible use) Historical and cultural value					SUB TOTAL
		30	20	35	15	100	
Suburb	Primary Description						
Kojonup	Springhaven Frail Aged Lodge	5	4	5	3	90	
Kojonup	Recreation Centre	5	3	4	3	79	
Kojonup	Hall & Lesser Hall	5	2	4	4	78	
Kojonup	Shire Office & Library	5	4	4	1	77	
Kojonup	Kodja Cultural Centre	5	2	4	3	75	
Kojonup	RSL Hall	4	3	3	4	69	
Kojonup	Doctors Surgery (Ex Dwelling)	3	4	5	0	69	
Kojonup	Office & Workshop	3	4	4	1	65	

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to implement the new Kodja Place and Visitor Centre operating hours of 9.00am to 4.00pm effective from 1 February 2020.

11.2 DEVELOPMENT APPROVAL FOR THE GEORGE CHURCH COMMUNITY MEDICAL CENTRE ON LOTS 2 & 3 (No's 30 & 32) SPRING STREET, KOJONUP

<b>AUTHOR</b>	Phil Shephard – Town Planner Rick Mitchell-Collins – Chief Executive Officer
<b>DATE</b>	Friday, 6 December 2019
<b>FILE NO</b>	A21448
<b>ATTACHMENT(S)</b>	11.2 - Application letter and plans

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP2 – Connected	2.2 Have enhanced our aged care and health provisions by progressing our connections with regional and state-wide groups.	2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 Establish formal networks between all health providers within Kojonup.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider the development application from the George Church Community Medical Centre Inc. group for their medical centre. The proponents have also requested Council waive the development application fee.

The recommendation is to approve the use/development subject to compliance with conditions and advice.

**BACKGROUND**

Council completed TPS3 Amendment No. 10 in May 2014 to reclassify the reserve type for Lot 3 (Walker's Block) from recreation to public purposes to progress planning for the development of a future medical centre on the site.

The amendment report notes *“the site on Spring Street is well located adjacent to the existing hospital, aged persons units, local park etc. The site has access to services including water sewer, power, telecommunications and drainage infrastructure.*

*The change in reserve classification to public purposes will better reflect the future intention to construct a medical centre on the site.”*

The Council received initial plans for the medical centre to be developed on Lot 3 (Walker's Block) in July 2019 and advertised the proposal for public comment for 14-days. Following the close of the comment period, Council held meetings with the George Church Community

Medical Centre Inc. group and at the 5 November Special Meeting resolved to sell the group adjoining Lot 2 (the carpark), so it could be considered in the design for the medical centre.

The George Church Community Medical Centre Inc. group have now submitted revised plans for the medical centre to be developed on Lots 2 and 3.

#### **COMMENT**

The advertising of the initial plans resulted in 1 submission being received. The submission contained a number of criticisms of the building design and the George Church Community Medical Centre Inc. group provided an appropriate response to each of the matters raised. Given the lack of submissions received on the initial plans, no consultation on the revised plans was considered warranted or necessary.

The George Church Community Medical Centre Inc. group have provided the attached Application letter and plans that clearly sets out the objectives for the building and reasons for the design outcomes for the site.

#### *Summary of the proposal*

The development includes the medical centre and adjoining car parking area plus some retaining walls around the building and site, bin storage area, landscaping, footpaths, sign and new crossover onto Spring Street for traffic in/out and Barracks Place for traffic leaving the facility.

The design provides for the building to be operated as 2 separate units as follows:

- The main area caters for 4 doctors and includes reception area/administration area, waiting room, 4 consulting rooms, treatment room, multipurpose room for training/seminars/meetings, bathroom and toilets, staff room and storage areas.
- The second portion caters for separate visiting consultants with the aim to attract a physiotherapist and psychiatrist and includes shared reception area/administration area, waiting room, 2 consulting rooms, toilet, and shared staff room and storage areas.

The building is orientated with the front facing the Kojonup Spring area with a skillion roof sloping from 4.1m high at the front to 3m at the rear. The design includes a 2m-wide verandah along the front of the building with connecting ramps and paths to link the car parking areas and site surrounds to incorporate universal access principles.

The building will occupy part of the existing hospital carpark on Lot 2 with that parking transferred to a new carpark to be developed on Lot 3.



*Aerial image showing Lots 2 & 3 Spring Street, Kojonup boundary in red and surrounding developments (Source: Landgate Map Viewer Plus)*

The attached plans show the 345m<sup>2</sup> medical centre will be modular in construction and incorporate either fibre cement panel cladding or concrete tilt panel walls and colorbond metal sheeting roof with some feature cladding to the main entrance verandah posts. Awnings will be provided over the windows facing Spring Street and services will be located at the rear of the building.

The car parking area surrounds the building and shows a total of 45 bays including 1 ACROD bay and 2 drop-off bays.

The retaining walls will be between 0.2m – 0.3m high along the rear of the building with the existing hospital car park and between 0.1m – 1.2m high along the front of the building facing the Kojonup Spring area.

The medical centre is proposed to be connected to the Shire's stormwater drainage system. The proponents intend to install rooftop solar power generation into the future.

There are areas of landscaping with a combination of mulch, blue metal and/or shrubs around the building and car parking areas.

A sign will be placed in the landscaping area in the north-east corner of the lot along Spring Street with the final position to be determined.

There are some trees on the site including a mulberry tree that will be removed for the development. The group have taken cuttings from the tree to regrow for future use and the wood has been donated to the Kojonup Men's Shed for creating a memento to the Walker family for the building.

Site

The total site area of both lots is 2,716m<sup>2</sup>. The site has frontage to Spring Street and Barracks Place which are both sealed, kerbed and drained with footpaths. Spring Street is a through road whilst Barracks Place is cul-de-sac servicing the Old Barracks and Springhaven Lodge. These roads are local roads and under the care and control of the Shire.

Adjoining land uses include residences (to the north) with the Kojonup Hospital to the west and Old Barracks and Springhaven Lodge to the south. The Kojonup Spring recreation area and facilities are opposite on the east side.

The site is vacant and slopes gently away from Spring Street towards the south-east corner of the property.



*Street image of the lots looking west along Spring Street with hospital in the background  
(Source: Google Earth Pro)*

The site has access to the water supply, sewer, electricity and telecommunications infrastructure. The Council operates the stormwater drainage system in the area.

Town Planning Scheme No. 3 controls

Land Use

The lots are contained within the Recreation (Lot 2) and Public Purposes (Lot 3) local authority scheme reserve under Town Planning Scheme No. 3 (TPS3).

The proposal complies with the definition of Medical Centre under TPS3 which is described as:

*Medical Centre - means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists;*

In considering the application, clause 2.2 'Matters to be Considered by the Council' of TPS3 requires:

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

- (a) The objectives as outlined below; and*
  - (b) The ultimate purpose intended for the reserve;*
- and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.*

The objectives for Recreation local authority scheme reserves are:

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

The objectives for Public Purposes local authority scheme reserves are:

- (a) To protect areas already set aside for public purposes by Crown Reserves.*
- (b) To enable the Council to control development in public purpose reserves.*

The lots are freehold and not a Crown Reserve.

Council completed TPS3 Amendment No. 10 in May 2014 to reclassify the reserve type for Lot 3 from recreation to public purposes to progress planning for the development of a future medical centre on the site. The amendment was specifically prepared by the Shire and approved by the WA Planning Commission/Minister for Planning to facilitate the future use of the property for a medical centre and this fulfils part (b) of the Public Purposes objectives above.

Lot 2 should now also be reclassified to public purposes to match Lot 3 and ensure consistency across the site and is subject to a separate report in the Council agenda this month.

#### Development requirements

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

The various public purpose reserves in Kojonup have a wide variety of developments including railway line, wastewater treatment ponds, hospital, cemetery, dams, high school, shire administration office etc. and there is no predominant use to follow and each application must be viewed on its individual merit.

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



#### Setbacks

The medical centre is proposed to be setback:

- 11.5m from the front boundary with Spring Street;
- 7m from the rear boundary to Barracks Place;
- 16.2 from the side boundary to the hospital; and
- 26.6m from the side boundary to Barracks Place.

The medical centre is a purpose-built building with a single-storey wall height skillion roof design with the proposed front setback matching the hospital building. The building takes advantage of the view towards the Kojonup Spring area. This is complemented by landscaping with an integrated sign at the entrance driveway along Spring Street.

#### Plot Ratio

The plot ratio of the medical centre is 0.15. By contrast, a consulting rooms development can have a maximum plot ratio of 0.4 in the Residential zone, so the plot ratio is relatively low and considered acceptable.

#### Landscaping

The proponents have committed to extensive landscaping areas around the medical centre building and car parking areas. The purpose of the landscaping is to complement the overall development and not screen the building from public view and the proposals are considered acceptable.

It is recommended that some low maintenance, local species be used in the plantings with some taller shade trees included within the landscaping around the car parking areas.

#### Car Parking

The proposal shows a total of 45 car parking bays (including 1 ACROD bay) for the medical centre. The bays achieve the design requirements set out in Schedule IV 'Car parking Layouts' of TPS3.

Using the example of a consulting rooms development to assess the proposal, the car parking requirement would be 1 bay per 30m<sup>2</sup> of gross floor area (11.5 bays) and 1 bay per employee (estimated at the maximum 6 doctors plus 5 support staff = 11 bays), for a total of 22.5 rounded up to 23 bays. The proposed car parking provided exceeds this requirement and is considered acceptable.

The building or car parking areas should be suitably lit when the building is closed to provide security. Ideally this would be lighting of the car parking areas with overhead lights, however The minimum should be external lights on the building that illuminate out onto the car parking areas and surrounds.

The Deed of Agreement presented to Council at the 19 November 2019 Ordinary Meeting and Council's lawyers have since considered the document and offer the following advice:

*"Condition 1(a) of the Resolution requires as follows:*



*A caveat or similar notation being placed on the title confirming the dual purpose of the carpark being, shared and unrestricted access for both the Medical Centre patients and the general public;*

*In our view, the clear intent of condition 1(a) of the Resolution is to ensure that the obligation for the dual use of the car park runs with the land and continues indefinitely for the benefit of the Shire and the general public. The Licence Agreement, prepared by TGCCMC's solicitors, is not sufficient to ensure that the obligation runs with the land, or indefinitely. As it is a contractual licence between the Shire and TGCCMC, if TGCCMC sold Lot 2 (which it is free to do so without reference to the Shire) the new owner of Lot 2 would not be bound by the obligation for the car park to also be used by the general public. In that regard, we also note that clause 2 of the Licence Agreement specifically prevents there being any notation on encumbrances lodged on the title to Lot 2, which is contrary to the express requirements of the resolution and the Shire's intent.*

*To ensure that the obligation for the public use of the car park runs with Lot 2 (or the amalgamated lot) and burdens all future owners of the land in the Shire's favour, the Shire has two options available to it, namely:*

*(a) a legal agreement, which includes a charging and lodgement of an absolute caveat over the title (Agreement & Caveat). A caveat would prevent the future transfer of Lot 2 (or the amalgamated lot), unless the new owner entered into a similar agreement with the Shire. Each time the land is sold the Shire's caveat would need to be withdrawn, and the new owner would need to enter into a new agreement with the Shire and the Shire's caveat would need to be replaced; or*

*(b) an easement in gross over the car park land in favour of the Shire and the general public for access and parking purposes (Easement). The grant of an easement over the car park would automatically run with and bind future owners of the land.*

*In terms of next steps, we presume the Shire will need a general idea of cost of each option. It is difficult to estimate our fees as we work on a time spent basis. However, we would estimate our professional fees to prepare either an Agreement & Caveat or an Easement to be \$1,500 (inclusive of GST and disbursements and registration fees, including Landgate registration fee of \$175.60). In either case, to protect the Shire's interests, we would recommend that the Easement or the Caveat be lodged as part of the settlement documentation. Although, the cost of us preparing each instrument will be the same, the Easement will require the preparation of an easement only deposited plan by a licensed surveyor. The Easement process will be longer, and initially more expensive but once an Easement is lodged it will not require any further action whereas the caveat will require withdrawal and replacement if the land is sold. However, we would expect that the landowner and future landowners to be responsible for the costs a new agreement with the purchase and the Shire's caveat being withdrawn and replaced."*

#### Overall Comment

The medical centre achieves acceptable development requirements and will be a prominent new development along the street, which it needs to achieve as a public facility, whilst also complementing the streetscape with its domestic-scale and extensive landscaping areas.

### Aboriginal heritage

There are 3 Aboriginal cultural heritage places associated with the Kojonup Spring area recorded on the Department of Planning, Lands and Heritage database.

### European heritage

There are 2 European cultural heritage places associated with the Kojonup Spring area and Old Barracks recorded on the State Heritage Inherit database and Shire's Heritage Inventory.

### Bushfire Planning

Part of Lot 3 is shown as bushfire prone by the Department of Fire and Emergency Services mapping (see image below) which will form part of the car parking area below the medical centre building.



*DFES mapping of the property*

### TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have due 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	The proposal is considered consistent with the objectives for the TPS3 and Public Purposes reserve classification. Lot 2 to be

Matter to be Considered	Response
scheme operating within the Scheme area;	reclassified from Recreation to Public Purposes local authority scheme reserve to match Lot 3.
(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 achieves acceptable development requirements and the use of the property for the medical centre is considered consistent with the orderly and proper planning of this health precinct in Kojonup.
(c) any approved State planning policy;	The proposal involves a vulnerable land use/development and must comply with: State Planning Policy 3.7 'Planning in Bushfire Prone Areas'.
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	The lots are contained within the Recreation and Public Purposes local authority scheme reserve under TPS3. Council completed TPS3 Amendment No. 10 in May 2014 to reclassify the reserve type for the property to public purposes and assist to progress planning for the development of a future medical centre on the site and it is recommended Council now complete a similar amendment for Lot 2.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The proposal is not expected to negatively impact on the noted Aboriginal or European cultural heritage places in the surrounding areas.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposal is for a single-storey development with dedicated access/egress points, car parking and complementary landscaping provided. The building is considered compatible in height, bulk, scale and appearance with other buildings in this area of Spring Street.
(n) the amenity of the locality including the following - (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not expected to negatively impact on the environment or character of the locality. The proposal is expected to have a positive social impact on Kojonup by adding to the health services available within close proximity to allied services.

Matter to be Considered	Response
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The site is vacant, and the development is proposed to be connected to the Shire's stormwater drainage system. The proposal is not expected to negatively impact on the environment or water resources such as the Kojonup Spring area.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	The proponents have committed to providing landscaping within the site to provide an attractive appearance and soften the building surrounds. Some shade trees should be included in the car parking areas. The proponents have committed to preserving the memory of the mulberry tree and Walker family through their seedling and art project.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The land is considered suitable for the proposed development.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The proposal is not considered to increase any risk to human health or safety.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The proposal will incorporate new access/egress points onto Spring Street and Barracks Place that will be constructed to the Shire's specifications and satisfaction. The proponents have committed to providing on-site bays sufficient to meet the expected car parking demands.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The proposal is expected to generate additional vehicular and pedestrian traffic in Spring Street and Barracks Place. Both these roads are sealed with kerbing and footpaths or grassed verge areas and considered adequate in width to cater for the increase in traffic and turning movements into and out of the site. The proposal is not expected to adversely affect traffic safety in the area.
(u) the availability and adequacy for the development of the following - (i) public transport services; (ii) public utility services;	The development will require connection to the Water Corporation deep sewer and water supply networks and telecommunications and power supply.

Matter to be Considered	Response
<p>(iii) storage, management and collection of waste;</p> <p>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p> <p>(v) access by older people and people with disability;</p>	<p>The proponents intend to install solar power into the future.</p> <p>The development will be connected to the Shire's stormwater drainage system at the proponent's cost.</p> <p>The proposal includes a fenced bin storage area at the rear of the building with gate and tap. Rubbish disposal service will need to be organised through the Shire.</p> <p>The proposal includes good access for pedestrians including older people or those with a disability.</p>
<p>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p>	<p>The proposal will increase the health services available in Kojonup and this is expected to have a positive impact on the community and residents and visitors alike. The siting of the proposal adjoining the hospital etc., capitalises on the locational opportunities available.</p>
<p><i>c.78E. (1) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i></p> <p>In considering an application for development approval for development to which this Part applies, the local government is to have regard to the bushfire resistant construction requirements of the Building Code.</p>	<p>Part of the property is identified as bushfire prone and the proposal will need to meet any necessary requirements from AS3959 'Construction of buildings in bushfire prone areas' to comply with the WA Planning Commission's State Planning Policy 3.7 'Planning in Bushfire Prone Areas'. The final details will be determined through the Building Permit process.</p>

### Conclusion

The proposal complies with the requirements of TPS3 and should be approved subject to compliance with conditions.

### Alternate Options

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

#### 1 Not approve the proposal

The Council can choose to not approve the proposal. If refused, the Council need to provide grounds for not supporting the proposal.

#### 2 Approve the proposal

The Council can choose to approve the proposal, in part or whole, or make changes, and with or without conditions.

#### 3 Defer the proposal

The Council can choose to defer the proposal 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.

#### 4 Advertise the proposal for comment

The Council can choose to advertise the proposal for comment, if deemed necessary, before proceeding to make a decision.

### **CONSULTATION**

The George Church Community Medical Centre Inc. group  
Councillors  
Mitchell Bailey - Frame Design Australia

### **STATUTORY REQUIREMENTS**

*Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015* - This application is required to be determined in accordance with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

The applicant has requested Council waive the development application fee of \$3,627.50 as set out in the adopted List of Fees and Charges.

The George Church Community Medical Centre Inc. (applicants) are a community-based group and request the application fee be waived on the following grounds:

- The building is not for commercial use; it is a community medical centre to provide medical services to the Kojonup community into the future.
- The project is simple in concept without any complicated issues to be solved from a planning point of view.
- They have already incurred fees for site preparation including ground survey, services identification and geotechnical report. These are available to the Shire at no cost.
- They do not object to the Shire recovering any fee to cover the actual cost incurred for professional advice.
- As an incorporated association, working for the community, they request the development application fee be waived for this project.

Council in considering the request to waive fees needs to consider similar requests for example, Lawrence House Centre (multi-use community building.)

Council at its meeting held 21 February 2017 passed Decision 2/17

***“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. “***

It should be noted that Lawrence House Centre (multi-use community building) did not receive a \$140,000 cash donation or property to the value of \$90,000 from the Shire for \$2.00.

Council at the 19 November 2019 meeting also expressed concern that measures should be taken to improve the Operational Surplus Ratio and waiving fees of \$3,627.50 does not achieve this objective. A budget amendment will be required at the six monthly review in Feb/March 2020 if the fee is waived.

#### **RISK MANAGEMENT IMPLICATIONS**

Risk Management Framework – Risk Profile 1: Asset Sustainability – as per Financial Implication 2, budgetary impact risk by way of routine maintenance, renewal or replacement costs is avoided by selling, rather than leasing, the land.

#### **ASSET MANAGEMENT IMPLICATIONS**

The Shire currently maintains the land at Lot 2 Spring Street, Kojonup. Ownership of the land and proposed building by another body removes asset management implications for the Shire other than sharing the car park (as shown on the design plans) on Lot 2.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That:

- 1) Council grant development approval for the medical centre use/development on Lots 2 & 3 (No's 30 & 32) Spring Street, Kojonup subject to the following conditions/advice:
  - a) The development to be fully implemented consistent with the attached stamped approved plans and where marked in red, unless a variation has been approved in writing by the Chief Executive Officer.
  - b) The lots to be amalgamated to the satisfaction of the Chief Executive Officer (confirmation of the Landgate dealing number or similar) prior to the building permit being issued.
  - c) The external building walls to be finished and/or painted in a colour/tone to the satisfaction of the Shire of Kojonup.
  - d) The roof to be clad in metal sheeting in a colour/tone to the satisfaction of the Shire of Kojonup.
  - e) Based on the legal advice received, Council execute an easement in gross over the car park land on Lot 2, Spring Street in favour of the Shire and the general public for access and parking purposes. The grant of an easement over the car park would automatically run with and bind future owners of the land.
  - f) The on-site car parking areas shown in the approved plans to the set-out, sealed, drained and line-marked to the satisfaction of the Shire of Kojonup. No parking of vehicles is permitted on the road verge or adjoining land. The car parking areas to be lit and/or external lighting to be provided on the building to illuminate the car parking areas when the building is closed.

- g) The new access/egress crossover points onto Spring Street and Barracks Place to be sited, designed and constructed to the satisfaction of the Shire of Kojonup. The proponent is responsible to meet all costs of connecting to the Shire's road networks including repairs to existing footpaths, kerbs, drainage pipes etc.
- h) The new access paths to be matched to the existing paths along Spring Street and Barracks Place to the satisfaction of the Shire of Kojonup.
- i) The building to be connected to the Water Corporation deep sewer and water supply networks.
- j) All stormwater to be retained and/or disposed of or reused on-site unless discharge off-site to the Shire's drainage system has been approved. The proponent is responsible to meet all costs of connecting to the Shire's drainage system.
- k) The landscaped areas shown in the approved plans to be planted with native shrubs and maintained to the satisfaction of the Shire of Kojonup. The landscaping areas shall include some shade trees within the car parking areas.
- l) The bin storage area to include screen fencing, concrete floor, floor waste and water supply tap.
- m) The building to comply with the WA Planning Commission's State Planning Policy 3.7 'Planning in Bushfire Prone Areas' and AS3959 'Construction of buildings in bushfire prone areas'.
- n) This approval includes a sign in the landscaped garden area at the front of the lot not exceeding 3m horizontally by 2m vertically or 6m<sup>2</sup> in area.
- o) Payment of the development application fee of \$3,627.50 as set out in the adopted List of Fees and Charges.

**Advice Notes:**

- i) *The construction of the medical centre requires a separate Building Permit to be obtained prior to any works commencing.*
  - ii) *The provision of a rubbish service for the proposal will need to be negotiated through the Shire.*
- 2) Council in accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015, initiate Town Planning Scheme No. 3 – Amendment No. 14 to remove Lot 2 Spring Street from the Recreation local authority scheme reserve and include it in the Public Purposes local authority scheme reserve to match Lot 3 under the new amalgamated lot. The amendment is considered a standard amendment on the basis that it is:
- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
  - (e) an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment;
  - (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - (g) an amendment that is not a complex or basic amendment.



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

12.1 **FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (NOVEMBER 2019)**

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Thursday, 5 December 2019
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	12.1.1 – November 2019 Monthly Financial Statements

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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 30 November 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 2019 to 30 November 2019 represents five (5) months, or 42% of the year.

The following items are worthy of noting:

- Closing surplus position of \$2.5m;
- Operating results:
  - 51% of budgeted operating revenue has been received; and
  - 38% of budgeted operating expenditure spent;
- Capital expenditure achieved 15% of budgeted projects;

- The value of outstanding rates equates to 17.8% of 2019/2020 rates raised (includes instalment plans);
- Cash holdings of \$7.46m of which \$2.9m is held in cash backed reserve accounts and \$2.3m is a grant held for other parties; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

#### **CONSULTATION**

Nil.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

Council Policy 2.1.6 defines the content of the financial reports.

#### **FINANCIAL IMPLICATIONS**

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

#### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

#### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

#### **OFFICER RECOMMENDATION**

**That the monthly financial statements for the period 1 July 2019 to 30 November 2019, as attached, be noted.**

## 12.2 MONTHLY PAYMENTS LISTING

<b>AUTHOR</b>	Melissa Binning – Finance Officer
<b>DATE</b>	Tuesday, 3 December 2019
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<b>12.2.1 – Monthly Payment Listing 01/11/2019 to 30/11/2019</b>

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

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To receive the list of payments covering the month of November 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 and Community Services prior to the meeting.

### **CONSULTATION**

No consultation was required.

### **STATUTORY REQUIREMENTS**

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

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

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

**STRATEGIC/CORPORATE IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

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

**ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

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

Refer to the VROC Strategic Plan

**VOTING REQUIREMENTS**

Simple Majority

**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 November 2019		TO – 30 November 2019
Municipal Cheques	14173 – 14182	\$25,947.15
EFTs	24837 – 25083	\$945,560.70
Direct Debits		\$381,154.03
Total		\$1,352,661.88

be received.

### 12.3 WORKFORCE PLAN 2019-2023

<b>AUTHOR</b>	Rick Mitchell-Collins – Chief Executive Officer
<b>DATE</b>	Friday, 29 November 2019
<b>FILE NO</b>	PE.EST.1
<b>ATTACHMENT</b>	<a href="#">12.3.1 - Workforce Plan 2019-2023 (updated)</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 – Performance	<p>3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.</p> <p>3.4 Be organised and transparent with our financial management.</p>	<p>3.1.2 Have a highly rated Customer Service experience from a cohesive, happy and technology-driven workforce.</p> <p>3.4.3 Commit to future state wide measurement systems testing local government performance.</p>

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To present to Council the reviewed Workforce Plan which provides an overview of the capability, capacity and skillsets possessed by our team as well as gaps, opportunities and challenges faced by a small rural based Shire in attracting, retaining and developing staff.

#### **BACKGROUND**

The *Local Government Act 1995* Section 5.56(1) and 5.56(2) requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. The Workforce Plan forms part of the Integrated Planning and Reporting Framework which is an essential planning tool not only for today but beyond tomorrow.

#### **COMMENT**

Kojonup’s workforce and organisational structure of 2018/19 is vastly different to that of 1998/9 as are the tasks, functions, services and planning we undertake in order to deliver realistic and sustainable outcomes. **Kojonup’s workforce planning strives to have the right people, with the right skills and resources in the right place, at the right time and cost to deliver the right outcomes** listed in SMART Possibilities!

What value is placed on intellectual knowledge/capacity/capability/skill sets an organisation possesses because of its employees? Are these positive legacies which underpin the attainment of organisational objectives regardless of staff turnover linked to attracting, retaining and continuous improvement?

Workforce planning helps identify resources/costs required to achieve an organisation's purpose while constantly managing change. Workforce planning assists the organisations knowledge and understanding of the 'business 'of Council to build a resilient, cohesive and sustainable organisation that is demonstrated through work ethic, performance, culture, values and behaviour.

### **CONSULTATION**

Council Briefing Sessions  
Senior Management Team

### **STATUTORY REQUIREMENTS**

*Local Government Act 1995* Section 5.56(1) and (2)

### **POLICY IMPLICATIONS**

Policy Manual - Section 2.2 Human Resources addresses the following employee related aspects which apply to team members and form part of the Employee Induction:

- 2.2.1 Staff Equal Opportunity
- 2.2.2 Elimination of harassment in the workplace
- 2.2.3 Employee Conferences, Seminars and Workshops
- 2.2.4 Education Assistance
- 2.2.5 Presentations – Departing Employees
- 2.2.6 Salary Packaging – Senior Employees
- 2.2.7 Staff Housing
- 2.2.8 Motor Vehicles – Officers
- 2.2.9 Workplace Drug & Alcohol use
- 2.2.10 Leave – Community Service
- 2.2.11 Shire Uniforms
- 2.2.12 Employee Training
- 2.2.13 Employee Assistance Program
- 2.2.14 Occupational Health & Safety

### **FINANCIAL IMPLICATIONS**

The compilation of the Workforce Plan does not in itself have financial implications, however the Shire of Kojonup possesses a workforce of 67.4 FTE with an annual wages bill of approximately \$4 million which is the equivalent income raised through annual rates and charges. Wages are offset by grant income and fees & charges, but unlike similar sized councils, the Shire of Kojonup also owns and operates Springhaven and the Kodja Place.

Given the aging nature of our workforce, provision is being made for long service leave, retirement and annual leave accruals. Traineeship opportunities are always being assessed as an avenue for new career opportunities into local government however placements have been few and far between. Succession planning is critical allowing opportunities for team members to grow and attain skill sets passed on by retiring members. Natural attrition will occur and improved housing provision will be achieved from the 'Building Better Regions Fund' Great Southern Regional Housing Initiative to attract new team members and their families to Kojonup. Financial considerations regarding training and development opportunities will continue to be included in the annual budget together with PPE/OH&S provision, IT, Plant and Equipment resources as all are essential elements of continuous

improvement. FTE levels and Enterprise Bargaining Agreement requirements continue to be monitored in order to **have the right people, with the right skills and resources in the right place, at the right time and cost to deliver the right outcomes.**

#### **RISK MANAGEMENT IMPLICATIONS**

Workforce Management and Culture – Risk considerations listed below also align with our financial implications, policy requirements and asset management outcomes as the CEO, Managers and Supervisors will continue to:

- Review gaps and omissions identified in the Workforce Plan
- Review Organisational Systems Policies and Processes
- Review Training and Development Plans
- Embed Risk Based Performance Indicators within the organisation
- Ensure all current staff are trained and held accountable for risks in functions they have direct responsibility for.
- Ensure Risk Management Awareness and Training is included in all inductions of new staff.

#### **ASSET MANAGEMENT IMPLICATIONS**

As previously stated – people are our greatest asset as they operate IT, plant and equipment, liaise with and bear the brunt of criticism from the community they serve.

Training and development are essential to ensure council possesses an active, experienced and innovative workforce that is more than capable of operating, maintaining and prolonging the life of our substantial assets. Performance measures such as workers compensation claims, lost time through injury, condition and operational life of plant and equipment, condition reports, absenteeism, complaints and compliments, workplace culture and behaviours all affect how we as an organisation and as individual team members strive to improve the Shire of Kojonup and achieve the deliverables listed in the Community Strategic Plan.

#### **SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Strategic Directions (Human Resources) - Goal Four – Increase capacity through collaboration

Strategy 1:

Share systems and processes between member LGAs

Strategy 2:

Develop professional specialities for each LGA

Strategy 3:

Share training and professional development at the officer level.

The Shire of Kojonup presently provides resource sharing services of Building Surveyor and Environmental Health with partner shires.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopt the reviewed Workforce Plan 2019- 2023 as attached.**



12.4. 162 BLACKWOOD ROAD, KOJONUP – UPCOMING LEASING OPPORTUNITY

<b>AUTHOR</b>	Anthony Middleton – Manager of Corporate and Community Services Judy Stewart – Senior Administration Officer
<b>DATE</b>	26 November 2019
<b>FILE NO</b>	CP.LEA.1
<b>ATTACHMENT(S)</b>	12.4.1 – Map showing 162 Blackwood Road, Kojonup

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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 for Council to consider the potential division (by fencing) of Lot 162 Blackwood Road, Kojonup, and subsequent call for tenders for the lease of the land as two parcels of approximately one half of the land each (to commence once the current lease has expired).

**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.

Previously, this land has been leased to the Kojonup Football and Cricket Clubs for farming purposes to provide funding for the Clubs’ ongoing operations and is currently leased to the Kojonup Football Club exclusively, as one parcel of land, with the lease expiring on 29 February 2020.

## COMMENT

When the lease of this property was presented to Council in February 2019, staff raised the possibility of exploring the option to divide this land (by fencing) to 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. Going to tender gives every interested community group or organisation an equal opportunity to express their interest.

During last year's advertising period for the current lease, interest in leasing this land was shown by a number of community groups; however, not all interested parties progressed to submit a tender and one withdrew a tender, both due to uneasiness around upsetting the status quo. One of these interested parties had a very strong strategic link to the outcomes of the Shire's *'Smart Possibilities'* and was seeking a parcel of land for a project that could create significant employment and a value adding industry, addressing many of the goals contained within *Smart Possibilities*:

- 4.1 Be providing business assistance for growth in small local industry;
- 4.2 Have added value to the agricultural sectors to attract new people to the region;
- 4.3 Be attracting support industries and diverse and new business sectors to the region;
- 5.1 Be fueling our analytical knowledge to support business growth, operational excellence and farming productivity;
- 5.2 Be the State's tech-farming epicenter and have an Agricultural Technology Centre for Excellence; and
- 5.3 Be focusing on agricultural research and have maximised the educational potential of such knowledge.

It is proposed that Council, when the current lease expires, divides the land approximately in half and advertises for tenders to lease the resulting two portions of the land separately using the following tender criteria (as required by legislation to be stated before tenders are publicly invited) being:

- |    |                                     |     |
|----|-------------------------------------|-----|
| 1. | Contribution to Smart Possibilities | 60% |
| 2. | Price                               | 10% |
| 3. | Proposed Property Improvements      | 20% |
| 4. | Community Benefit                   | 10% |

Council, if resolving to offer this land for lease following the current lease's expiry on 1 March 2019, may wish to advertise with the following conditions (as have been applied previously with the exception of points 3 and 4 regarding shared responsibility):

- 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 perimeter fences at the current standards with the exception of the fence that divides the land;
- 4. The lessee of each half of the land comprising 162 Blackwood Road, Kojonup, is to jointly maintain the fence that divides the land from the other lessee unless one lessee has caused the dividing fence to require repair whereupon the lessee causing the repair to be required will be responsible for its repair;

5. The Shire will not be liable for any issues arising from fencing and/or containment of stock;
6. The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
7. 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.

It has previously been identified, as part of Council's water harvesting and re-use planning, that there is a need for a dam to store water that can be pumped to either the Showground dam or turkey nest dam. Accordingly, it has previously been suggested that such a dam could be located within the 162 Blackwood Road land, utilising the existing pipework along Blackwood Road. To accommodate this potential proposal, any leases of this land could include a clause that acknowledges that an area may be allocated, during the term of the lease, for such a storage dam.

It is also recognised that, if the land is divided approximately in two across the shortest distance, access will need to be arranged to the section of the land that doesn't front Blackwood Road; this would be addressed in a lease arrangement, if necessary.

#### **CONSULTATION**

Chief Executive Officer

Senior Ranger/Building Maintenance Coordinator (fencing costs)

#### **STATUTORY REQUIREMENTS**

*Local Government Act 1995 s. 3.58:*

##### ***s. 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.*

*Local Government (Functions and General) Regulations 1996 r.14 and r. 18:*

##### ***r. 14 Publicly inviting tenders, requirements for***

(2a) *If a local government —*

(a) *is required to invite a tender; or*

(b) *not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*

##### ***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 \$3,520. Council has allocated \$1,500 in its 2019/2020 budget (Account code 9572) for the purpose of erecting a dividing fence across the land comprising Lot 162 Blackwood Road, Kojonup.

**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 Council**

1. fences into two comparatively equal portions, its land at 162 Blackwood Road, Kojonup, and calls, for public tender, the lease of each half of the land with the following conditions applying:
  - a) Term of lease to be for a period of three (3) years;
  - b) The lessee accepts the property on an 'as is' basis;
  - c) The lessee is to maintain perimeter fences at the current standards with the exception of the fence that divides the land;
  - d) The lessee of each half of the land is to jointly maintain the fence that divides the land from the other lessee unless one lessee has caused the dividing fence to require repair whereupon the lessee causing the repair to be required will be responsible for its repair;
  - e) The Shire will not be liable for any issues arising from fencing and/or containment of stock;
  - f) The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
  - g) 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.

and

**2. applies the following tender grading criteria to each tender for these leases:**

- |                                       |            |
|---------------------------------------|------------|
| • Contribution to Smart Possibilities | <b>70%</b> |
| • Price                               | <b>10%</b> |
| • Proposed Property Improvements      | <b>20%</b> |
| • Community Benefit                   | <b>10%</b> |

13    KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

Nil

14    KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 18 February 2020 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 19 November 2019
Item 10.1	10.1.1	Unconfirmed minutes for the Natural Resource Management Committee meeting 14 November 2019
Item 10.2	10.2.1	Kojonup Pastoral and Agricultural Society Inc. Letter of Request
	10.2.2	Local Government Insurance Services – Public Liability Site Risk Assessment – Kojonup Showgrounds
Item 10.3	10.3.1	Unconfirmed Minutes for the Sports Precinct Advisory Committee Meeting held 28 October 2019
Item 11.1	11.1.1	2019 First & Last Visitor/Transaction Graph
Item 11.3	11.2.1	Application Letter and Plans
Item 12.1	12.1.1	November 2019 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 01/11/2019 to 30/11/2019
Item 12.3	12.3.1	Workforce Plan 2019-2023 (updated)
Item 12.4	12.4.1	Map showing 162 Blackwood Road, Kojonup