

# Kojonup



SHIRE OF KOJONUP

# MINUTES

Ordinary Council Meeting

16 April 2019

**MINUTES FOR THE COUNCIL MEETING HELD ON 16 APRIL 2019**

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MINUTES

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meeting's attention to the disclaimer below:

*Disclaimer*

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

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

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

**Acknowledgement of Country**

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

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

**Prayer led by Cr S Pedler**

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

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

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

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

**2     ATTENDANCE and APOLOGIES**

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

**STAFF**

Rick Mitchell-Collins	Chief Executive Officer
Judy Stewart	Senior Administration Officer
Lorraine Wyatt	Executive Assistant

**LEAVE OF ABSENCE**

Cr Ned Radford

**APOLOGIES**

Anthony Middleton	Manager of Corporate and Community Services
Sue Northover	Manager Aged Care Services
Michelle Dennis	Development Services Coordinator
Phil Shephard	Planner

**MEMBERS OF THE GALLERY**

Pam McGregor  
Leah Wood

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

Nil

**4     PUBLIC QUESTION TIME**

**Pam McGregor**

Within the Expression of Interest lodged by the Shire which was successful in obtaining a \$750,000 grant to build the George Church Medical Centre on Walkers Block, adjacent to the hospital included a \$140,000 component from the Shire for headworks. On behalf of the George Church Community Medical Centre Inc., I am asking if the \$140,000 component will be included in the 2019/20 budget deliberations?

**Response from the Shire President**

Yes, it will be.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 19 MARCH 2019

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

Shire President expanded on the reasoning for exercising a casting vote on item 10.2 at the 19 March 2019 Council Meeting. The agenda item incorrectly stated the item required an absolute majority. Section 5.20(1) of the *Local Government Act 1995* states: “a decision of council does not have effect unless it has been made by simple majority or, if another kind of majority is required under any provisions of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.”

Section 5.21(3) of the *Local Government Act 1995* prescribes that: (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote. The Presiding Member has complete discretion as to how they exercise this casting vote.

The Shire President made the casting vote in order to progress the officer recommendation rather than creating a position where the matter would be reconsidered at the April 2019 meeting.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

*31/19 Moved Cr Fleay seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 19 March 2019 be confirmed as a true record.*

**CARRIED 7/0**

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Nil

## 10 KEY PILLAR 1 – ‘PLACE’ REPORTS

### 10.1 SPORTING COMPLEX – SWIMMING POOL CAR PARK

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 5 April 2019
<b>FILE NO</b>	CP.DAC.12
<b>ATTACHMENT(S)</b>	<a href="#">10.1.1 - Site Plan - Swimming Pool Car Park Design</a>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP – 1 Place	1.2 – Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.2 – Implement and action a Sport, Recreation and Open Space Master Plan. 1.2.5 – Improve disability access to infrastructure and services. 1.2.11 – Sporting Infrastructure Upgrades – Sports Complex Building Defects/Building Compliance/Service Area for bins; Oval drainage/collection of storm water; West Access Upgrade.
KP – 3 Performance	3.3 – Use a Building Assessment Framework and control our investment in building maintenance.	3.3.2 – Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people.

#### DECLARATION OF INTEREST

Nil.

#### SUMMARY

The purpose of this report is to consider community comments received for the Swimming Pool Car Park design for adoption or modification.

#### BACKGROUND

At its meeting held on 20 November 2018, the Council resolved (Decision 136/18) as follows:

1. ...
2. *The site plan and swimming pool carpark design as attached (Attachment 10.4.1) be endorsed;*
3. ...

- 4. *The Chief Executive Officer be authorised to advertise the attached Swimming Pool Car Park Plan (page two of attachment 10.4.1) for public comment and to the Sporting Precinct Advisory Committee for a period of four (4) months, following which a further report to the Council be prepared for consideration into the 2019/2020 budget.***

#### **COMMENT**

In July 2018, a hand drawn draft car park layout for the Swimming Pool level entry was circulated to User Group representatives, Shire staff and Council. The purpose for the preliminary consultation was to assist with the resultant termination of the access ramp between the Swimming Pool level and the Oval. Feedback on the proposed changes were mixed, with many requesting no change to the existing arrangements. Given the extent of service upgrades and works undertaken in the past 12 months, it is considered that works are required to tidy up this space, particularly the termination between the new ramp and new access stairs. Greater definition, particularly near the new stairs and ramp, will assist in wayfinding for those persons that require it.

The attached plan shows more clearly a design in order to seek wider community feedback. Key features of this design include:

- 27 parking bays plus 2 disabled bays and an ambulance/loading bay;
- Continuation and connection of the proposed 2m dual use pathway connecting the stairs/ramp to the swimming pool and Ben Parade;
- Three rows of angle parking, reducing the intrusion into the existing grassed area to approximately 8m (instead of the initial 18.8m, with the original four bay design);
- Facilitate space for an Ambulance bay at the Northern end of the access ramp – this area will double as a loading bay, particularly for gas delivery to the fixed refill point;
- Position of accessible bays with reference to the Swimming Pool and ramp entries;
- Removal of trees that currently cause disturbances to road surfaces. It is proposed to plant more appropriately selected trees along the western edge of the new parking area;
- Installation of car park lighting; and
- Appropriate landscaping of the space between the ramp retaining walls

Members of the Sporting Precinct Advisory Committee were specifically invited to provide comments, along with plans being displayed at sporting and community venues with the invitation to provide comments closing 31 March 2019. Three comments were received as follows:

Feedback received from:	Feedback	Response
<p>21 November 2018</p> <p>Emily Hills President Kojonup Football Club</p>	<p>From my recall when we had our last meeting it was brought to your attention that the loss of such a significant amount of grassed area between the hockey oval and the current swimming pool parking was something that ALL users present at the meeting were not happy with.</p> <p>Discussions were had regarding the installation of angled parking bays on Benn Parade instead, with marked lines to ensure they were used correctly. This would be a much greater increase in parking space than the plan you have attached, whilst not negatively impacting the users of the current grassed area.</p>	<p>Noted.</p> <p>Benn Parade parking can be additional to expanding the swimming pool car park, however, is not suitable for a function inside the pavilion.</p> <p>The current grassed areas at the complex are not heavily utilized and scheduling changes can accommodate numerous games of hockey and football.</p>
<p>11 March 2019</p> <p>Shaydn Gardner President Kojonup Hockey Club</p>	<p>The Kojonup Hockey Club is concerned about the proposed new car park on the north side of the hockey club house adjacent to the swimming pool. This grassed area is use by the Kojonup hockey club though out the winter sport season for both home games and trainings. On game days it is used as an area for the players to warm up before going on the hockey field to play, also a safe area for children of all ages to play on and practice their own hockey skills. It gives a large safe space between the hockey field and car park as there is no playground for the children to play. On home games there are 2/3 of games played on the footy oval and majority of player's park around the oval.</p> <p>At trainings the grassed area is used for minky (year pre-primary to 2) and again is an area where children play as they wait for siblings, friends and family to finish their training.</p> <p>The present car park is a safe distance from the action on the hockey field protecting vehicles from the potential missed hit balls, this saving the owner of the vehicle the difficulty of insurance claims. Bringing the car park closer without a fence is a danger to the vehicles but also people standing in the car park.</p> <p>We would appreciate if you could look at other options like, angled parking along Benn parade as the new design for the car park only fits another 10 car park bays, we believe that this is not enough car parks to make it worthwhile removing perfectly good grass. We would also recommend that</p>	<p>Noted.</p> <p>Benn Parade parking can be additional to expanding the swimming pool car park, however, is not suitable for a function inside the pavilion.</p> <p>The current grassed areas at the complex are not heavily utilized and scheduling changes can accommodate numerous games of hockey and football.</p> <p>A small fence installed between the grassed area and the carpark is considered a good idea to contain balls and children.</p> <p>A bus pull in bay on the north side of the pool along Benn parade is also a good suggestion for drop off and pick up if constructed in conjunction with the proposed footpath as shown on the plan.</p>



	<p>you look at a bus pull in bay on the north side of the pool along Benn parade. This would make easy pickup and drop off for all sized buses and the children coming off the bus would not have to cross the road.</p> <p>The Kojonup Hockey Club ask the council to reconsider the sports-precinct-west-access plan before it is put into action and a valuable used asset is lost the hockey players of our town and the Central Great Southern association.</p>	
<p>28 March 2019</p> <p>James Kelly President Kojonup Squash Club</p> <p>Auskick Coach</p>	<p>I am responding in regards to the proposed works to the swimming pool car park on behalf of the Kojonup Squash Club and as an Auskick coach. The car park only needs a tidy up, for example; filling potholes, new curbing and new marking of lines, including an allocated ambulance bay and a disabled bay. It would be pointless for the proposed work to go ahead for the gain of eleven additional bays. As far as the Squash Club is concerned, there is plenty of parking available around the oval and next to the Swimming Pool to service Tuesday, Wednesday and Thursday evening pennants. In regards to Auskick, the proposed works would see the club lose an area of lawn that is highly utilized every football game when four Auskick ovals are marked out on the existing hockey field.</p> <p>The eleven extra car bays being proposed would not solve the parking issue during peak times. In fact, about fifty additional car parks are required, which could easily be marked out diagonally along Benn Parade. Furthermore, this proposed car park will be closed for football games. This is in order to encourage all cars to park around the football oval and therefore pay to enter making the extra car bays you are proposing pointless. For the few occasions when the Swimming Pool hosts a school carnival or event, more parking than the proposed car park is required.</p> <p>I strongly encourage you to consider marking diagonal parking bays along Benn Parade, as it would provide adequate parking without taking away part of the highly utilized lawn area on the hockey oval. It would be an extremely disappointing outcome if the proposed car park goes ahead, not only for the Squash Club, but in particular for our Auskick kids.</p>	<p>Noted.</p> <p>Benn Parade parking can be additional to expanding the swimming pool car park, however, is not suitable for a function inside the pavilion.</p> <p>The current grassed areas at the complex are not heavily utilized and scheduling changes can accommodate numerous games of hockey and football.</p>

### **CONSULTATION**

Members of the Sporting Precinct Advisory Committee were specifically invited to provide comments, along with plans being displayed at sporting and community venues since November 2018. Comments closed 31 March 2019.

### **STATUTORY REQUIREMENTS**

There are no statutory requirements for this item.

### **POLICY IMPLICATIONS**

Council Policy 2.3.4 “Asset Management” incorporates a Building Assessment Framework when considering new infrastructure or renewal and maintenance of existing infrastructure. This is a qualitative assessment that considers how a building meets the Community Strategic Plan commitments, level of efficiency with regards to operational and maintenance costs, how fit for purpose the building is and its historical and cultural value; applying a weighting and a score out of 100. In July 2017 the Sporting Complex was assessed and achieved a score of 79 out of 100 – the second highest score of all Shire buildings.

Formalizing the extent of remaining works provides clear direction for staff and assists to manage community expectations of the overall precinct.

### **FINANCIAL IMPLICATIONS**

The upgrade of this car park will be budgeted for in the 2019/2020 financial year. The existing car park surface is at the end of its useful life and a new seal and kerbing is required regardless of decisions surrounding expansion or upgrade.

It is estimated that construction of the car park in accordance with the attached plan will be \$200,000.

### **RISK MANAGEMENT IMPLICATIONS**

The current car park area, especially the termination between the new ramp and new access stairs, consists of numerous different surfaces (pavers, gravel, bitumen and sand) possibly resulting in trip hazards for both staff and the general community. In addition, the car park asset has approached the end of its useful life. The reconstruction of this area will benefit the users of the facility and limit future disruptions.

### **ASSET MANAGEMENT IMPLICATIONS**

The Council’s Building Assessment Framework and indeed *Smart Implementation* has a heavy focus on rationalising assets of little value whilst maximising usage of other important community facilities. The recent assessment against the Building Assessment Framework ranks the Sporting Complex second of all ninety-one Shire buildings.

It is important to ensure where possible that funds are set aside for future maintenance and renewals at the Sports Complex in accordance with the Long Term Financial Plan projections so as not to place an unrealistic financial burden or unrealistic expectations on ratepayers or Council.

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

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

*32/19 Moved Cr Mathwin seconded Cr Warland that:*

- 1. The submission received from the Kojonup Junior Football Club, Kojonup Hockey Club and Kojonup Squash Club be received and these organisations be thanked for their input;*
- 2. The attached swimming pool car park design be adopted, subject to the following additions:
  - a. A fence between the car park and hockey grassed area;*
  - b. A drop off and pickup / bus pull in bay on the north side of the swimming pool on Benn Parade be considered; and*
  - c. Car park lighting.**
- 3. The construction of the swimming pool car park design plan be included for consideration into the 2019/2020 budget*

CARRIED 7/0

## 11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

### 11.1 PROPOSED ACCESS FROM LOT 85 JOHN STREET TO KATANNING ROAD

<b>AUTHOR</b>	Michelle Dennis – Development Services Coordinator
<b>DATE</b>	Tuesday, 9 April 2019
<b>FILE NO</b>	A7708
<b>ATTACHMENT(S)</b>	<a href="#">11.1.1 - Main Roads Correspondence</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2018-2022”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP2 – Connected	2.4 – Have enabled and facilitated improved housing options through public and private partnerships.	2.4.1 - Adopt new Town Planning Scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level. 2.4.3 – Support the creation of additional residential lots.
KP3 – Performance	3.4 – Be organized and transparent with our financial management.	3.4.5 – Complete a formal assessment of future demand for assets.

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To consider advice from Main Roads regarding access to the proposed grouped housing development on Katanning Road.

#### **BACKGROUND**

As part of the Shire of Kojonup’s successful Building Better Regions Fund application, two x four bedroom, two bathroom homes were earmarked for construction adjacent to the existing Shire house on Katanning Road.



**26 & 28 Katanning Road** – 2 detached houses  
(Approximate position of building sites shown in grey)

As Katanning Road is a Main Roads controlled road, preliminary enquiries were made with Main Roads regarding the preferred location of the proposed new crossovers to assist with the development of tender documents. These enquiries identified that the access for the Doctor's surgery, car park and existing house have not been approved and Main Roads would not support any additional crossovers to this lot from Katanning Road.

Main Roads would instead prefer that the Shire construct the new dwellings with Murby Street frontage (refer to attached Main Roads correspondence).

#### **COMMENT**

In November 2014, Council considered comments from Main Roads when adopting the Guided Development Plan (GDP) for this area. At that time Main Roads WA requested a service road be included on the Plan to ensure no direct access from lots onto the Katanning Road. At the time when the GDP was considered by Council, Main Roads' requirement was not considered necessary or appropriate given the maximum number of additional driveways to be created would be 8 and this is a minor increase to those number of existing access points along this section of the road. Staff believed the cost of providing a service road would make the project unviable and the current traffic use and volume on the Katanning Road does not seem to warrant this condition.

The service road requirement was discussed on site with the Acting Network Operations Officer from Main Roads who acknowledged that while there had been no crash data to suggest that this section of road was dangerous, Main Roads policy is to restrict access to a Main Road, where an alternate access to a property is available (in this case Murby and John Streets).

It is considered that the Shire has three options.

**Option 1 – Orientate the development from Murby Street**

The development of this site is to be staged. It is considered premature to position the new houses on Murby (or John) Street. The preferred location, Katanning Road, will enable future development of the balance lot, with minimal disruption to existing and future residents. This option is therefore not recommended.

**Option 2 – Ignore Main Roads advice**

Under the provisions of the *Local Government (Uniform Local Provisions) Regulations 1996* a local government is not able to approve a crossover onto a Main Road controlled road without Main Roads comment and approval. To ignore Main Roads advice risks creating a development where access cannot be approved. If a crossover is installed without Main Roads approval, Main Roads may serve an order requiring the crossover to be removed. If the Shire were then to appeal such a notice, it would unlikely be considered favourably by the State Administrative Tribunal.

To ignore Main Roads advice would also potentially affect current positive working relations with Main Roads. This option is therefore not recommended.

**Option 3 – Request a formal reconsideration of Main Roads advice from the Commissioner/Minister**

Shire staff understand that it is a Main Roads policy position to not permit access onto Main Roads controlled roads where alternate access is available. Given there is no crash data available for this section of road, that the increase in crossovers will be minimal, that the new dwellings will complement the existing streetscape it is recommended that Council formally request reconsideration of the Main Roads advice from the Commissioner of Main Roads and the Minister for Transport, prior to progressing the group dwelling development.

**CONSULTATION**

A site visit was held with Main Roads' A/Network Operations Officer, the Shire's Manager Corporate and Community Services, Manager of Works and Services, Town Planner and Development Services Coordinator.

**STATUTORY REQUIREMENTS**

Regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996* contains provisions regarding the local government approval process for the construction of crossovers between a public thoroughfare to private land. Where the public thoroughfare is a controlled by Main Roads, as is the case with Katanning Road, Regulation 14 prohibits a local government from approving a crossover, unless the local government has consulted with the Commissioner and the Commissioner has approved in writing the construction of the crossing. Regulation 14(3) states:

*If a person –*

- a) constructs a crossing to which this regulation applies other than in accordance with approval given by the Commissioner under this regulation; or*

*b) modifies a crossing to which this regulation applies in such a way that it is not in accordance with approval given by the Commissioner under this regulation,  
the Commissioner may, by notice in writing, require the person to bring the crossing into accordance with the approval, if approval was given, or remove the crossing and restore the place where the crossing was to its former condition.*

The correspondence received from Main Roads suggests that they will acknowledge the existing crossovers for the Doctor's surgery and staff house, should a subdivision application be progressed.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

These proposed houses are intended for key worker accommodation – forming part of the successful Building Better Regions Fund application. Crossovers were considered to be included as part of the building tender. The Shire's contribution is in kind (land and project management). The funding does not include the addition of a service road.

#### **RISK MANAGEMENT IMPLICATIONS**

This activity represents a strategic risk to Council. Failing to address access prior to construction would also represent a political risk to the organisation.

#### **ASSET MANAGEMENT IMPLICATIONS**

The proposed new dwellings will required to be added to the Shire's Asset Management Plan. Failing to secure access for the new dwellings risks the creation of an asset that cannot be accessed.

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

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

*33/19 Moved Cr Benn seconded Cr Hobbs that Council:*

- 1. Note the advice from Main Roads and request their formal approval for the existing driveways from Lot 85 onto Katanning Road;*
- 2. Instruct the Chief Executive Officer to:*
  - a. Request a formal reconsideration from the Commissioner of Main Roads to permit additional crossovers from Katanning Road to facilitate the Shire of Kojonup's grouped housing development.*
  - b. Delay construction at 26 and 28 Katanning Road Kojonup pending crossover approval from Main Roads; and*
- 3. Request the Shire President to meet with the Director General of Transport regarding residential access to Katanning Road.*

CARRIED 7/0



11.2 UPDATE OF STAFF AND RESIDENT HANDBOOKS RELATED TO CCTV – RESIDENTIAL AGED CARE FACILITIES

<b>AUTHOR</b>	Sue Northover – Manager Aged Care Services
<b>DATE</b>	Wednesday 10 April 2019 2018
<b>FILE NO</b>	CS.SVP.10
<b>ATTACHMENT(S)</b>	11.2.1 - Resident Handbook 11.2.2 - Staff Handbook

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups	2.2.6 - Aged care service will remain compliant with the following accreditation standards: <ul style="list-style-type: none"> <li>• Standard 1 – Management systems, staffing and organisational development.</li> <li>• Standard 2 – Health and personal care.</li> <li>• Standard 3 – Resident lifestyle</li> <li>• Standard 4 – Physical environment and safe systems</li> </ul>

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Staff and resident handbooks have been updated to reflect the use of Closed Circuit Television (CCTV) cameras at Springhaven Frail Aged Lodge. A sign will also be placed at the entrance to the facility indicating CCTV cameras are in use. Along with this we have added an introduction to both handbooks outlining our commitment to maintain resident dignity, choice and identity in line with the new standards commencing 1 July 2019.

**BACKGROUND**

While attending an Aged Community Services Australia (ACSA) symposium in Perth last month a session on the use of CCTV cameras was held. At the session we were informed all staff, residents, their families and visitors should be made aware that CCTV cameras are in use at Springhaven Lodge. On return to the facility a review of staff and resident handbooks was completed and there was no reference to the use of CCTV cameras at the facility.

**COMMENT**

The Shire of Kojonup and Springhaven Frail Aged Lodge will take all reasonable steps to inform new residents and their families of the presence of CCTV cameras in common areas of the facility and reassure them that under no circumstances will their privacy be invaded. We will continue to reassure them that the cameras are not in bedrooms or private areas including ensuite toilets and communal bathrooms.

The facility prides itself on maintaining our resident’s privacy, dignity and choice at all times.

**CONSULTATION**

Aged and Community Services Australia  
Springhaven Staff  
Care Recipients  
Senior Management Team

**STATUTORY REQUIREMENTS**

*Australian Aged Care Quality Act 2013*  
Quality Agency Reporting Principles 2013(96.1)  
Compliance with Accreditation Standards

**POLICY IMPLICATIONS**

The update of staff and resident handbooks related to the use of CCTV cameras at Springhaven Frail Aged Lodge complements policy number 2.3.9

**FINANCIAL IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

*34/19 Moved Cr Mathwin seconded Cr Warland that Council:*

- 1. Accepts the update of staff and resident handbooks related to the use of CCTV cameras at Springhaven Frail Aged Lodge; and*
  
- 2. Approves the addition of an updated introduction to the handbooks related to the implementation of the new aged care standards on 1 July 2019.*

**CARRIED 7/0**

## 12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

### 12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MARCH 2019)

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Monday, 8 April 2019
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<a href="#">12.1.1 – March 2019 Monthly Financial Statements</a>

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

#### DECLARATION OF INTEREST

Nil.

#### SUMMARY

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

#### BACKGROUND

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

#### COMMENT

The attached Statement of Financial Activity for the period 1 July 2018 to 31 March 2019 represents nine (9) months, or 75% of the year.

The following items are worthy of noting:

- Closing surplus position of \$839,228;
- Operating results:
  - 73% of budgeted operating revenue has been received; and
  - 78% of budgeted operating expenditure spent;
- Capital expenditure achieved 37% of budgeted projects;
- The value of outstanding rates equates to 5.8% of 2018/2019 rates raised;
- Cash holdings of \$4.83m of which \$3.59m is held in cash backed reserve accounts; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6. Attention is raised to the road maintenance sub program on page 31, currently running at 90% of total year’s budget or \$213,000 above year-to-date budget estimates;

#### 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/COUNCIL DECISION**

*35/19 Moved Cr S Pedler seconded Cr Benn that the monthly financial statements for the period 1 July 2018 to 31 March 2019, as attached, be noted.*

CARRIED 7/0

12.2 MONTHLY PAYMENTS LISTING

<b>AUTHOR</b>	Melissa Binning – Finance Officer
<b>DATE</b>	Thursday, 4 April 2019
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">12.2.1 – Monthly Payment Listing 01/03/2019 to 31/03/2019</a>

<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 March 2019.

**BACKGROUND**

Not applicable.

**COMMENT**

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

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

**CONSULTATION**

No consultation was required.

**STATUTORY REQUIREMENTS**

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

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

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

**STRATEGIC/CORPORATE IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

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

**ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

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

Refer to the VROC Strategic Plan

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

*36/19 Moved Cr Mathwin seconded Cr I Pedler 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:*

<i>FROM – 1 March 2019</i>		<i>TO – 31 March 2019</i>
<i>Municipal Cheques</i>	<i>14111 – 14115</i>	<i>\$24,832.05</i>
<i>EFTs</i>	<i>23228 – 23389</i>	<i>\$452,839.09</i>
<i>Direct Debits</i>		<i>\$377,731.94</i>
<i>Total</i>		<i>\$855,403.08</i>

*be received.*

CARRIED 7/0

12.3 EXTRACTIVE INDUSTRIES LOCAL LAW (CONSIDERATION OF)

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	08 March 2019
<b>FILE NO</b>	LE.LCL.1
<b>ATTACHMENT(S)</b>	<b>12.3.1 - Western Australian Local Government Association (WALGA) Model Extractive Industries Local Law</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>
KP3 - 3 Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.3 - Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council to consider the need to have an Extractive Industries Local Law, as per decision 32/18:

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

- 1. Update existing local laws in accordance with the Model Local Law:**
  - a) Activities in Thoroughfares and Trading in Thoroughfares and Public Places;*
  - b) Cemeteries;*
  - c) Health;*
  - d) Local Government Property; and*
  - e) Standing Orders.*
- 2. Adopt new local laws in accordance with the Model Local Law:**
  - a) Bushfire Brigades Local Law*
  - b) Dogs Local Law*
  - c) Fencing Local Law*
  - d) Urban Environment and Nuisance Local Law*
- 3. Not pursue the following proposed local laws as identified in the Southern Link VROC Local Law Review:**
  - a) Landfill and Transfer Station Local Law*
  - b) Parking and Parking Facilities Local Law*
  - c) Pest Plants Local Law*
  - d) Waste Services Local Law*
  - e) Cats Local Law*

***4. Further investigation into the pros and cons around having an Extractive Industries Local Law.”***

**BACKGROUND**

In April 2018 Council resolved (as above), following receipt of a Local Law Review report compiled by the Chief Executive Officer of the Shire of Broomehill-Tambellup for the Southern Link Voluntary Regional Organisation of Councils (VROC), to further investigate the pros and cons of having an Extractive Industries Local Law.

**COMMENT**

Extractive Industries can be defined as the processes involved in the extraction of raw materials from the earth (e.g.; oil, gas, mining, quarrying etc).

The author has consulted with the Manager Corporate and Community Services, the Shire’s Town Planner, and the Western Australian Local Government Association’s (WALGA) Governance Manager with regard to the need for an Extractive Industries Local Law for the Shire of Kojonup.

An Extractive Industries Local Law deals with licences, control, enforcement, operational and closure issues relating to extractive industries (see attached model Extractive Industries Local Law) with land use and development falling within the planning domain. Both the Shire’s Manager of Corporate and Community Services and the Shire’s Town Planner are not aware of the likelihood of applications for licences dealing with extractive industries in the Shire of Kojonup at this time.

WALGA’s understanding is *‘that an Extractive Industries Local Law is not necessarily required, if a Local Government has adopted relevant planning policies to consider an extractive industry land use’* and *‘... that Local Laws should only address matters relevant to each individual Local Government.’*

The extraction of gravel, sand and other matter, by a local government, is covered under s. 3.27 of the *Local Government Act 1995* (see Statutory Requirements).

Based on advice to hand and given that an Extractive Industries Local Law is not *required* at this point in time but could be given consideration if there became a time when one was required, the recommendation is that the Shire of Kojonup does not adopt an Extractive Industries Local Law at this time.

**CONSULTATION**

Manager Corporate and Community Services, Shire of Kojonup  
Town Planner, Shire of Kojonup  
James McGovern - Manager Governance, WALGA

**STATUTORY REQUIREMENTS**



***s 3.27. Particular things local governments can do on land that is not local government property***

(1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.

***Schedule 3.2 — Particular things local governments can do on land even though it is not local government property***

[Section 3.27(1)]

3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.

Section 3.36 applies.

Section 3.27(3) applies.

4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.

Section 3.36 applies.

Section 3.27(3) applies.

Section 3.36 relates to opening of fences, section 3.27 (3) relates to land that is being developed or cultivated.

***Division 2 — Legislative functions of local governments***

***Subdivision 1 — Local laws made under this Act***

***3.5. Legislative power of local governments***

(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

(2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 3.6.

(3) The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.

(4A) Nothing in the Building Act 2011 prevents a local government from making local laws under this Act about building work, demolition work, a standard for the construction or demolition of buildings or incidental structures, or the use and maintenance of, and requirements in relation to, existing buildings or incidental structures, as those terms are defined in section 3 of that Act.

(4B) Nothing in the Health (Miscellaneous Provisions) Act 1911 or the Public Health Act 2016 prevents a local government from making local laws under this Act about matters relating to public health (as defined in the Public Health Act 2016 section 4(1)).

(4) Regulations may set out —

(a) matters about which, or purposes for which, local laws are not to be made; or

(b) kinds of local laws that are not to be made,

and a local government cannot make a local law about such a matter, or for such a purpose or of such a kind.

(5) Regulations may set out such transitional arrangements as are necessary or convenient to deal with a local law ceasing to have effect because the power to make it has been removed by regulations under subsection (4).

[Section 3.5 amended: No. 64 of 1998 s. 5; No. 24 of 2011 s. 166(2); No. 19 of 2016 s. 166.]

### **3.10. Creating offences and prescribing penalties**

(1) A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.

(2) If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

(3) The local law may provide for the imposition of a minimum penalty for the offence.

(4) The level of the penalty may be related to —

(a) the circumstances or extent of the offence;

(b) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.

[(5) deleted]

(6) A local law made under this Act may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.

[Section 3.10 amended: No. 1 of 1998 s. 7.]

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

If resolving to adopt the model Extractive Industries local law, costs for advertising and gazettal (as part of the overall VROC local law review process) will be incurred; provision for advertising exists within the budget.

#### **RISK MANAGEMENT IMPLICATIONS**

Nil whilst there are no extractive industries operating in the Shire of Kojonup.

#### **ASSET MANAGEMENT IMPLICATIONS**

Nil

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

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

Strategy 1 – 'Share systems and processes between member LGAs'

The VROC is currently reviewing members' local laws as a collective group. Whilst not all members will have the entire suite of local laws currently available and some will have local laws that others do not, the aim, for those local laws that are common to some or all members, is to use the current model local law (updating to the model where an existing local law is already in existence).

Of the other three VROC members, two have previously had and are likely to continue to have an Extractive Industries Local Law and the other is looking to form an Extractive Industries Local Law.

**VOTING REQUIREMENTS**

Simple majority (absolute majority if Council resolves to have an Extractive Industries Local Law and when such a law is formally adopted as part of the Southern Link VROC Local Law review process).

**OFFICER RECOMMENDATION/COUNCIL DECISION**

*37/19 Moved Cr Benn seconded Cr Hobbs that the Shire of Kojonup does not form an Extractive Industries Local Law.*

CARRIED 7/0

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

**13.1 DEVELOPMENT APPLICATION FOR NEW STORAGE SHED AT LOT 17 STOCK ROAD, KOJONUP.**

<b>AUTHOR</b>	Phil Shephard – Town Planner
<b>DATE</b>	Tuesday, 9 April 2019
<b>FILE NO</b>	A13276
<b>ATTACHMENT(S)</b>	<a href="#">13.1.1 - Application Plan</a>

<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>
Nil	Nil	Nil

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider the application for development approval to construct a new 18m x 12m outbuilding on the above property as shown on the attached plans. The new outbuilding, if approved, would result in a cumulative outbuilding floor area of 504m<sup>2</sup> which exceeds the maximum floor area of 200m<sup>2</sup> permitted under Council’s adopted Town Planning Scheme Policy.

The new outbuilding is proposed to be setback 2m from the side boundary which is less than the 15m setback required under Town Planning Scheme No. 3.

These exceed the delegation available to staff to deal with the application and it must be referred to Council for a decision. The recommendation is to grant development approval subject to conditions.

**BACKGROUND**

Nil.

**COMMENT**

The lot has been developed with a dwelling, granny flat and 2 outbuildings. The existing outbuildings are 72m<sup>2</sup> in area used as a wood shed and 216m<sup>2</sup> which is used as a pool enclosure. The applicants are now seeking approval for a 12m x 18m outbuilding. The outbuilding will be constructed of steel frames and clad with ‘deep ocean’ coloured tin sheeting. The applicants require the new outbuilding for storage of personal items including boat, cars etc.

The site is shown in the image below:



Lot 17 bordered in red showing existing approved dwelling and outbuildings and proposed new outbuilding site (Image Landgate Map Viewer Plus)

The lot has frontage and access/egress to Stock Road. Urban servicing including water, telecommunications and power are available to the site. No sewer is connected to the lot.

The proposed position of the outbuilding will be located behind the dwelling when the property is viewed from Stock Road. The cladding materials/colours matches the existing improvements on the lot.

#### Zoning and Land Use/Development

The land is zoned Special Rural under Town Planning Scheme No. 3 (TPS3). The lot is 2ha's in area and the existing buildings have been clustered in the eastern part of the property with the western portion used as a paddock.

The new outbuilding is consistent with the definition of warehouse/storage under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The land use is a discretionary land use within the Special Rural zone which means that the Council, may at its discretion, permit the use.

TPS3 (c.5.12.3) requires that all dwellings or other structure be setback a minimum of 15m from the boundary unless Council approves a lesser setback.

#### Bushfire Planning

The proposed site for the outbuilding is within the DFES bushfire prone area mapping and building requirements may apply to the construction of the outbuilding to comply with AS3959 Construction of buildings in bushfire-prone areas.

Town Planning Scheme Policy Implications

The proposed new outbuilding would create a cumulative floor area of 504m<sup>2</sup> for all the outbuildings on the site which exceeds the maximum floor area of 200m<sup>2</sup> in Council's adopted Town Planning Scheme Policy No. 5 'Outbuildings in the Residential, Residential Development and Special Rural Zones'.

The Policy states:

*Objective*

- a) *To set controls on the size of outbuildings permitted within the Residential, Residential Development and Special Rural zoned areas of the Shire.*
- b) *To achieve a balance between providing for the various legitimate needs of residents for outbuildings for storage and minimising any adverse impacts outbuildings may have on neighbours or a street/neighbourhood.*

*Policy Requirements*

*Development Standards*

*The outbuilding shall comply with the standards in the following Table:*

<b>Zone</b>	<b>Max. Wall Height (m)</b>	<b>Max. Ridge Height (m)</b>	<b>Max. Floor Area (gross floor area of all outbuildings on lot)</b>
<i>Special Rural</i>	4.5	6.0	200m <sup>2</sup>

*When considering a proposal for an outbuilding, Council will have regard to:*

- a) *Any approved land use and activities operating on the site and the need and purpose for the outbuilding;*
- b) *The compatibility of the outbuilding with its surroundings and any other existing approved outbuildings in the street/area;*
- c) *Whether the outbuilding complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area; and*
- d) *Whether rationalisation or reduction in the number of existing outbuildings can be achieved.*

The new outbuilding does achieve the max. wall height and max. ridge heights standards in the Policy. Given the specialised nature of the other large outbuilding on the property, being a pool enclosure, the new outbuilding is required by the applicants for storage purposes.

The applicants have received written support for the new outbuilding and the reduced 2m side setback from the affected neighbour to the east (Lot 5).

Matters to be considered

The Scheme (c.6.3.2) requires the Council have regard to a number of relevant matters which are discussed below in considering whether to approve/refuse the application.

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed development of the outbuilding is considered consistent with the aims and provisions of TPS3 for the development of special rural zoned land.
(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 proposed development is consistent with the orderly and proper planning of the area.
(c) any approved State planning policy;	The proposed development is consistent with the aims and provisions of the following SPP: 3.7 Planning in Bushfire Prone 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 proposed outbuilding is consistent with other approved outbuildings in the special rural zoned areas around Kojonup in terms of size, height, bulk and scale. The outbuilding and reduced 2m side setback has written support from the affected neighbour.
(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 have a negative impact on the amenity of the locality.
(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;	No clearing of any trees/shrubs is mentioned in the application and no additional landscaping is considered necessary in this instance.

(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 site is not known to be affected by any natural hazard including flood, subsidence, erosion etc. The property is within the DFES bushfire prone mapping and may need to incorporate measures to comply with AS3959.
(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;	No changes to the existing access/egress are proposed in the application.
(w) the history of the site where the development is to be located;	The property has been developed with the main residence and other buildings for many years.
<i>c.78E.(1) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i> 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.	See (q) above.

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

*1 Not approve the proposal*

The Council can choose to refuse to approve the proposal and advise the proponent giving reasons. If this option was chosen, the outbuilding would not be able to be constructed.

*2 Approve the proposal*

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

*3 Defer the proposal*

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

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

### CONSULTATION

The applicants have provided a written letter of support for the new outbuilding and reduced 2m side setback from the affected neighbours.

### STATUTORY REQUIREMENTS

*Planning and Development Act 2005* – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.



**POLICY IMPLICATIONS**

The Council has an adopted Town Planning Scheme Policy No. 5 ‘Outbuildings in the Residential, Residential Development and Special Rural Zones’. The proposed outbuilding does not achieve all of the Policy standards/requirements.

In considering the weight to place upon the Policy, c.7.6.4 of TPS3 advises:

*A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.*

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the planning application fee of \$147 as set out in the adopted 2018/19 Schedule of Fees and Charges.

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

Nil.

**RISK MANAGEMENT IMPLICATIONS**

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
Council does not grant development approval for the outbuilding	Unlikely (D)	Minor (2)	Low	Manage by routine procedures, unlikely to need specific application of resources.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

*38/19 Moved Cr Warland seconded Cr S Pedler that Council grant development approval for the new 12m x 18m outbuilding and reduced 2m side setback on Lot 17 Stock Road, Kojonup subject to the following conditions:*

- 1) The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.*
- 2) The outbuilding to be clad in 'deep ocean' coloured metal sheeting.*

Advice Notes:

- 1) You are required to obtain a Building Permit prior to any construction activity commencing.
- 2) Your property is within a bush fire prone area designated by the Department of Fire and Emergency Services and certain construction requirements may apply to the construction of the outbuilding.
- 3) The total floor area for outbuildings approved on your property exceeds the maximum 200m<sup>2</sup> permitted under Council's adopted Town Planning Scheme Policy No. 5 and it is unlikely that additional outbuildings would be approved without exceptional circumstances applying.

CARRIED 7/0

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 21 May 2019 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.16pm.

20 **ATTACHMENTS (SEPARATE)**

Item 7	7.1.1	Minutes of the Ordinary Council Meeting held 19 March 2019
Item 10.1	10.1.1	Site Plan – Swimming Pool Car Park Design
Item 11.1	11.1.1	Main Roads Correspondence
Item 11.2	11.2.1	Residents Handbook
	11.2.2	Staff Handbook
Item 12.1	12.1.1	Financial Management – Monthly Statement of Financial Activity (March 2019)
Item 12.2	12.2.1	Monthly Payments Listing 1/3/2019 to 31/3/2019
Item 12.3	12.3.1	Western Australian Local Government Association (WALGA) Model Extractive Industries Local Law
Item 13.1	13.1.1	Application Plan

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**Presiding Member**

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**Date**