



**SHIRE OF KOJONUP**

# **MINUTES**

**Ordinary Council Meeting**

**21 March 2017**

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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 drew the meeting's attention to the disclaimer below:

*Disclaimer*

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

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

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

### 2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Frank Pritchard	
Cr Ian Pedler	
Cr Graeme Hobbs	
Cr Ned Radford	
Cr Judith Warland	
Cr Jill Mathwin	
Mr Anthony Middleton	Acting Chief Executive Officer
Mr Craig McVee	Manager Works & Services
Miss Miranda Wallace	Executive Assistant
Mrs Michelle Dennis	Development Services Coordinator

#### **APOLOGIES**

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Phil Shephard	Town Planner
Mr Mort Wignall	Manager Regulatory Services

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

Nil

**4      PUBLIC QUESTION TIME**

Nil

**5      PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**6      APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7      CONFIRMATION OF MINUTES**

ORDINARY MEETING 21 FEBRUARY 2017

**COUNCIL DECISION**

**18/17      Moved Cr Pritchard, seconded Cr Hobbs that the Minutes of the Ordinary Meeting of Council held on 21 February 2017 be confirmed as a true record.**

**CARRIED      8/0**

**8      ANNOUNCEMENTS by the Presiding Member without discussion**

Nil

**9      DECLARATIONS OF INTEREST****Item 12.2:**

- Cr Hobbs declared a ‘Proximity’ interest as he is an adjoining land owner.

**Item 16.2:**

- Cr Fleay declared a ‘Financial – Direct’ interest because as the Shire President, she drives the vehicle that the policy relates to.

**10 CORPORATE SERVICES REPORTS****10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (FEBRUARY 2017)**

AUTHOR: Anthony Middleton – Manager Corporate Services  
 DATE: Thursday, 9 March 2017  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 28 February 2017.

**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 2016 to 28 February 2017 represents eight (8) months, or 67% of the year. The following items are worthy of noting:

- Surplus position of \$1.845m;
- Operating results:
  - 66% of budgeted operating revenue received; and
  - 68% of budgeted operating expenditure spent;
- Capital expenditure achieved 38% of budgeted projects;
- The value of outstanding rates equates to 9.2% of 2016/2017 rates raised, which includes previous years arrears but excludes deferred rates;
- Cash holdings of \$4.3m of which \$3.05m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

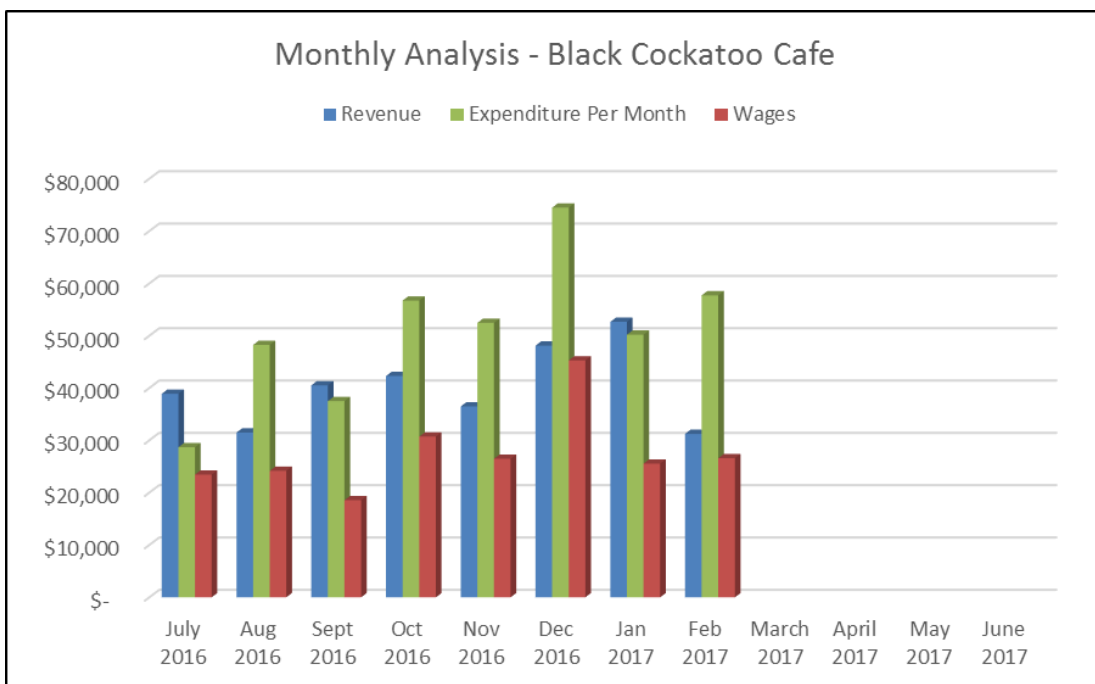
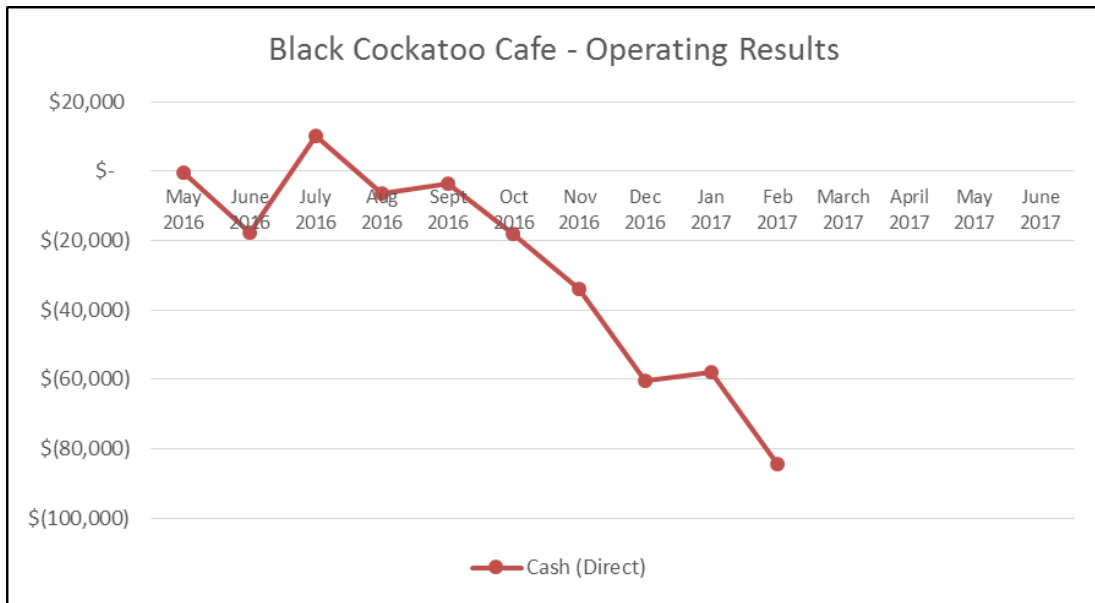
The following capital expenditure projects have exceeded their authorised budgets:

COA	Description	Resp. Officer	Original Budget	YTD Actual	% of Annual Budget
C297	Independent Living Units - Land	CEO	\$108,000	\$158,288	147%
C165	Landfill Site – Boundary Fence	MRS	\$25,000	\$28,739	115%

Account C297 is an allocation error, as this project has three (3) separate account numbers. The project as a whole has not exceeded the authorised budget.

The Council's attention is again drawn towards the financial results of the Black Cockatoo Café. During the month of February 2017, total costs increased slightly while revenue dropped dramatically, resulting in a net loss for the month of over \$26,000. As at 28 February 2017, the operating deficit (excluding capital grants) was \$84,283, already surpassing the revised budget adopted in January of \$78,000.

The following graphs demonstrate The Black Cockatoo Café financial position at 28 February 2017:



Following a request from the CEO for further information on the Black Cockatoo café, the following is provided:

#### **Account 8567 – ‘Cost of Goods Sold’**

An analysis of the transactions of this account show that it is just for the purchase of food, drinks and coffee. Amount spent within this account per supplier is as follows:

- PFD \$77,849
- Kojonup IGA \$35,196
- Grande Foods \$11,960
- DBC \$10,433
- Other (Coffee) \$7,774
- Schweppes \$4,357

- Kojonup Bakery \$2,879
- \$150,449

This account totals \$150,449 as at end of February. Along with Salaries (\$220,866), Superannuation (\$16,868) and Utilities (\$9,114) this is the majority of the Black Cockatoo Café expenditure. Account 8546, Minor Equipment and Repairs has only incurred \$2,200.

With the graph shown above, it is important to note that the red (wages) column is incorporated within the green (total expenditure) column and not in addition to.

## **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**

There are no policy implications for this report.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC/CORPORATE IMPLICATIONS**

### Community Strategic Plan 2013 – 2023

Outcomes:

- G1 - Being Well Governed

### Corporate Business Plan 2013 – 2017

Objectives:

- G1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.1.4 Maintain robust systems and controls

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

## **ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

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

Nil.

## **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**19/17     Moved Cr Hobbs, seconded Cr Mathwin that the monthly financial statements for the period 1 July 2016 to 28 February 2017, as attached, be noted.**

**CARRIED     8/0**



## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer  
DATE: Friday, 10 March 2017  
FILE NO: FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing 01/02/2017 – 28/02/2017

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To receive the list of payments covering the month of February 2017

### **BACKGROUND**

Not applicable.

### **COMMENT**

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

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

### **CONSULTATION**

No consultation was required.

### **STATUTORY REQUIREMENTS**

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

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

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

### **STRATEGIC/CORPORATE IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

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

**ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

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

Refer to the VROC Strategic Plan

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**20/17** Moved Cr Warland, seconded Cr 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:

FROM – 1 February 2017		TO – 28 February 2017
Municipal Cheques	13838 – 13847	\$20,463
EFTs	18035 - 18253	\$523,778.24
Direct Debits		\$390,836.99
Total		\$935,078.23

be received.

**CARRIED 8/0**

### 10.3 RISK MANAGEMENT PLAN – REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services  
DATE: Sunday, 12 March 2017  
FILE NO: CM.TND.1  
ATTACHMENT: 10.3.1 Risk Management Plan – Proposed with Tracked Changes  
10.3.2 Risk Management Plan – Proposed

#### DECLARATION OF INTEREST

Nil.

#### SUMMARY

The purpose of this report is to review the Risk Management Plan.

#### BACKGROUND

The Risk Management Plan was last reviewed by the Council at its meeting held 16 February 2016, where it resolved:

*“That Council adopt the updated Risk Management Plan and Risk Registers in accordance with the recommendation of the Audit Committee.”*

#### COMMENT

A review of the Risk Management Plan has been undertaken. Typically only minor changes to better reflect the organisation have been made, along with some updates to reflect our improved position along the risk management journey. Most substantial changes have been made to Appendix Two (Risk Management Action Plan) and Appendix Three (Specific Areas of Applied Risk Management). A copy of the Risk Management Plan showing the changes made is attached, along with a ‘clean’ copy which is recommended for adoption.

#### CONSULTATION

Records Officer. Senior Management Team.

#### STATUTORY REQUIREMENTS

Whilst a risk management plan is not required specifically under legislation, regulation 17 of the *Local Government (Audit) Regulations 1996* requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to*
  - a. Risk management; and*
  - b. Internal control; and*
  - c. Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

As such it is completed as a measure of good governance.

#### POLICY IMPLICATIONS

Council Policy 2.3.5 – ‘Risk Management’ is central to the risk management plan and procedures.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC/CORPORATE IMPLICATIONS**Community Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.4.1 – Implement organisation wide risk management.

**RISK MANAGEMENT IMPLICATIONS**

This plan underpins all risk management aspects pertaining to Council.

**ASSET MANAGEMENT PLAN IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**21/17     Moved Cr Mathwin, seconded Cr Pedler that the revised Risk Management Plan dated March 2017, as attached, be adopted.**

**CARRIED     8/0**

## **11 WORKS & SERVICES REPORTS**

### **11.1 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS**

AUTHOR: Craig McVee – Manager Works & Services  
DATE: Wednesday, 15 March 2017  
FILE NO: GS.PRG.11  
**ATTACHMENT: Nil**

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To seek Councils support of the Western Australian Local Government Association (WALGA) approach to the Federal Government to allow Local Governments to directly undertake WA Natural Disaster Relief and Recovery Arrangements (WANDRRA) and claim reimbursement of costs incurred using Local Government resources in restoring public assets damaged in declared natural disaster areas.

#### **BACKGROUND**

Currently, Local Governments can only recover costs incurred by contractors or in overtime payments to staff when reinstating public assets damaged or destroyed in natural disasters.

#### **COMMENT**

The current arrangements do not satisfactorily take into account the constraints experienced by Local Governments, especially the recent wide spread flooding events which caused significant damage to roads, bridges etc. and then trying to access contractors (following a tender process) to undertake repairs in a timely manner. The WALGA recommendation would allow Local Government to undertake repairs to any damage in a more time efficient manner.

#### **CONSULTATION**

A workshop was attended by Main Roads, Local Government, WALGA, Department of Premier and Cabinet and the Office of Emergency Managements (OEM). Delegates agreed that the current Federal Government proposal to allow claims for Local Governments day labour but excluding plant and consumables would result in substantial under recovery for Local Governments and would not provide a feasible alternative to the current methodology of contracting out all the works. It was agreed to develop an approach based on an Upfront Model proposed by the Federal Government for potential implementation next year with the following framework:

- Local Governments will prepare an upfront scope of works and cost estimate.
- Main Roads will approve the scope of works and estimate and authorise the works to proceed.
- Local Governments will have the flexibility to execute the work using any method that they consider the most practical and cost effective.
- Local Government will claim full reimbursement based on certificates of work completed. This could be monthly or on completion.
- There will be a mechanism to accommodate variation for latent defects and other unforeseen issues; and
- There will be an opportunity to claim a percentage of the estimated cost as an upfront payment.

The OEM have compiled a discussion paper and ministerial briefing seeking an exemption from the Federal Government in order to trial this model for restoration work needed following recent disaster events.

If the reformed model is not accepted then the OEM has further asked for an alternative exemption where the use of own source labour including plant and consumables be accepted. (Ref. Councillor Direct Issue No.9)

## **STATUTORY REQUIREMENTS**

*Local Government Act 1995*

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

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Local Governments are eligible to pay 25% of costs up to a maximum of \$150,000. These costs are to be allocated via a budget amendment. The balance of 75% is funded through WANDRRA.

## **STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013 – 2023

Outcomes:

- N2 – Living in a safe community
- G1 - Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- N2.1 – To Improve Road Safety
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations

## **RISK MANAGEMENT IMPLICATIONS**

There are risks to members of the public if the works/infrastructure is not undertaken in a timely manner, leading to potential loss of trade. There is the risk of poor reputation to Council regarding the quality of its road network.

## **ASSET MANAGEMENT PLAN IMPLICATIONS**

Section 8 Roads – Levels of Service. The road network in Kojonup is designed to connect farms to the local town sites. The community expectation of the Shire is to provide a level of service on all roads to minimise road closures during inclement weather conditions.

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

Ability of Works Managers to share Council plant and equipment especially on outer areas of shires restricted under present arrangements.

## **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION/OFFICER RECOMMENDATION**

- 22/17     Moved Cr Pedler, seconded Cr Radford that Council support the WALGA's recommendation to enable Local Governments to claim reimbursement of costs incurred in restoring public assets damaged in declared natural disasters through WANDRRA.**

**CARRIED     8/0**

## **12 REGULATORY SERVICES REPORTS**

### **12.1 DEVELOPMENT APPROVAL APPLICATION FOR NEW SINGLE DWELLING ON LOCATION 6471 TONE ROAD, ORCHID VALLEY**

AUTHOR: Phil Shephard – Town Planner  
DATE: Thursday, 9 March 2017  
FILE NO: A4929  
**ATTACHMENT:** 12.1 Location Plan

#### **DECLARATION OF INTEREST**

Nil.

#### **SUMMARY**

To consider an application for development approval to construct a new single-storey dwelling on the above property as shown on the attached plans.

Council approval is required as:

- The site of the new dwelling is contained within the bush fire prone areas mapped by the Department of Fire and Emergency Services (DFES), and
- There is an existing dwelling on the property and Town Planning Scheme No. 3 (TPS3) restricts residential uses to only 1 single dwelling per lot in the Rural zone.

The recommendation is to grant development approval subject to conditions.

#### **BACKGROUND**

Nil.

#### **COMMENT**

##### Proposal

The proponents wish to construct a new dwelling on the property and seek to reclassify the existing dwelling to shearers quarters and utilise it for seasonal farm workers accommodation such as shearing contractors etc.

The new dwelling will be single-storey and approximately 184m<sup>2</sup> in area with concrete floor, steel frame construction and clad with duraplank weatherboards for the walls and zincalume metal sheeting for the roof. It will utilise an on-site water supply and onsite effluent disposal system.

The lot has frontage to Tone Road and Hubbe Road. There is existing access point onto Tone Road; Hubbe Road is unmade.

The site of the new dwelling and proposed shearers quarters are shown in the following image.





*Aerial image showing new dwelling site and proposed shearers quarters  
(Image Google Earth)*

#### Zoning and Land Use/Development

The land is zoned Rural under TPS3 and the following objectives apply to the zone:

- a) *The zone shall consist of predominantly rural uses.*
- b) *To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.*
- c) *To protect the land from closer development which would detract from the rural character and amenity of the area.*
- d) *To prevent any development which may affect the viability of a holding.*
- e) *To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.*

The proposal is considered to be consistent with these objectives.

TPS3 requires the development of a dwelling in the Rural zone achieve the following setbacks:

Setback	Minimum Distance	Comment
Front	20m	Proposal achieves 660m
Side	10m	Proposal achieves 690m to the Southern side boundary and over 1200m to the Northern side boundary
Rear	10m	Proposal achieves over 1200m to rear boundary

The position of the shearers quarters also exceeds the minimum setbacks required.

#### Bush Fire Planning

The proposed site for the dwelling and other improvements are within the DFES bush fire prone area mapping (see following map excerpt).



*DFES Bush Fire Prone Mapping showing Location 6471*

The applicant has submitted a Bushfire Attack Level (BAL) Report/Certificate advising the site has a BAL of 12.5 meaning the dwelling is most likely to be subject to ember attack during a bush fire.

The dwelling is a habitable building (Class 1A) and is required to comply with State Planning Policy 3.7 (SPP 3.7) – Planning in Bushfire Prone Areas and Australian Standard 3959 – 2009 (AS3959) Construction of Buildings in Bushfire-Prone Areas. The construction of the dwelling will need to comply with any relevant construction requirements from AS3959 which will be addressed through the Building Permit process.

#### 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 new dwelling and reclassifying of the shearers quarters is considered consistent with the aims and provisions of TPS3 for the development of 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 developments are consistent with other similar combinations of main dwelling and workers accommodation operating during seasonal activities in the area. The setbacks, height, bulk and scale are also compatible with other similar buildings in the area.
(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.
(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 proposal includes on-site water supply and effluent disposal systems.
(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 is required 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;	Except bush fire risk, the dwelling site is not known to be affected by any natural hazard including flood, subsidence, erosion etc.
(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.
<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.	The site has a BAL of 12.5 and the construction of the dwelling will need to comply with AS3959 through the Building Permit process.

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 new dwelling 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**

Nil undertaken.

## **STATUTORY REQUIREMENTS**

*Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015* - The processing of a development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

## **POLICY IMPLICATIONS**

There are no policies applying to this report.

## **FINANCIAL IMPLICATIONS**

The applicant has paid the development application fee of \$720 as set out in the adopted 2016/17 List of Fees and Charges.

## **STRATEGIC/CORPORATE IMPLICATIONS**

### Community Strategic Plan 2013 – 2023

Outcomes:

- N1 – Feeling good about living in Kojonup

### Corporate Business Plan 2013 – 2017

- N1.4 – Providing community support and development

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

The item is not covered in the Southern Link VROC Strategic Directions 2015-2020 plan.

## **RISK MANAGEMENT IMPLICATIONS**

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
Council does not support the proposed new dwelling and reclassifying workers accommodation	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**23/17 Moved Cr Sexton, seconded Cr Pritchard that Council grant development approval for the new dwelling and reclassify the existing dwelling to shearer's quarters/farm workers accommodation on Location 6471 Tone Road, Orchid Valley subject to the following conditions:**

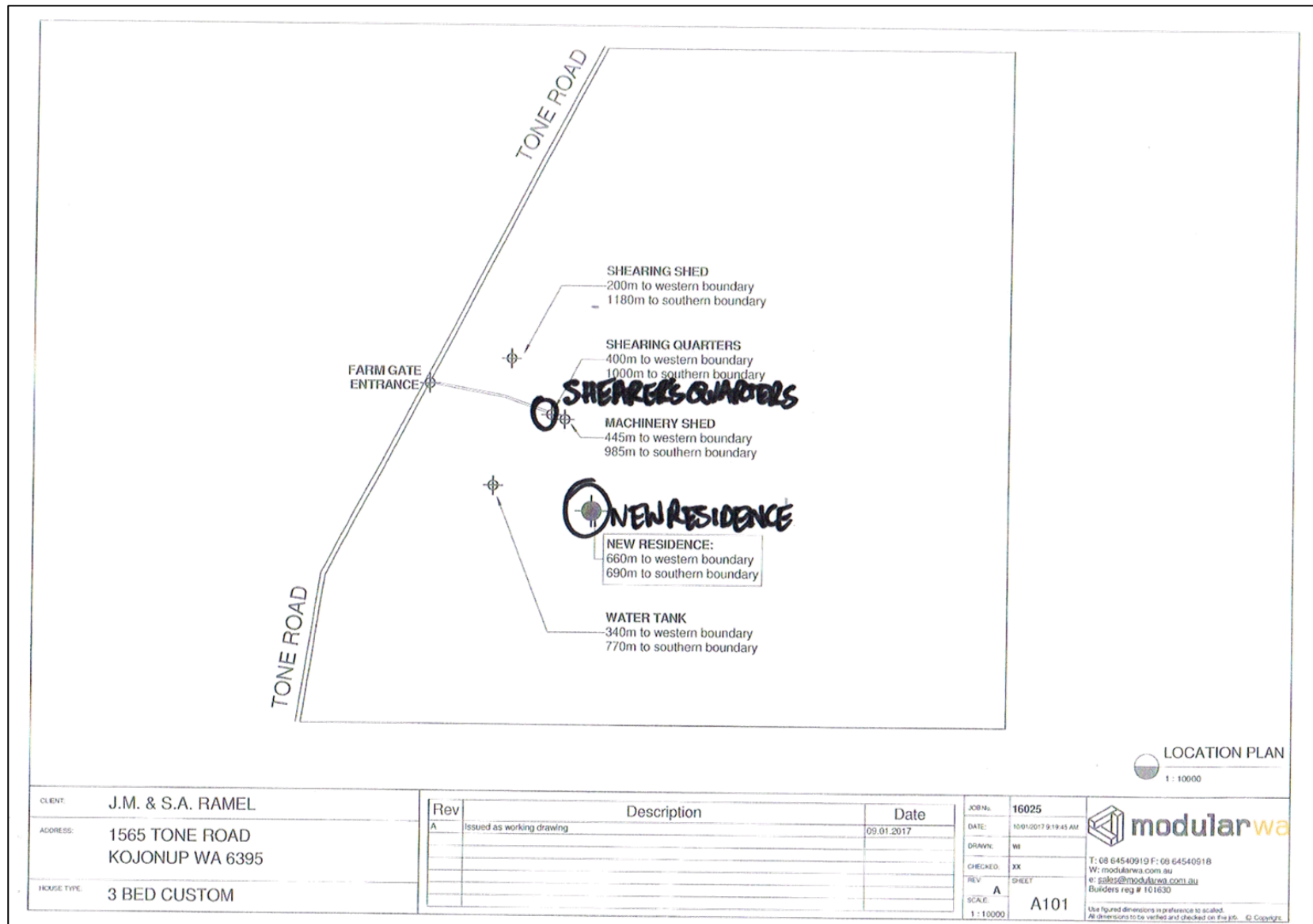
- 1) The development to be generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.**
- 2) The dwellings to be connected to an approved on-site water supply and onsite effluent disposal system to the satisfaction of the Shire's Environmental Health Officer.**

***Advise Notes:***

- 1) You are required to obtain a Building Permit prior to any construction activity commencing.***
- 2) Your property contains bush fire prone areas mapped by the Department of Fire and Emergency Services. The site of your new dwelling has a BAL of 12.5 and the construction of the dwelling will need to comply with the relevant provisions of AS3959 Construction of Buildings in Bushfire-Prone Areas addressed through the Building Permit process.***

**CARRIED 8/0**

## Attachment 12.1





## 12.2 MATTHEWS TRANSPORT DEPOT – RETROSPECTIVE APPROVAL FOR NEW GRAIN STORAGE SILOS

AUTHOR: Phil Shephard – Town Planner  
DATE: Thursday, 9 March 2017  
FILE NO: A24250  
ATTACHMENT: [12.2.1 Application Letter](#)  
[12.2.2 Concept Site Plan](#)

### DECLARATION OF INTEREST

Nil.

### SUMMARY

To consider a proposal for retrospective approval to utilise new larger silos than shown in the approved Concept Site Plan for the transport depot site.

There is no delegation available to staff to determine the application and it must be presented to Council for consideration. The recommendation is to grant retrospective development approval subject to conditions.

### BACKGROUND

The transport depot site use/development is subject to a set of conditions of use and a Concept Site Plan within Schedule VII Additional Uses of Town Planning Scheme No. 3 (TPS3).

The establishment of the new silos was brought to staff attention and Matthews Transport were contacted and reminded of their obligation to comply with the planning conditions for the site. Matthews Transport have now responded with this request for Council to consider a change to the Concept Site Plan (originally approved March 2012).

### COMMENT

#### Proposal

The new silos are 6 x 65 tonne, 1 x 45 tonne and 1 x 28 tonne and located as shown in the aerial image below in the South-East area of the site. The 8 new silos will have a larger capacity (463 tonnes) than the original existing 6 x 30 tonne silos (180 tonnes).

The original silos were located in the Northern part of the site adjacent to Partridge Road/Marlow Road and were subject to occasional noise/dust complaints from nearby residences. Through the amendment process, submissions from residents highlighted their concerns and this was reflected in the final Concept Site Plan which showed the silos being relocated to the South-East area of the transport depot site. Since the relocation of the silos away from the residences and establishment of the vegetation screen there has been no repeat of the previous complaints received.



*Aerial image showing transport depot site and silos position (Source: Google Earth)*



*Street View image showing transport depot site entrance off Albany Highway and silos position (Source: Google Earth)*

### Town Planning Scheme No. 3 Controls

The transport depot site use/development is controlled by a set of conditions of use and a Concept Site Plan. There are 11 conditions applying to the site and conditions 1 and 7 are relevant to the request from Matthews Transport and state:

1. *All development of the premises for transport depot uses shall be generally in accordance with adopted Concept Site Plan (DWG SK1 Dated Aug08) or any minor variation approved by Council. Minor additional uses may be permitted by the Shire of Kojonup if it is satisfied that the use is incidental and ancillary to the predominant transport depot use.*



7. *No addition or expansion of the grain handling area (i.e. silos) or seed cleaning or drying is permitted without the prior written consent of the Council.*

The Concept Site Plan shows a total of 6 x 30 tonne existing silos were to be located in the South-East area of the transport depot site. These scheme controls allowed for changes to occur to the various elements in the Concept Site Plan for the transport depot site over time subject to Council approval.

The changes to the silos are considered to be consistent with the intention of the Concept Site Plan and are considered to represent a minor variation to the original proposal. As noted above, the new position of the silos has reduced the complaints received earlier from the adjoining residences to the North of the transport depot site.

#### Retrospective development approvals

The Council can grant retrospective development approval to uses or developments (s.164 of the *Planning and Development Act 2005* and cl.65 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

The fee for a retrospective planning application is 3x the normal fee as a penalty for not obtaining approval before proceeding. In this instance that is a fee of \$441 instead of the normal \$147 fee.

The applicant has acknowledged their oversight in not seeking Council approval and immediately this was brought to their attention they have cooperated with staff and prepared this application for Council consideration (see Attachment 12.2.1). Given the reasons stated for the oversight and acknowledging the proponents sought development approval immediately upon being advised by staff that this was required, no further action regarding the breach of TPS3 is considered necessary or recommended.

#### TPS3 Considerations

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

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal is considered to be consistent with the aim and provisions of TPS3 and the controls adopted for the transport depot site.
(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 involves a discretionary development which is permissible at Council's discretion. The proposal is recommended to be approved subject to certain conditions being met.
(m) the compatibility of the development with its setting including the relationship of the development to	The proposed new silos are not incompatible with the use and development of the site as a transport depot site. The silos

Matter to be Considered	Response
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;	are positioned away from residences and are not expected to adversely affect the use and enjoyment of the surrounding properties.
(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 new silos are not expected to negatively impact on the amenity of the locality.
(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 proposal is not expected to adversely affect the natural environment or any water resources.
(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 vegetation will be impacted by the proposal 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;	Except bush fire risk, the land is considered suitable for the proposal and is not affected by any known natural hazard.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The land is considered suitable for the proposal and is not considered to increase possible risk to human health or safety if developed.
(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 transport depot site has existing approved access/egress from Albany Highway and no changes are proposed. All loading /unloading activities from the silos will be completed on-site.
(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 new silos are not expected to increase the amount of traffic generated to and from the site. All surrounding roads are sealed, kerbed and drained and the existing road network is considered adequate. Refer also to the comments in (s) above.
(w) the history of the site where the development is to be located;	The site has a long-standing use as a transport depot site in Kojonup operated by Matthews Transport.
<i>c.78E.(1) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i>	Part of the property is shown as bush fire prone by the Department of Fire and Emergency Services mapping. The silos do

Matter to be Considered	Response
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.	not require a Building Permit to be issued and are not affected by the WAPC Policy or Building Code.

The proposal is considered to generally comply with those relevant matters listed in the above table and can be approved subject to conditions.

#### Alternate Options

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

*1 Not Support the Proposal.*

The Council can choose to not support the proposal, in part or whole, giving reasons for the refusal. If this option was chosen, the development application would not be able to proceed.

*2 Support the Proposal*

The Council can choose to support the proposal, as is, or make changes. If supported, the development would be able to proceed subject to compliance with any conditions set out in the approval.

*3 Defer the Proposal*

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

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

### **CONSULTATION**

Matthews Transport

Manager Regulatory Services

Development Services Coordinator

### **STATUTORY REQUIREMENTS**

*Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015* - The processing of a development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

*Planning and Development Regulations 2009* - The Regulations allow, and set limits on, the planning fees that can be charged by a local government administering its planning scheme and r.52 allows the Council to waive or refund fees for a planning service.

### **POLICY IMPLICATIONS**

There are no local planning policies affecting the proposal.

**FINANCIAL IMPLICATIONS**

The fee for a retrospective planning application is 3x the normal fee being \$441 in this instance as set out in the adopted 2016/17 List of Fees and Charges.

**STRATEGIC/CORPORATE IMPLICATIONS**Community Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building prosperity

Corporate Business Plan 2013 – 2017

- E2.1 – – Building local economic capacity to generate wealth and provide a variety of employment opportunities.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS**Southern Link VROC Strategic Directions 2015-2020

The proposal will assist the Southern Link VROC achieve the following goals:

Regional Community Development

Goal Five: Build capacity to enable communities to achieve.

**RISK MANAGEMENT IMPLICATIONS**

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
Council does not support the proposed new silos	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications affecting the proposal.

**VOTING REQUIREMENTS**

Simple Majority

*3:17pm – Cr Hobbs declared an interest and departed from the Chamber.*

**OFFICER RECOMMENDATION**

- 1) That Council grant retrospective development approval for the 8 new silos (6 x 65 tonne, 1 x 45 tonne and 1 x 28 tonne) for Matthews Transport Depot, Kojonup subject to the following conditions:
  - a) The silos to be located as shown on the attached stamped approved plan.
  - b) No alteration, including the number or capacity of the silos, is permitted without Development Approval being granted by the Shire of Kojonup.
  - c) The old silos to be removed from the site within 4-weeks from the date of this approval to the satisfaction of the Chief Executive Officer.

*Advice Notes:*

- *You are reminded that the use of the silos is to be undertaken in a manner that minimises any potential adverse impacts on neighbouring properties especially from noise and/or dust generation.*
- 2) That Council require the payment of the \$441 retrospective planning application fee as set out in the 2016/2017 List of Fees and Charges.

**COUNCIL DECISION****24/17 Moved Cr Mathwin, seconded Cr Pritchard:**

- 1) That Council grant retrospective development approval for the 8 new silos (6 x 65 tonne, 1 x 45 tonne and 1 x 28 tonne) for Matthews Transport Depot, Kojonup subject to the following conditions:
- a) The silos to be located as shown on the attached stamped approved plan.
  - b) No alteration, including the number or capacity of the silos, is permitted without Development Approval being granted by the Shire of Kojonup.
  - c) The old silos to be removed from the site within 4-weeks from the date of this approval to the satisfaction of the Chief Executive Officer.

*Advice Notes:*

- *You are reminded that the use of the silos is to be undertaken in a manner that minimises any potential adverse impacts on neighbouring properties especially from noise and/or dust generation.*
  - *Retrospective Approval from Council is not to be construed as a given as Council may not approve further expansion at this location. Development Approval should be sought prior to construction as is the correct method to avoid having to take down any infrastructure if Council chooses not to grant Retrospective Approval.*
- 2) That Council require the payment of the \$441 retrospective planning application fee as set out in the 2016/2017 List of Fees and Charges.

**CARRIED 7/0**

*REASON FOR CHANGE: Council wished to remind the applicant that they should ensure they seek Development Approval via the correct process prior to any construction should they wish to expand further. They also wished to remind the applicant that it is still within Council's right to deny retrospective approval and they run the risk of incurring additional costs to take down any infrastructure Council may choose not to approve.*

3:24pm – Cr Hobbs returned to the Chamber.

**Attachment 12.2.1**

***Syd Matthews & Co Pty Ltd***

*ACN 008 692 484. ABN 37 008 692 484  
Family owned & operated since 1936  
Email: matthewstrans@wn.com.au*

PO Box 38  
KOJONUP WA 6395

Phone: 08 98311021  
Fax: 08 98311496

22<sup>nd</sup> February 2017

Mr Phil Shephard  
Shire Planner  
Kojonup Shire Council  
KOJONUP WA 6395

Dear Phil

**RE: SILO'S AT TRANSPORT DEPOT.**

In regards to your email dated 21<sup>st</sup> February 2017 bringing our attention to our non compliance of the 2009 approved plan.

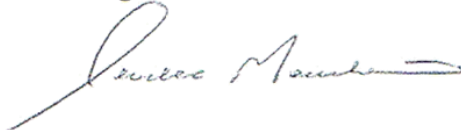
It has been a total oversight on our behalf, that we have not sort approval from council to replace the smaller field bins with larger capacity ones' and increase the number from 6 to 8.

We have been going thru a transition in management in the last 2 years and it has been overlooked by accident.

We have replaced the older field bins, with more modern field bins, when in operation they are a lot quieter and noise is to a minimum compared to the previous older field bins.

We would like to now seek the correct approval from the shire to please change the 2009 approval to allow the silo's that are there, to remain with an increased capacity.

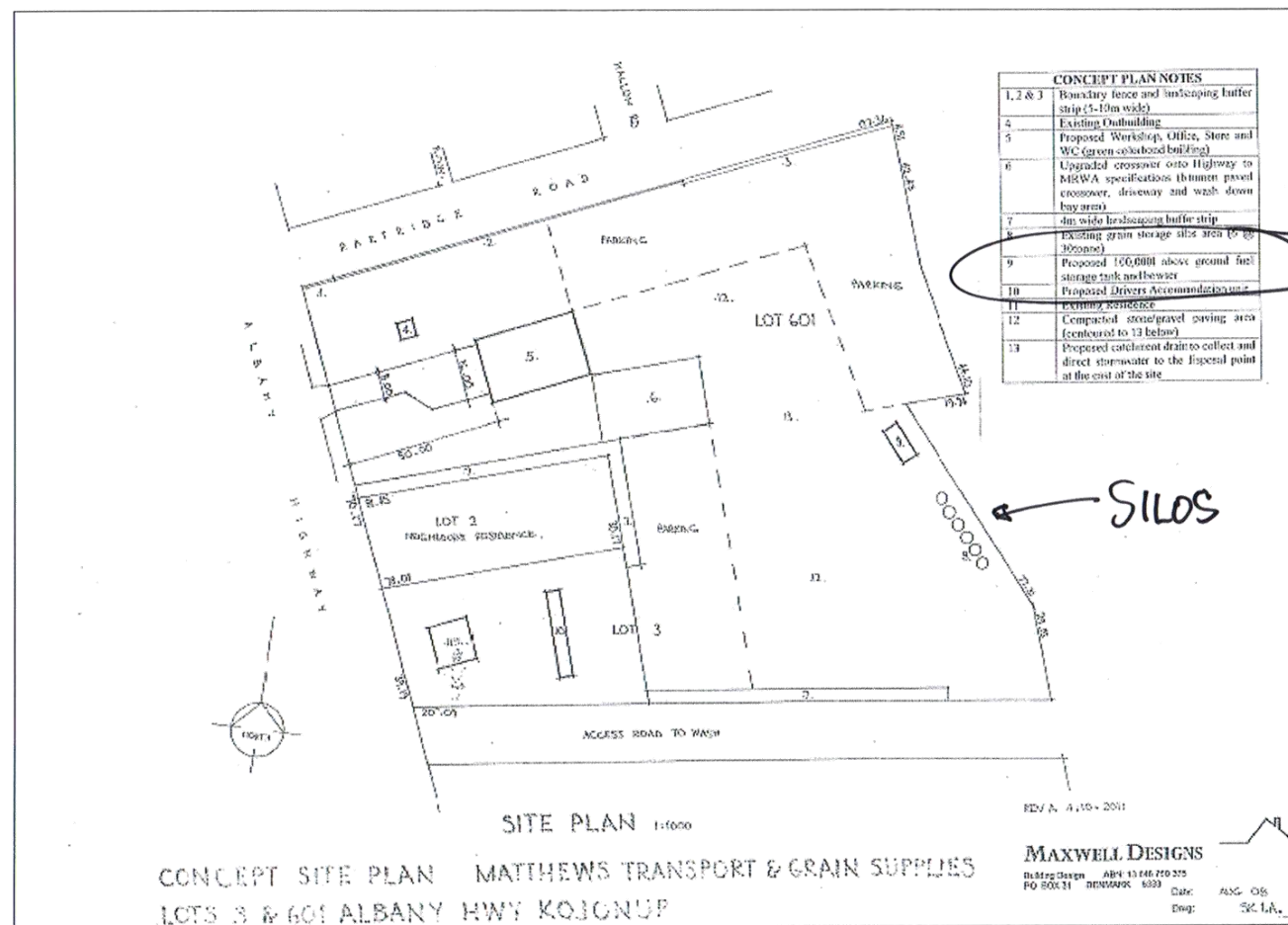
Kind regards



NEVILLE MATTHEWS  
MANAGING DIRECTOR

## Attachment 12.2.2

FIGURE 4 – CONCEPT SITE PLAN



## **13 EXECUTIVE & GOVERNANCE REPORTS**

### **13.1 BAIL ACT 1982 – CHANGE TO LEGISLATION**

**AUTHOR:** Rick Mitchell-Collins – Chief Executive Officer

**DATE:** Tuesday, 7 March 2017

**FILE NO:** CM.LEG.1

**ATTACHMENTS:** Nil

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To seek Council support to write to the Minister for Police and West Australian Local Government Association (WALGA) to seek consideration to amend the *Bail Act 1982* whereby any non-compliance with bail conditions, curfews or other arrangements is treated as ‘contempt of court’ and subject to immediate incarceration for a defined period as set by a magistrate.

#### **BACKGROUND**

It has become very evident especially when 134 residents attended the Law & Order Forum at the Sports Complex on 14 February 2017 that the community is becoming increasingly frustrated that the Judicial System is releasing offenders on Bail prior to sentencing only for some of them to reoffend.

#### **COMMENT**

The Deputy Premier and Minister for Police, the Hon Lisa Harvey stated at the Forum that she would introduce amendments to the Bail Act as non-compliance with Bail conditions was in her opinion “Contempt of Court.” A view shared by the majority of the community and one that should have the support of the WA Police Association given its members are apprehending repeat offenders which in Kojonup’s case with particular persons is the norm not the exception!

#### **CONSULTATION**

Law & Order Community Forum – 14 February 2017  
Council Briefing Sessions

#### **STATUTORY REQUIREMENTS**

*Bail Act 1982*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013 – 2023

Outcomes:

- N2 – Living in a Safe Community



Corporate Business Plan 2013 – 2017

## Objectives:

- N2.4 – Maintain Community Safety

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council write to the Minister for Police and West Australian Local Government Association (WALGA) to amend the *Bail Act 1982* whereby any non-compliance with bail conditions, curfews or other court arrangements is treated as ‘contempt of court’ and subject to immediate incarceration for a defined period as set by a magistrate.

**COUNCIL DECISION**

**25/17 Moved Cr Mathwin, seconded Cr Pritchard that Council write to the Minister for Police, the West Australian Local Government Association (WALGA) and the Attorney General to amend the Bail Act 1982 whereby any non-compliance with bail conditions, curfews or other court arrangements is treated as ‘contempt of court’ and subject to immediate incarceration for a defined period as set by a magistrate.**

**CARRIED 8/0**

REASON FOR CHANGE: As the *Bail Act 1982* sits with the Attorney General’s Portfolio, Council wished to also write to the Attorney General regarding Council’s Decision in addition to writing to the Minister for Police and to the West Australian Local Government Association.

## 13.2 THE KODJA PLACE PRECINCT – MASTER PLAN

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Tuesday, 14 March 2017  
FILE NO: ED.IND.1  
ATTACHMENT: 13.2 Kodja Place Master Plan

### DECLARATION OF INTEREST

Nil.

### SUMMARY

To seek Councils endorsement “In Principal” of the Kodja Place Master Plan (KPMP) as presented by Gibson International Limited (GIL) in association with FIT Architects.

### BACKGROUND

GIL along with architectural consulting partner Jerry Hewitt of FIT Architects were commissioned by the Shire of Kojonup in July 2016 to develop a master plan for the redevelopment and revitalisation of The Kodja Place precinct .

The scope of works focuses primarily on mitigating the spatial and functional limitations of the building and precinct, as well as developing digital and multimedia approaches and enhance the interpretive spaces across the precinct.

To achieve this, GIL undertook an extensive research and consultative process that involved travel to Kojonup and discussions with a wide group of community stakeholders. Observations and research of documentation and notes taken during stakeholder engagement identified several core challenges that need to be addressed as part of the design strategy.

This KPMP responds to those challenges by:

1. Establishing the mission, mandate and key objectives for the revitalised precinct and what the ideal result will be if successfully implemented.
2. Identifying an agreed set of design requirements that express the improvements necessary to respond to the key objectives.
3. Recommending agreed design solutions that address each design requirement. Providing drawings, examples and high level guidance on their form and function.
4. Providing a rough order of magnitude cost for implementation of the recommendations.
5. Providing a basic implementation plan for the phasing of the redevelopment.

It should be noted that this KPMP is a strategic document. Therefore, the design solutions and plans are presented at a high, conceptual level. They are intended to function as a road map, guiding the next stages of design development and implementation, based on the agreed principles and objectives detailed.

### COMMENT

The intention of the KPMP is to recommend architectural, landscaping, digital and multimedia opportunities to revitalise and enrich the visitor experience, enhance the functionality as a cross-cultural community hub and expand its business revenue potential. The KPMP will become a key part of a business case for attracting funds to develop and implement detailed design plans for The Kodja Place Precinct, so that it once again becomes a vital and valued asset to the Kojonup community.

**THE MISSION OF The Kodja Place:**

Is to tell the stories of Kojonup Shire, and to cultivate the continuing development of its culture and community wellbeing.

**OUR MANDATE IS:**

To collect, preserve and display the oral and visual stories of Kojonup Shire, and provide facilities and services that engage community members and visitors with the historical and contemporary culture of Kojonup.

**OUR OBJECTIVES ARE:**

1. To be sustainable – financially, socially and culturally
2. To be a place of community pride and engagement
3. To nurture our future storytellers and makers

**THE OUTCOME WILL BE**

A vibrant and thriving community hub that connects people and ideas, encourages participation and allows Kojonup's cultures to be experienced by a global audience.

For The Kodja Place to achieve the proposed mission and objectives the following three design aims need to be achieved:

**1. Increase Revenue Opportunities**

Better leveraging of existing assets is essential. Currently, the highest visitation is to the Black Cockatoo Café and Rose Maze, both of which can be accessed for free, independently of The Kodja Place main entrance. This results in significant lost revenue and visitation opportunities for the Visitor Centre, retail shop, and the Kodj Gallery and Story Place exhibition spaces

The geographical position of Kojonup and underlying quality of the attractions at The Kodja Place provide opportunities to develop visitation and create new product offerings with enhanced facilities that will generate new and increased revenue streams (inbound coach and group tours, education, meetings and incentives markets, etc.).

Ability to cater for programmed initiatives combined with strategic regional alliance to package and target marketing is vital to increase visitation and revenue and for creating a vibrant precinct for both community and visitors alike. Example of program activities would include curriculum linked school tours to community cultural and art events to market driven one-off events, e.g. wildflower festival (existing), rose-blooming festival, to farmers' markets, local art-shows, artists in residence, children's activities, evening films, performances, concerts, etc.

**2. Develop a Coherent, Consistent Experience**

The lack of integration means the current visitor experience is fragmented and confusing. For example, the Kodj Gallery/Story Place, the Rose Maze, the Black Cockatoo Café, Yoondi's Mia Mia, and Jack's Indigenous Tours are all presented as separate, unrelated experiences. They need to be made coherent in identity and public perception, as well as community perception.

Visibility of The Kodja Place is poor in every aspect, from the street-presence of the buildings/precinct itself, to visibility in the marketplace. The lack of signage on road approaches to Kojonup extends to the township and precinct, as well as signage within

exhibition spaces. What signage there is within the precinct is inconsistent and ad hoc, from A4 printed sheets on stands and doors to the use of a variety of fonts and colours

Visitor flow within the building and precinct is compromised in numerous areas, with multiple entry points and physical walls between activity areas (e.g. café/retail wall), exacerbating disorientation and disconnection

Coherence between exhibition display areas is sometimes tenuous, with individual displays and the exhibition environment itself needing enhancement to connect and signify to visitors the interpretive themes and content

### **3. Provide Functional, Flexible Spaces and Supporting Infrastructure**

There is a need for more and enhanced functional spaces and facilities for community and broader programmed activity that will extend The Kodja Place's value to the wider community and increase revenue opportunities

Equipment and infrastructure required is sometimes tired, obsolete, inappropriate or non-existent.

Environmental issues such as heating, cooling, light spill and outdoor shading are impacting many areas

There needs to be an appropriate division between the functions of 'back of house' areas, which are currently inappropriately dual purpose, such as the Kojonup Aboriginal Corporation room doubling as a storage overflow area and the small meeting room doubling as a public room for hire and a work space for the curatorial group/gallery coordinator and MOSAiC data inputting

These challenges represent an amalgam of the consultant's observations and that of previous commissioned reports and workshop notes. Subsequent design requirements and recommendations of the KPMP respond only in part to these design challenges, because some of the identified challenges require programmatic, marketing and management strategies that lie outside the KPMP scope and are the responsibility of other work streams.

The opportunity exists for Council, Stakeholders and the Community to collaboratively work towards achieving the above three design aims and strategic objectives of:

1. Being sustainable – financially, socially and culturally,
2. Be a place of community pride and engagement, and
3. To nurture our future storytellers and makers

## **CONSULTATION**

### **Council Briefing Sessions**

A number of combined KPAC and Shire meetings have taken place in relation to Gibson's master planning process, namely:

- Visioning workshop with Gibson International (9 August)
- Wrap-up session with Gibson (11 August)
- Discussion of Gibson's draft Reverse Brief (6 September)
- Gibson's presentation of options (21 September)
- Follow-up Gibson presentation (22 September)
- Follow-up Gibson liaison (2 December)
- Follow-up Gibson liaison (20 December)

**STATUTORY REQUIREMENTS**

*Associations Incorporation Act 1987*

*Local Government Act 1995*

*Occupational Safety and Health Act 1984*

Building Code of Australia

*Building Regulations 2012*

*Food Act 2008*

*Disability Discrimination Act 1992*

**POLICY IMPLICATIONS**

‘Policy 1.2 – Community Funding Program (Capital & Operating)’ which aims to provide a framework for the provision of funding which meets Council’s Strategic objectives in facilitating community development initiatives.

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

**FINANCIAL IMPLICATIONS**

Council was successful in receiving \$40,000 from the Great Southern Regional Development Commission (GSRC) Community Chest Fund to assist GIL to undertake the KPMP with Council allocating balance funds of approximately \$50,000 in the 2016/17 Budget.

**STRATEGIC/CORPORATE IMPLICATIONS**Community Strategic Plan 2013 – 2023

Outcomes:

- E1 – Supporting Main Street
- E2 – Building Prosperity
- N1 – Natural & Built Environment
- S2 – Staying Active & Entertained

Corporate Business Plan 2013 – 2017

Objectives:

- E1.1.1 – Undertake a study to identify the opportunities to enhance the main street, taking into consideration current and future uses
- E2.1.3 – Identify opportunities to source funding and resources for local projects
- E2.1.4 – Support local tourism initiatives and the KTA
- N1.3 – Creating sustainable and inviting public spaces
- S2.1.4 – Preserve and promote our history and culture

**RISK MANAGEMENT IMPLICATIONS**

Progressing Governance and Compliance requirements to ensure activities/events/displays/functions/marketing and promotion meet regulatory, policy and reporting requirements which are reflected in the Tenancy Agreement.

**ASSET MANAGEMENT IMPLICATIONS**

Whole of Life considerations, Integrated planning, Structural Integrity, “Fit for Purpose”, Insurance and Public Liability considerations, Business continuity and rates impact aligned with the KPMP and the Business Plan.

Section 12 of the Shire’s Asset Management Plan provides information regarding buildings and associated structures and acknowledges that renewal has regard to the ability to service

current demands and be fit for purpose, with a significant component of renewal due to changing needs, expectations and regulations that can often render buildings obsolete and bring forward replacement discussions.

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

Regional Economic Development

Goal – Stimulate economic growth and business opportunity.

Strategy – S1: Support the implementation of wider regional initiatives.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION/OFFICER RECOMMENDATION**

**26/17 Moved Cr Sexton, seconded Cr Pritchard that Council endorse in principle ‘The Kodja Place Master Plan’ and develop a Community Consultation Plan and process which could include the following:**

- 1. Seek feedback from Stakeholders and Community as part of the Community Strategic Planning Review regarding;**
  - (a) The recommendations contained within the Master Plan and support for same.**
  - (b) Long Term Financial, Risk and Asset Management, Human Resource implications on Council and ratepayers and consequences of a ‘more of the same’ approach if the status quo is retained at the Kodja Place.**
  - (c) External funding streams available to realise the design aims.**
  - (d) Community benefits derived from a ‘Community Hub’ engaging schools, education providers, WA Tourism, WA Museum, Arts & Culture, Youth and Heritage, etc., users**
  - (e) Links with Main Street Development, Sports, Business, Health and Tourism Precincts**
- 2. Align ‘The Kodja Place Precinct’ with the Great Southern Development Economic Blueprint recognising Kojonup as the “Gateway” to the Great Southern;**
- 3. Branding and marketing Kojonup as a worthwhile destination in its own right;**
- 4. Providing training and career opportunities for our residents, in particular our youth; and**
- 5. Utilising multimedia as an important tool in presenting ‘One story, Many voices’.**

**CARRIED 8/0**

**14     AGED CARE SERVICES REPORTS**

Nil

**15     COMMUNITY DEVELOPMENT & TOURISM REPORTS**

Nil

**16     COMMITTEES OF COUNCIL****16.1   KODJA PLACE ADVISORY COMMITTEE****COUNCIL DECISION/OFFICER RECOMMENDATION**

**27/17     Moved Cr Sexton, seconded Cr Radford that the attached unconfirmed minutes for the Kodja Place Advisory Committee meeting held 23 February 2017 be received and recommendations (if any) contained therein be approved by Council.**

**CARRIED     8/0**



## 16.2 AUDIT COMMITTEE

3:27pm – Cr Fleay declared a 'Financial – Direct' interest and departed from the Chamber. Cr Sexton, Deputy Shire President, took the Chair.

**COUNCIL DECISION/OFFICER RECOMMENDATION**

**28/17** Moved Cr Radford, seconded Cr Warland that the attached unconfirmed minutes for the Audit Committee meeting held 21 February 2017 be received and the following be noted by Council:

1. That 'Audit Committee Decision 6/17' was noted as per Item 18.1 by the Council at its Ordinary Meeting held 21 February 2017;
2. That 'Audit Committee Decision 5/17' went to Council at its Ordinary Meeting held 21 February 2017 as Agenda Item 10.4 and was approved by the Council; and
3. That recommendations requiring Council approval as follows be approved by Council:

**AUDIT COMMITTEE DECISION 3/17 & 4/17**

That it be recommended to the Council that the following be added to Council Policy 3.20 (Motor Vehicle Use – Shire President):

*"The position of Shire President shall, for the purposes of carrying out the functions of the office, be entitled to receive the provision of a fully maintained local government owned vehicle.*

*The vehicle provided to the President:*

- *Is to be in lieu of travel/mileage claims otherwise claimable by the President for use of his/her personal vehicle;*
- *Can be used for personal private purposes, not for any commercial purpose, but only on the basis that the cost of that private use is fully reimbursed by the President to the local government;*
- *Will not occur at the reduction of the fees, allowances and reimbursements (other than the travel/mileage claims) otherwise ordinarily payable to the Shire President's position as approved by Council in accordance with the relevant provisions of the Local Government Act 1995; and*
- *Will be administered in accordance with any related Management Practice to this Policy that the local government has in place.*

*The calculation of the private use component of the vehicle costs to be reimbursed to the local government by the President is to be determined as follows:*

- *A logbook is to be kept of both official and private use of the vehicle, which shall be agreed with the President as being the basis upon which the costs of private use will be calculated and subsequently required to be paid by the President to the Shire;*

- *On the basis that the predominant use of the vehicle will be for official purposes, only those vehicle costs of a "variable" nature directly affected by the additional private use will be used for determining the payment for private use to be made by the Mayor/President. This includes fuel, vehicle servicing costs (and then only the additional servicing costs occasioned by the private use) and depreciation where it can be shown that the additional private use has negatively impacted on the trade value of the vehicle;*
- *Fuel purchased for business (Shire) use of the vehicle be made by way of Shire issued fuel card: and*
- *The Shire President's log book as presented to the Shire's Finance department be presented to the Audit Committee at the May meeting each year for verification of official and private usage."*

**CARRIED 7/0**

*3:30pm – Cr Fleay returned to the Chamber and resumed the Chair.*

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

Nil

**18     NEW BUSINESS**

Nil

**19     CONFIDENTIAL REPORTS**

Nil

**20     NEXT MEETING**

Tuesday, 18 April 2017 commencing at 3:00pm.

**21     CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3:31pm.

**22     ATTACHMENTS (SEPARATE)**

- Item 10.1        Monthly Statement of Financial Activity
- Item 10.2        Monthly Payment Listing 01/02/2017 – 28/02/2017
- Item 10.3.1      Risk Management Plan – Proposed with Tracked Changes
- Item 10.3.2      Risk Management Plan – Proposed
- Item 13.2        Kodja Place Master Plan
- Item 16.1        Unconfirmed Kodja Place Advisory Committee Minutes – Thursday, 23 February 2017
- Item 16.2        Unconfirmed Audit Committee Minutes – Tuesday, 21 February 2017

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*Presiding Member*

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*Date*