

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

24 July 2018

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 24 July 2018 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.


RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

20 July 2018

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 24 JULY 2018

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AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

Disclaimer

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

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

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

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
Anthony Middleton	Manager of Corporate and Community Services
Craig McVee	Manager Works and Services
Mort Wignall	Manager Regulatory Services
Michelle Dennis	Development Services Coordinator
Sue Northover	Manager of Aged Care Services
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

Cr Ned Radford	Deputy President
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APOLOGIES

Phil Shephard	Planner
Claire Servaas	Records Officer

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

In response to the presentation made at the Ordinary Council meeting held 19 June 2018, Mr Parminder Singh is attending the 24 July 2018 Council Briefing Session.

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 19 JUNE 2018

Minutes of the previous Ordinary Council Meeting which was held on 19 June 2018 were previously circulated under separate cover and are at **Attachment 7.1.1**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 19 June 2018 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

Item 11.1: Kojonup Tourist Railway – Insurance Arrangements

Cr G Hobbs and Cr J Benn have previously declared an interest.

Item 17.1: CEO Performance Review

The Chief Executive Officer Rick Mitchell-Collins declared a direct financial interest in Confidential Item 17.1

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 INSTALL DIRECTIONAL SIGNAGE AND REMOVAL OF TREES AT INTERSECTION OF ALBANY HIGHWAY AND SPRING STREET

AUTHOR	Craig McVee, Manager Works and Services
DATE	Thursday, 19 July 2018
FILE NO	CM.POL.01
ATTACHMENT(S)	10.1.1 Quote from Metro Trees

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 1 Place	1.4 – Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.	1.4.3 - Form a programmed upgrade of Main Street through landscaping, furniture and signage.

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the removal of three (3) trees on Albany Highway at the junction of Spring Street to enable clear visibility of Spring Street Directional Signage, which will be erected on the eastern side of the Highway.

BACKGROUND

As part of the Shires continuous improvement of directional and tourism signage, Spring Street directional and tourism signs have been developed and made to identify the local businesses, tourism, amenities and cemetery for visitors to the area. The sign is temporarily located on the western side of the highway.

COMMENT

The location for the directional signage has been reviewed and identified three (3) trees which inhibit clear visibility of the sign. The trees are Melia Azedarach Cape Lilac and would need to be removed and the stumps ground.



CONSULTATION

Quote from Metro Trees

STATUTORY REQUIREMENTS

Austrad Standards Guide: Part 4A Guide to Road Designs: *“Unsignalised and Signalised Intersections provides road designers and other practitioners with guidance on the detailed geometric design of all at-grade intersections (excluding roundabouts).”*

This Part contains information for the design of signalised and unsignalised intersections. Guidance is provided on intersection sight distances, including approach sight distance, safe intersection sight distance, and minimum gap sight distance. Left and right turn treatments are outlined including the incorporation of auxiliary lanes at intersections and the use and size of traffic islands.

POLICY IMPLICATIONS

Policy 4.3 - Directional Service and Tourism Signage

“Provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs”.

FINANCIAL IMPLICATIONS

Removal of three (3) trees at Albany Highway/Spring Street junction 2018/19 Budget - Account RM22. The quote from Metro Trees for the removal and grinding stumps is \$2,365.00 inclusive of GST.

RISK MANAGEMENT IMPLICATIONS

If adequate visibility is not provided for directional signage, visitors may miss the signage. The contractor will provide their own traffic management signage and crew.

ASSET MANAGEMENT IMPLICATIONS

This application is the relocation of the signage to the east side of the Highway. With the removal of the trees, a minimum of nine (9) trees will be planted in Parks and Reserves that will require general maintenance such as pruning over their effective life. Signage is also an asset and will be incorporated into Works & Services asset management plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approves the removal of three (3) x Melia Azedarach Cape Lilac and the relocation of the existing Spring Street directional sign on the east side of the highway.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 KOJONUP TOURIST RAILWAY- INSURANCE ARRANGEMENTS

AUTHOR	Mort Wignall, Manager Regulatory Services
DATE	Thursday 19 July 2018
FILE NO	RC.MUS.4
ATTACHMENT(S)	11.1.1 - Correspondence from Office of National Rail Safety Regulator 11.1.2 – Certificate of Currency

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

DECLARATION OF INTEREST

Cr Hobbs and Cr Benn have declared a previous interest as members of the KTR Committee

SUMMARY

To draw to Council’s attention their position as a Principal under the Kojonup Tourist Railway Inc. combined General and Products Liability insurance policy SY-CAS-17-401849.

BACKGROUND

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

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

ONRSR understands KTR holds a level of public risk insurance. However, as it appeared that the Accredited Entity (SOK) was not covered by this policy, ONRSR required written documentation that SOK hold sufficient insurance to undertake railway operations. Failure to address this matter within five days of the date of the letter (10 July 2018) would result in ONRSR requesting us to voluntarily suspend all rail operations until such time the situation is rectified.

COMMENT

In response to ONRSR’s correspondence, the Manager Regulatory Services (MRS) contacted KTR’s insurer Willis Towers Watson who have advised that Clause 3.1 of the KTR insurance

policy provides indemnity to Principals for their vicarious exposure arising out of the insured's negligence but does not extend to the principals own direct negligence.

The insurer was happy to provide a Certificate of Currency (COC) noting SOK as a Principal. A copy of the COC has now been forwarded to ONRSR for their information.

Hopefully this will satisfy the requirements of ONRSR to indemnify SOK (the principal and accredited entity) in respect to KTR operations. However, this does not resolve the issue of our Chief Executive Officer Rick Mitchell-Collins who is still not indemnified under the KTR insurance policy. This matter is still being addressed and options such as changing the Notice of Accreditation from SOK to KTR which would resolve the public liability issue to which the SOK CEO as the "Authorised Person" for KTR operation is currently exposed. This matter will be addressed in a separate report to be presented at the August Ordinary Meeting of Council.

CONSULTATION

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

STATUTORY REQUIREMENTS

Rail Safety National Law (WA) Act 2015

POLICY IMPLICATIONS

Compliance with *Rail Safety National Law (WA) Act 2015* is paramount for the continued operation of the 'Spirit of Kojonup' on the railway line to Denney Siding.

FINANCIAL IMPLICATIONS

If the Shire of Kojonup is indemnified under the existing KTR insurance policy as a Principal for which a Certificate of Currency has been requested from the insurer noting SOK as a Principal, there are no expected financial implications concerning this matter, unless the ONRSR determines otherwise.

RISK MANAGEMENT IMPLICATIONS

Obtaining a Certificate of Currency from the KTR insurers, noting Shire of Kojonup as a Principal covered under the policy, may mitigate Council's exposure to risk in the KTR operation. If not, the CEO as the Accredited person has no alternative but to cease the railway's operations until the Shire of Kojonup can demonstrate compliance with S65 of the *Rail Safety National Law (WA) Act 2015*.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

1. Notes it is a ‘Principal’ under the Kojonup Tourist Railway Inc. combined General and Products liability insurance policy SY-CAS-17-401849.
2. Awaits notification from the Office of National Rail Safety Regulator that the Shire of Kojonup has satisfied the requirements of s65 (c) (ii) of the *Rail Safety National Law (WA) Act 2015* that it “*has the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the railway operations*”.
3. If upon receiving notification from the Office of National Rail Safety Regulator that it is not satisfied as per 2. above, Council has no alternative but to cease the railway’s operations until the Shire of Kojonup can demonstrate compliance with S65 of the *Rail Safety National Law (WA) Act 2015*.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

11.2 UPDATE OF POLICIES RELATED TO RESTRAINT, RESPITE ADMISSION AND DATA BREACHES – RESIDENTIAL AGED CARE FACILITIES

AUTHOR	Sue Northover – Manager Aged Care Services
DATE	Thursday 12 July 2018
FILE NO	CM.POL.1
ATTACHMENT(S)	11.2.1 - RC – 10: Restraints 11.2.2 - RC – 01: Respite Admission and 11.2.3 - MA – 07: Records - Data Breach.

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"> • Standard 1 – Management systems, staffing and organisational development. • Standard 2 – Health and personal care. • Standard 3 – Resident lifestyle • Standard 4 – Physical environment and safe systems

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council of the privacy amendments related to *Notifiable Data Breaches Act 2017* and to reflect the updated policies relating to these changes and those related to restraint and respite admission for the Springhaven Frail Aged Lodge.

BACKGROUND

On 22 February 2018 amendments to the *Privacy Act 1988* commenced. Under the *Notifiable Data Breaches Act 2017* it is now a requirement that all residential aged care facilities introduce mandatory data breach notification if there is unauthorised access, unauthorised disclosure of or loss of personal information held by the facility. Our privacy policy has now been amended to include the changes.

At our reaccreditation audit in February 2018 it was also found that our policies related to respite admission and restraint did not reflect our current practice. These policies have now been amended to reflect current practice as recommended by the Quality Agency during their visit.

COMMENT

The Shire of Kojonup and Springhaven Frail Aged Lodge will take all reasonable steps to handle personal information in accordance with the *Australian Privacy Principles 2014*. This includes protecting personal information from misuse, interference and loss, and from unauthorised access, notification or disclosure.

The facility will continue to encourage a “no restraint” facility but if residents or their family request what the facility considers to be restraint, permission will need to be obtained from the resident, doctor and relatives in consultation with the allied health team.

CONSULTATION

Aged Care Quality Agency
Springhaven Staff
Care Recipients
Senior Management Team
Council Briefing Session 3 July 2018.

STATUTORY REQUIREMENTS

Privacy Act 1988
Notifiable Data Breaches Act 2017
Aged Care Act 1997 (54.2)
Australian Aged Care Quality Act 2013
Quality Agency Reporting Principles 2013(96.1)
Compliance with Accreditation Standards

POLICY IMPLICATIONS

Notification of data breaches is mandatory for all aged care facilities.

FINANCIAL IMPLICATIONS

If breaches not reported as required by law fines could be enforced.

RISK MANAGEMENT IMPLICATIONS

If breaches to the *Notifiable Data Breaches Act 2017* are not reported the facility will be in breach and sanctions could come into effect.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the update of policies related to restraint and respite admissions at the Springhaven Frail Aged Lodge.**
- 2. Approves the addition of a new policy related to privacy and data breach in accordance with privacy amendments related to the *Notifiable Data Breaches Act 2017*.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

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

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

AUTHOR	Anthony Middleton – Manager Corporate Services
DATE	Monday, 16 July 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – June 2018 Monthly Financial Statements

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

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 June 2018.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2017 to 30 June 2018 represents twelve (12) months, or 100% of the year. It is important to remember that these financial statements do not represent an audited end of year financial position of the Shire of Kojonup. There remain some balance day adjustments, accrual provisions and other transactions to be completed which may amend the net financial position shown in these statements. The final 2017/2018 figures will be shown in the Annual Report for the Shire.

The following items are worthy of noting:

- **Closing surplus position of \$512,403.** When taking into account the pre-payment of \$770,331 of 2018/2019 Financial Assistance Grants in June by the Federal Government, a more realistic closing balance for 2017/2018 would be a deficit of \$257,928;
- Operating results:
 - 108% of budgeted operating revenue has been received; and
 - 108% of budgeted operating expenditure spent;
- Capital expenditure achieved 74% of budgeted projects;

- The value of outstanding rates equates to 5.5% of 2017/2018 rates raised, which includes previous years arrears and instalment options but excludes deferred rates;
- Cash holdings of \$3.82m of which \$3.5m is held in cash backed reserve accounts;
- Page 10 and 11 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6. Particular attention should be given to expenditure in the Recreation and Culture program;
- The budgeted loan liability as at 30 June 2018 was \$1.13m, however, the actual figure is only \$384,561.
- The budgeted closing balance for reserve accounts (net of Springhaven Bonds) as at 30 June 2018 was \$1,349,568, however, the actual figure is \$1,919,999.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2017 to 30 June 2018, as attached, be noted.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.2 MONTHLY PAYMENTS LISTING

AUTHOR	Melissa Binning – Finance Officer
DATE	Monday, 16 July 2018
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 01/06/2018 to 30/06/2018

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

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of June 2018.

BACKGROUND

Not applicable.

COMMENT

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

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

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 June 2018		TO – 30 June 2018
Municipal Cheques	14030 – 14043	\$32,495.11
EFTs	21448 – 21650	\$431,366.94
Direct Debits		\$422,893.32
Total		\$886,755.37

be received.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.3 BUDGET ADOPTION – 2018/2019 PROPERTY RATES

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Tuesday, 17 July 2018
FILE NO	FM.BUD.2
ATTACHMENT(S)	Nil.

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 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 set the property rates and associated conditions for the 2018/2019 financial year.

BACKGROUND

At its meeting held on 19 June 2018, the Council resolved as follows:

Decision 67/18:

“That the 2018/2019 draft budget be prepared based on the following rating parameters:

1. Rating levels:

- a) Total rates raised to be increased by 4.0% from the 2017/2018 financial year; and*
- b) A minimum rate of \$700 to apply to both unimproved and gross rental values.*

2. Where payments are received after the due date, penalty interest at a rate of eleven (11%) percent per annum, to be calculated on a daily basis will be imposed on all outstanding Rates and Service Charges. Pensioners who are registered in accordance with the Rates Rebates and Deferments Act 1993 are exempt from this provision.

3. Those ratepayers who pay all of their rates, charges and arrears in full within 14 days of the date of rate notice issue be offered a discount of 2.5% on the amount of their 2018/2019 property rate charge.

4. The following rates instalment payment options be offered:

Option 1 - Payment in full

Total amount of rates and charges included on the rate notice to be paid in full by 35 days from the date of issue of the rate notice. Full payments received on or before 14 days from the date of issue of the rate notice are eligible for a discount of 2.5% on the amount of their current rate charge for the 2018/2019 year.

Option 2 - Payments to be made by two (2) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date.

Option 3 - Payments to be made by four (4) equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

- 5. Where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply. Interest on instalments shall be 5.5% p.a. calculated daily from the date the first installment is due to the date each subsequent installment is due, in accordance with the Local Government Act 1995.”***

COMMENT

Level of Rates/Calculation

There are several different methods available for rating within local government in WA. These include:

- General – based on valuation type;
- Differential - based on different land uses or zoning;
- Specified Area rates – definable area for facilities such as sewerage rates;
- Service Charges – As defined by the Act; or
- Voluntary levies – such as a land care levy

The Shire of Kojonup rates are based on the first dot point, general rates, and a rate in the dollar is set for both valuation types. In the 2017/2018 financial year, 23% of rates raised were from properties on a gross rental valuation (GRV) (predominately within the townsite), and 77% unimproved valuation (UV)(rural).

The proposed rate increase in the 2017/2018 draft budget is 4.0%. This is in-line with the above Council decision made on 19 June 2018.

All unimproved values (UV) have been revalued by the Valuer Generals Office in accordance with relevant statutory legislation. There was no significant change in total unimproved valuations for the Shire. As always, individual UV properties are likely to receive a greater variance (both increased and decreased) than the 4.0% total increase in actual rates levied for the year. Unfortunately, this is beyond the Shire’s control and anyone in this situation is encouraged to contact the Valuer General’s Office by Shire staff.

It is proposed that the minimum rate of \$675 from last year be increased to \$700 (increase of 3.7%).

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. The Council has historically offered a discount and it is proposed that a 2.5% discount on property rates paid within 14 days from the date of issue of the rate notice continue in 2018/2019.

Instalments

It is recommended that the Council continue to offer the following three (3) payment options as in previous years.

1. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice. (Full payments received within 14 days are eligible for a discount of 2.5% on the amount of their current rate charge); or
2. To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or
3. To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$9.00 be charged for each instalment reminder issued after the first instalment is paid. This is the same as that charged in at least the four previous financial years.

Interest on Instalments

It is recommended that the maximum allowable interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charges and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. Again, this is consistent with the previous year's charge and statutory requirements.

CONSULTATION

Setting the rating levels for 2018/2019 has been discussed at Council briefing sessions and senior management team meetings in addition to the 19 June 2018 Council decision. All other rating parameters are as per previous years.

STATUTORY REQUIREMENTS

Section 6.25 to 6.82 of the *Local Government Act 1995* and Sections 52 to 78 of the Local Government (Financial Management) Regulations relate to property rating requirements and procedures.

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget and in accordance with the goals set in SMART Implementation and the adopted Long Term Financial Plan of the Shire.

RISK MANAGEMENT IMPLICATIONS

A control measure to raise rate revenue to offset budget expenditure as listed in the 2018/2019 budget.

ASSET MANAGEMENT IMPLICATIONS

Rating revenue assists to fund the required asset management activities.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That:

- 1. The following rate levels be adopted for the 2018/2019 financial year:**
 - c) For all rateable properties where Gross Rental Valuations are applied a rate of 12.2820 cents in the dollar with a Minimum Rate of \$700 is to apply.**
 - d) For all rateable properties where Unimproved Valuations are applied, a rate of 0.9252 cents in the dollar with a Minimum Rate of \$700 is to apply.**
- 2. Where payments are received after the due date, penalty interest at a rate of eleven percent (11%) per annum, to be calculated on a daily basis will be imposed on all outstanding rates and service charges. Pensioners who are registered in accordance with the Rates Rebates and Deferments Act 1993 are to be exempt from this provision.**
- 3. Those ratepayers who pay all of their rates, charges and arrears in full within 14 days (Friday 10 August 2018) of the date of rate notice issue (27 July 2018) be offered a discount of 2.5% on the amount of their 2018/2019 property rate charge.**
- 4. The following rate instalment payment options be offered:**

Option 1	Payment in full
-----------------	------------------------

Total amount of rates and charges included on the rate notice to be paid in full by 31 August 2018. Full payments received on or before 10 August 2018 are eligible for a discount of 2.5% on the amount of their current rate charge for the 2018/2019 year.

12.4 BUDGET ADOPTION – 2018/2019 FEES AND CHARGES

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Tuesday, 17 July 2018
FILE NO	FM.FEE.1
ATTACHMENT(S)	12.4.1 – Draft 2018/2019 List of Fees and Charges

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 adopt the list of fees and charges for the 2018/2019 financial year.

BACKGROUND

The Council is required by the *Local Government Act 1995* to adopt a list of fees and charges annually.

The draft list of fees and charges has undergone a review from all staff, the Audit Committee and Councillor briefing sessions and was presented to the Council at its meeting held 19 June 2018 where it resolved:

Decision 66/18:

‘That the list of fees and charges, as attached, be referred to the 2018/2019 draft budget process.’

COMMENT

No changes have been made to the draft since the 19 June 2018 Council meeting.

Comparative figures are shown in the list of fees and charges with the previous two financial years to enable changes to be easily highlighted and also a contents page has been added for easier navigation within the document.

CONSULTATION

All staff have been given the opportunity to provide input. A review has also been conducted at Council briefing sessions, by the Audit Committee and the Council.

STATUTORY REQUIREMENTS

Section 6.15 to 6.19 of the *Local Government Act 1995* legislates the imposition of fees and charges for a local government. Section 6.19 of this Act requires a local government to advertise the imposition of fees and charges that are not included in the annual budget. This item is being completed in conjunction with the adoption of the annual budget and therefore advertising is not required.

Some fees are adopted under, or provided by, other legislation, such as:

- *Dog Act 1976*;
- *Public Health Act 2016*;
- *Cemeteries Act 1986*; and
- *Waste Avoidance and Resources Recovery Act 2007*

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

The list of fees and charges, when adopted, sets the level of many revenue items contained within the budget. Significant consideration needs to be given when setting each fee and charge and the effect that it will have on the usage of that facility and therefore the total revenue level obtained. For example, simply doubling a fee may not double the revenue, as the number of ‘sales’ may be affected by increased prices.

RISK MANAGEMENT IMPLICATIONS

A thorough and complete list of fees and charges assists with legislative compliance and ensures the generation of adequate revenue.

ASSET MANAGEMENT IMPLICATIONS

An appropriate list of fees and charges can assist to fund the required asset management activities.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That the list of 2018/2019 Fees and Charges, as attached, be adopted.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.5 BUDGET ADOPTION – 2018/2019 ANNUAL BUDGET

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Tuesday, 17 July 2018
FILE NO	FM.BUD.2
ATTACHMENT(S)	12.5.1 – Draft 2018/2019 Annual Budget

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

DECLARATION OF INTERST

Nil.

SUMMARY

The purpose of this report is to consider adopting the 2018/2019 Annual Budget, with or without modification.

BACKGROUND

The *Local Government Act 1995*, requires each Local Government to prepare a budget each financial year. The form, manner and content of the budget are prescribed in the Act and the Financial Management Regulations. The Council must adopt its budget by an Absolute Majority no later than 31st August in the budget year unless the Minister for Local Government has granted an extension.

The Council and its staff has been working on the components of the 2018/2019 Annual Budget for a number of months now, including the consideration of the plant replacement program, road construction program, fees and charges and property rating details. The Council briefing sessions have enabled a detailed analysis of the draft budget by staff and elected members.

The previous items in this agenda have dealt with the major items in the budget and have been adopted individually as required by the *Local Government Act*. These included the List of Fees and Charges and Property Rates.

COMMENT

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The main features of the draft budget include:

- The budget has been prepared with a 4.0% rate increase in line with the Council resolution from the 19 June 2018 meeting;

- Fees and charges have been reviewed by the Audit Committee and Council at both briefing sessions and the 19 June 2018 Council meeting and are itemised in the draft budget;
- The recurrent operating budget includes an overall decrease in estimated operating expenditure of 4.5% (although individual line items may vary from this based on specific factors affecting each of these) and continues the focus on improved service delivery to the community. However, operating revenue has decreased 9% from last year's budget as a result of a reduction in grant funding received. These grants are linked to capital expenditure and unfortunately this results in less funds for new or improved assets;
- A capital works programme totalling \$4.77m for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on transport (\$1.95m), housing (\$1.67m) and recreation and culture (\$0.51m) are the major components.
- New loan borrowings of \$530,000 will fund:
 - Sporting Complex retaining wall and ramp - \$100,000;
 - Great Southern Housing Initiative (key worker) - \$225,000; and
 - Great Southern Housing Initiative (aged) - \$205,000.
- An estimated surplus of \$512,405 is anticipated to be brought forward from 30 June 2018, however this not audited and may change. Any change will be addressed as part of a future budget review.

The Chief Executive Officer has prepared the following introduction to the budget:

“As stated in last year's budget papers the challenge whenever undertaking major capital works is replenishing reserve accounts to meet Asset Management requirements such as maintenance, renewal or replacement. The State Government has questioned the need for rate increases above 2% for metropolitan councils as a 1% increase may raise in excess of \$150,000 per annum. For Kojonup to raise this amount requires an increase of 4.05%. Yet there is little comment regarding increases in utility charges, emergency services levy, fuel costs and wages.

Then there is the question of financial viability, for example, “*What is the minimum amount of rates that need to be raised to meet Long Term Financial Planning projections against the total income required so that there is not an over reliance on grant revenue?*”

Rates revenue for the 2017/18 financial year represented 42% of total operating revenue, realistically if Council wishes to achieve the deliverables contained within the Community Strategic Plan and to meet ongoing operational commitments is it unrealistic not to raise at least 60% from rates revenue?

Reserve funds are achieved through an operational surplus. Another alternative is via loan borrowings (particularly when interest rates are low) and the community benefit can be extended over a longer period therefore repayment includes future ratepayers. Reserve funds and borrowings can also be leveraged against external funds/grants either on a \$ for \$ basis or higher ratio which will occur with the Regional Aged Appropriate Program and Building Better Regions Fund – Great Southern Housing Initiative as State and Federal funding has been secured.

Kojonup certainly does not wish to place itself in a position where it needs to borrow funds in order to meet operational obligations. The Council's focus is ensuring operational efficiencies achieve a small surplus which can be transferred to Reserve Accounts.

The Council also recognises that we must live within our means hence a proposed rate increase of 4% which will raise an additional \$144,000. Unfortunately projects, maintenance and renewal requests were deferred in 2017/18 given the additional works required at the Sports Complex with the access ramp and stormwater drainage improvements. Council is always challenged to do more with less but not to an extent where service levels are jeopardised or outcomes are unrealistic.

Reserve Accounts

Reserve accounts are utilised to set aside funds for use in a future financial year. This year's budgeted movement in Reserve Accounts sees a small decrease of \$165,823 as follows:

- Opening balance (1 July 2018) - \$3,500,532
- Closing budgeted balance (30 June 2019) - \$3,334,709

The figures above include \$1,580,533 of cash-backed bonds paid by residents of Springhaven Lodge.

Loans

The Council's loan indebtedness continues to be very low, with an outstanding balance at 30 June 2018 of \$384,651. This budget includes the raising of three (3) new loans as follows:

- Sports Complex Wall - \$100,000
- Aged Units – GSHI - \$205,000
- Staff Housing – GSHI - \$225,000

Following the raising of these new loans, it is budgeted that the loan balance outstanding as at 30 June 2019 will be \$884,130. Further information on these loans can be seen at Note 6 of this budget.

So what is in the Budget?

Governance:

ICT Plan Implementation - \$60,000
Town Wi-Fi and Digital Signage - \$50,000
Furniture/Chambers technology - \$25,000
Office Building Capital Renewal - \$13,500

Law, Order and Public Safety:

Bush Fire Communications Tower - \$100,000 (100% reserve funded)
Local Law Review - \$3,000

Housing:

Great Southern Housing Initiative (Key Worker)(50%) - \$969,166 (grants and loan)
Great Southern Housing Initiative (Aged)(50%) - \$512,000 (grants and loan)
Springhaven iCare Software - \$30,000
Springhaven Laundry Equipment Allowance - \$20,000
Springhaven Furniture, Air-Conditioning and Building - \$43,500
Springhaven SIHI Project (carry over) - \$49,628
JS/Loton Close ILU's Building Renewal – \$16,500
Independent Living Units Finalisation - \$10,000

Community Amenities:

Re-paint Railway Station - \$24,000
Render/Repair Barracks and Old Post Office - \$5,000

Kojonup Cemetery Upgrade (Carry Over) - \$7,250
Muradup Cemetery Upgrade (Remove Pine Trees) - \$10,000
Liquid Waste Facility - \$20,000
Townscape Plan - \$22,000
Town Furniture - \$30,000
Natural Resource Management Operations – fully funded from Reserves

Recreation and Culture:

Memorial Hall / Theatrical / Harrison Place DESIGN - \$10,000
Swimming Pool – Painting – \$45,000
Sporting Complex - Building issues (Balustrade) - \$14,000
Sporting Complex – Wall and Ramp - \$333,706
Sporting Complex - New Access and Parking Arrangements - \$100,000
Sporting Complex – Resurface Netball Surrounds - \$5,000
Apex Park Upgrade - \$10,000
Trails Master Planning - \$3,000
Contribution to Golf Club Roof - \$1,500
BBRF Business Plan - \$8,000

Transport:

Plant (as per 12 year plan):

- Net Cost \$550,000 – 12 year average
- Major Plant Repairs - \$10,000

Airstrip Building Improvements - \$5,000
Airstrip Promotional Signage - \$25,000
Signage Upgrades - \$10,000
Footpaths - \$66,000
Kerbing - \$47,000
Road Construction - \$1.25m (As per draft 10 year Program)

- Gravel Re-sheeting - \$375,000
- Widening Kojonup-Darkan Rd - \$124,000
- Widening Kojonup-Frankland Rd - \$501,000
- Bitumen Reseal – Kojonup-Darken Rd - \$108,000
- Bitumen Reseal – Kojonup Frankland Rd - \$84,000
- Bitumen Reseal – Kojonup Townsite - \$18,000
- Town Drainage Renewal - \$20,000
- Wooden Culvert Replacement - \$20,000

Economic Services:

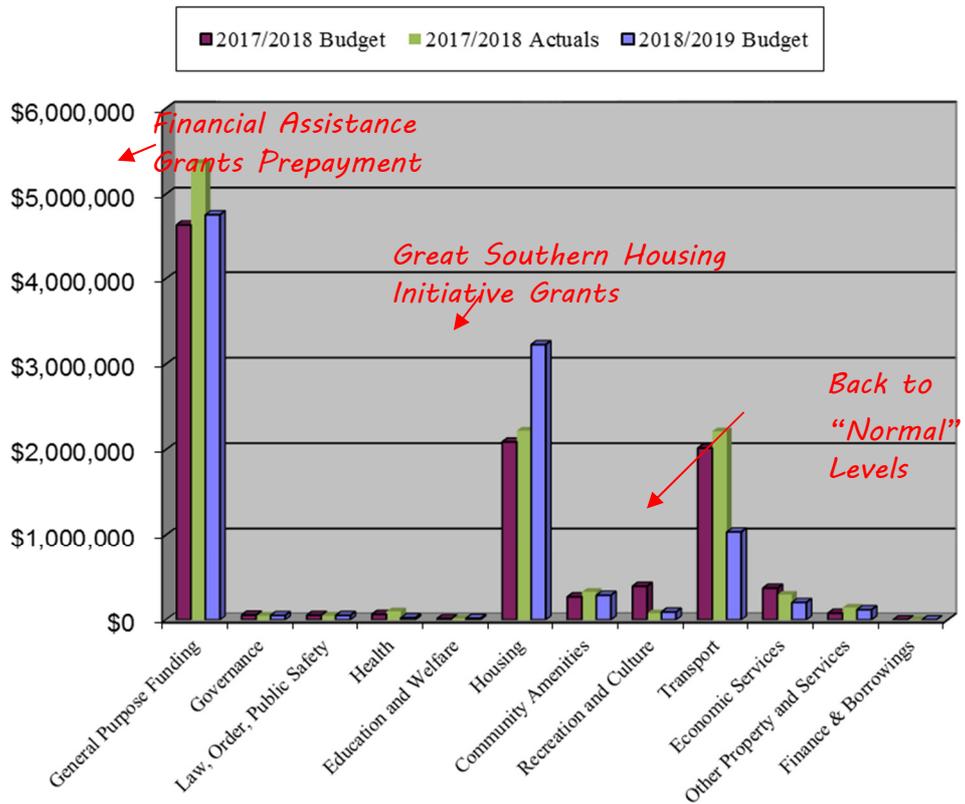
The Kodja Place:

- Shelving and Storage - \$5,000
- Seal Car Park, Signage and Line Marking - \$20,000
- Rose Maze Structures - \$5,000
- Solar Panels - \$35,000

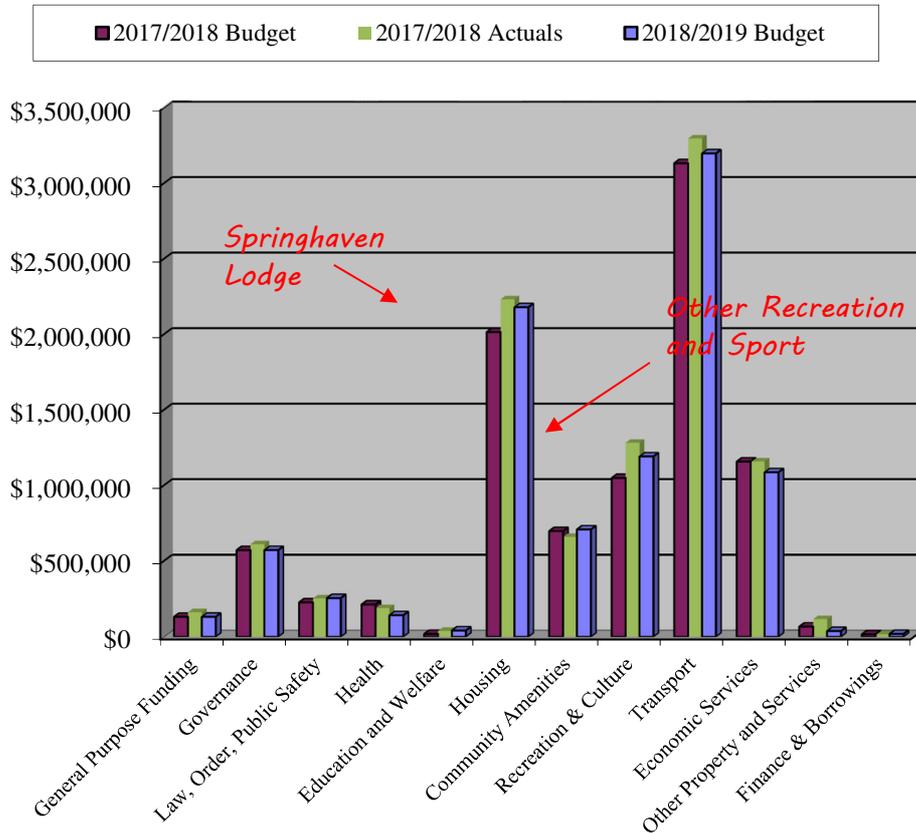
Water re-use and recycle project (carry over) – \$27,048
Automation of Water Re-Use - \$15,000
Saleyards Renewal - \$40,000
Sub-division expenses - \$115,000

Budget and Financial Summary

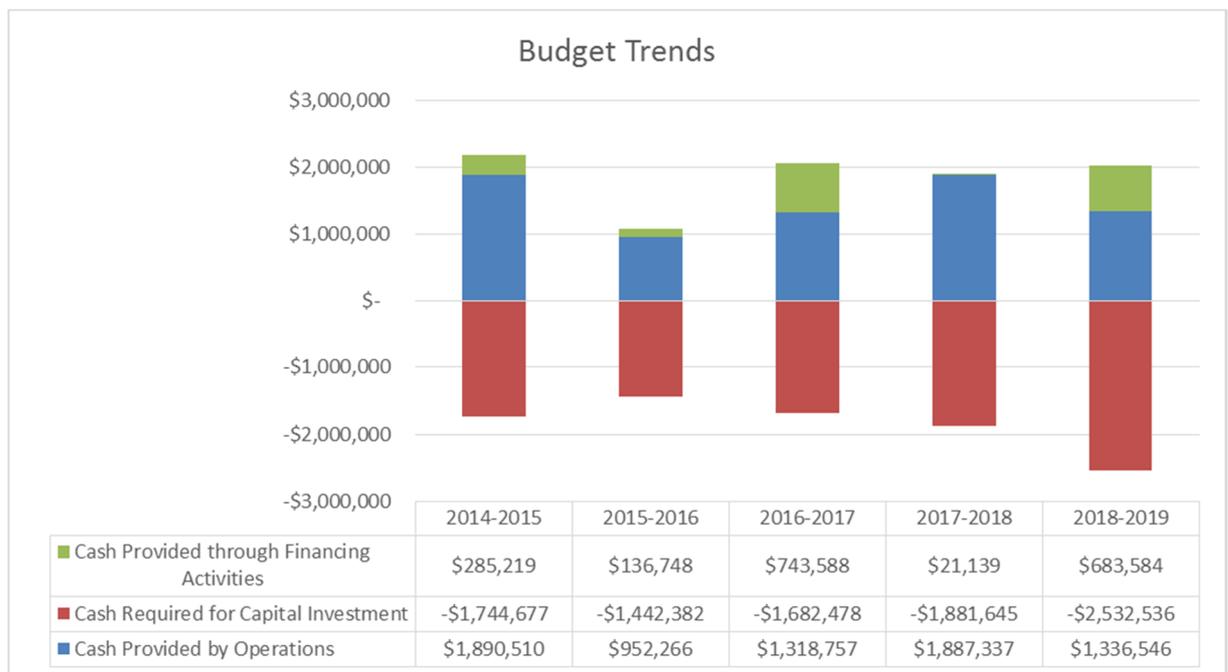
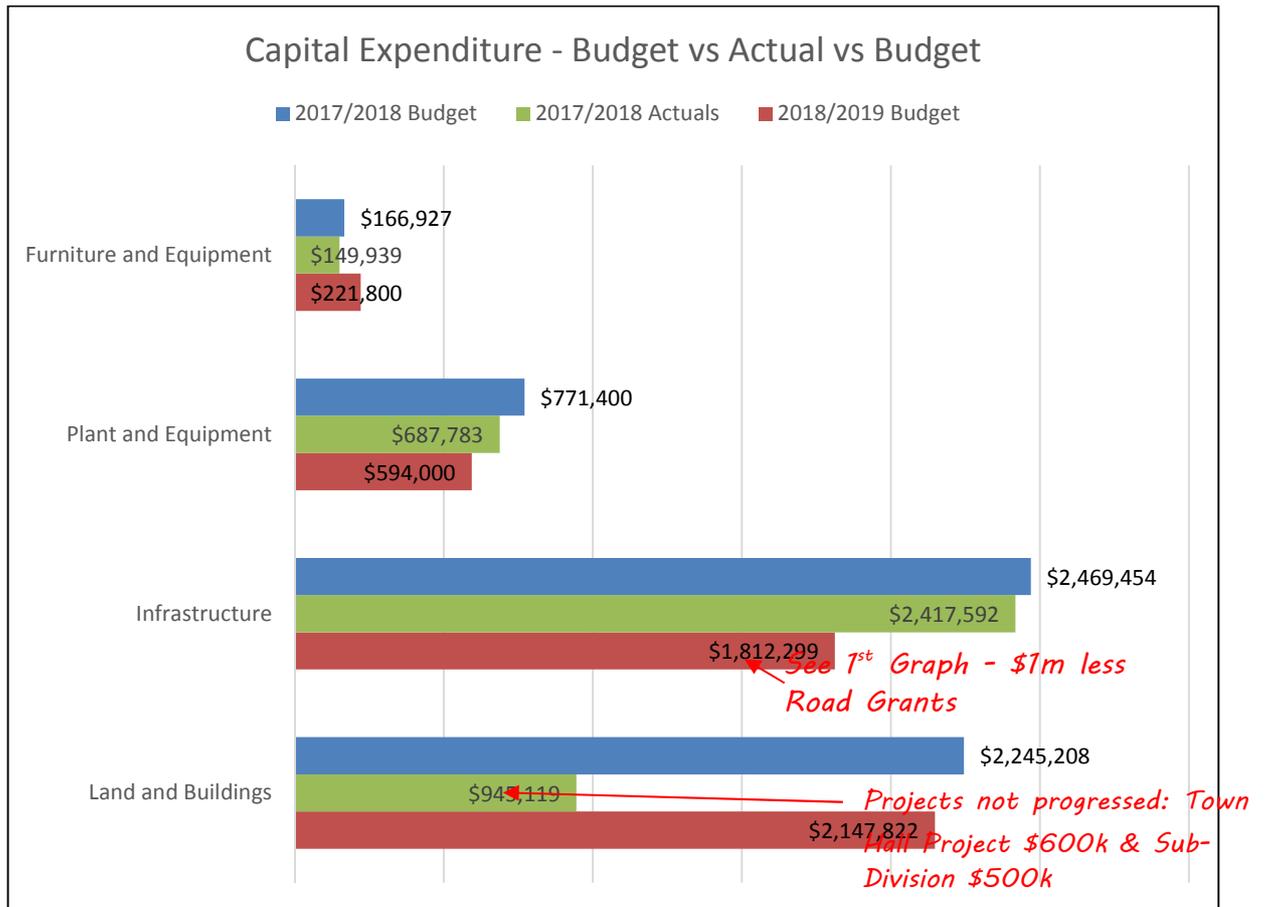
Operating Revenue

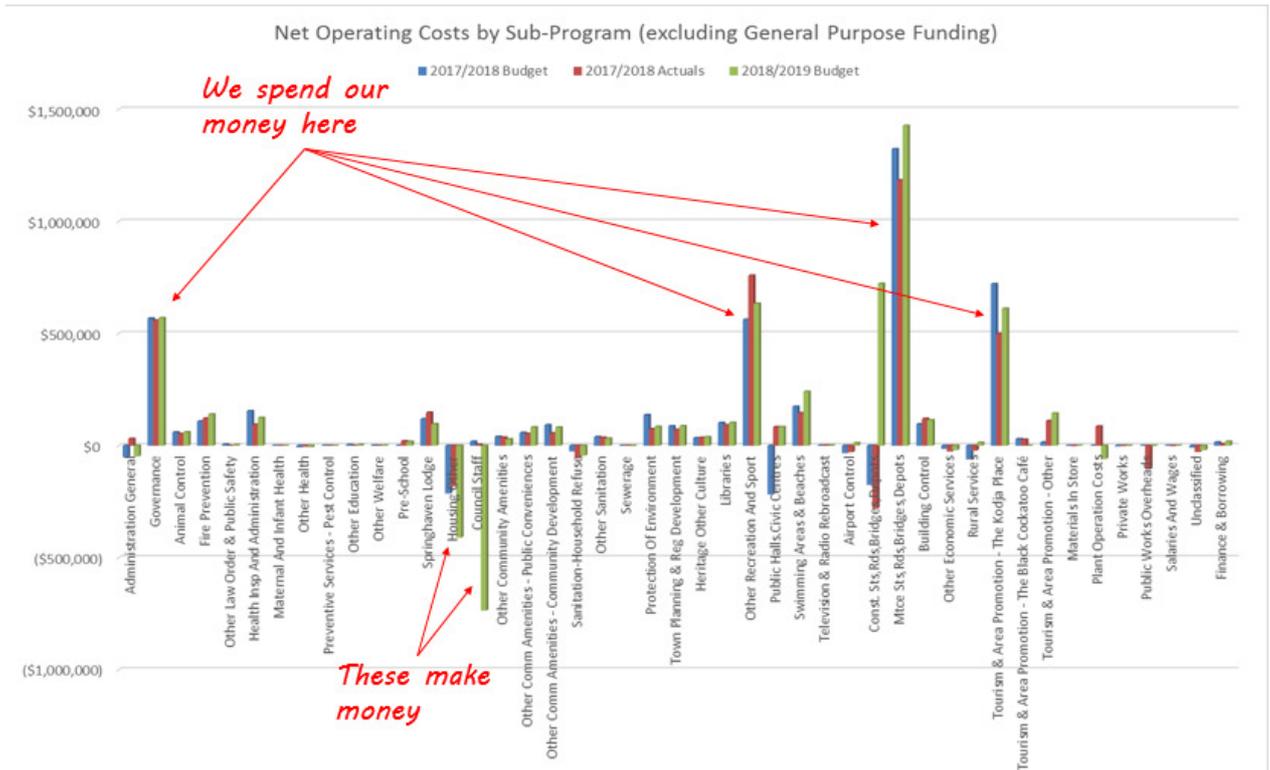


Operating Expenditure

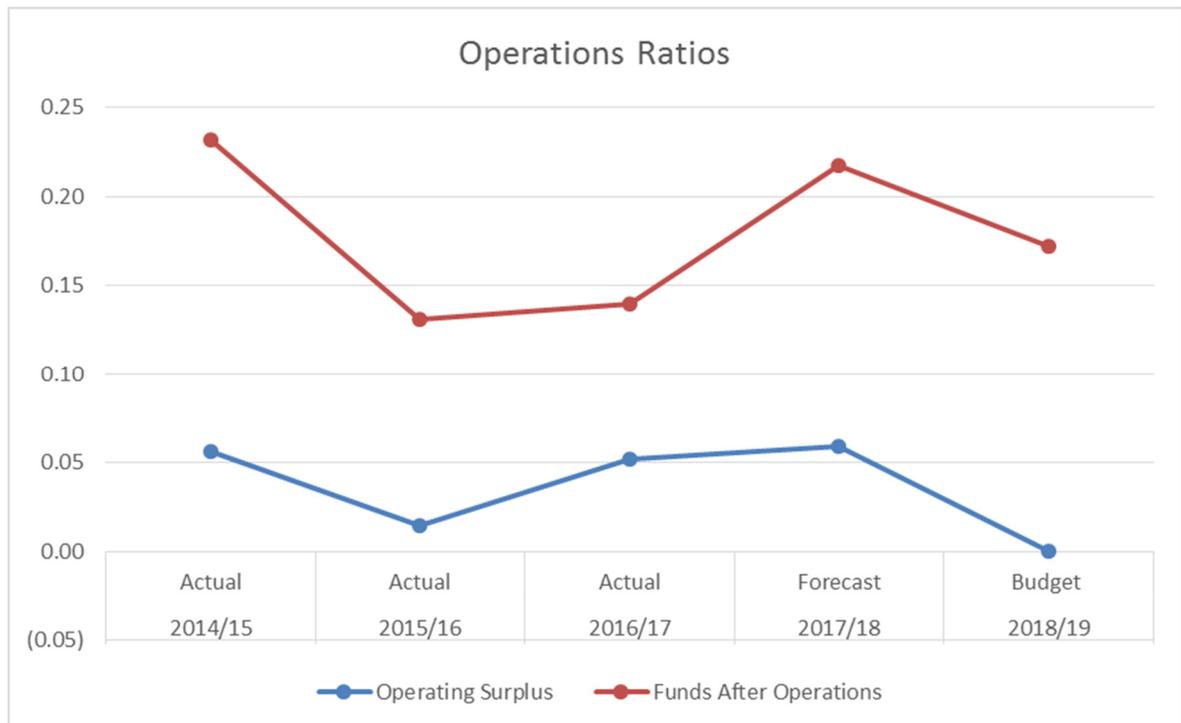


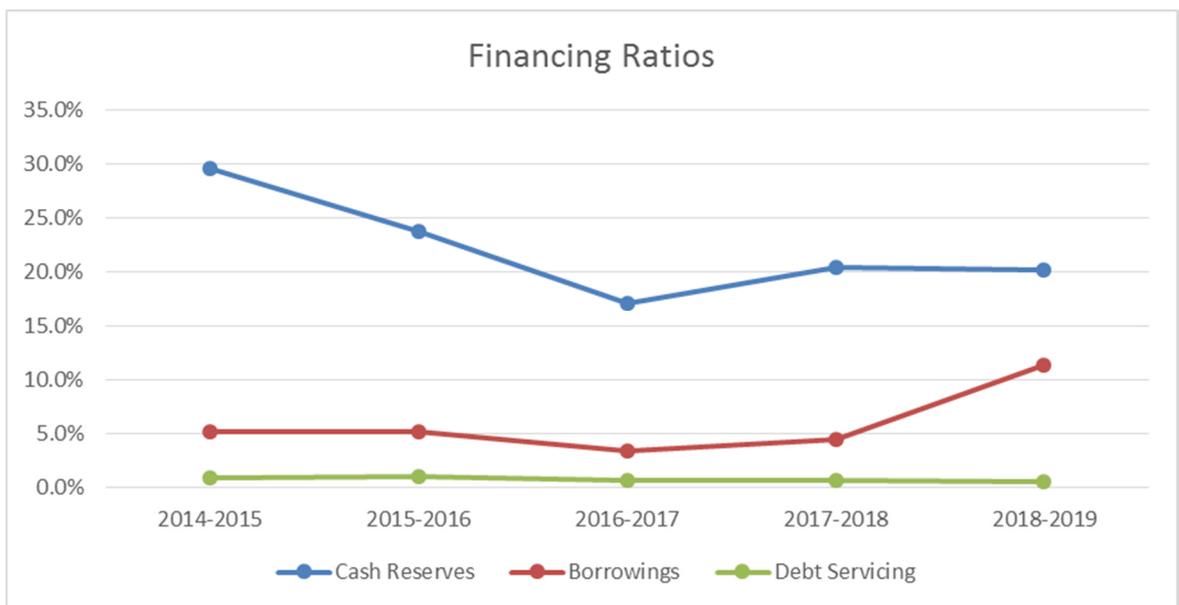
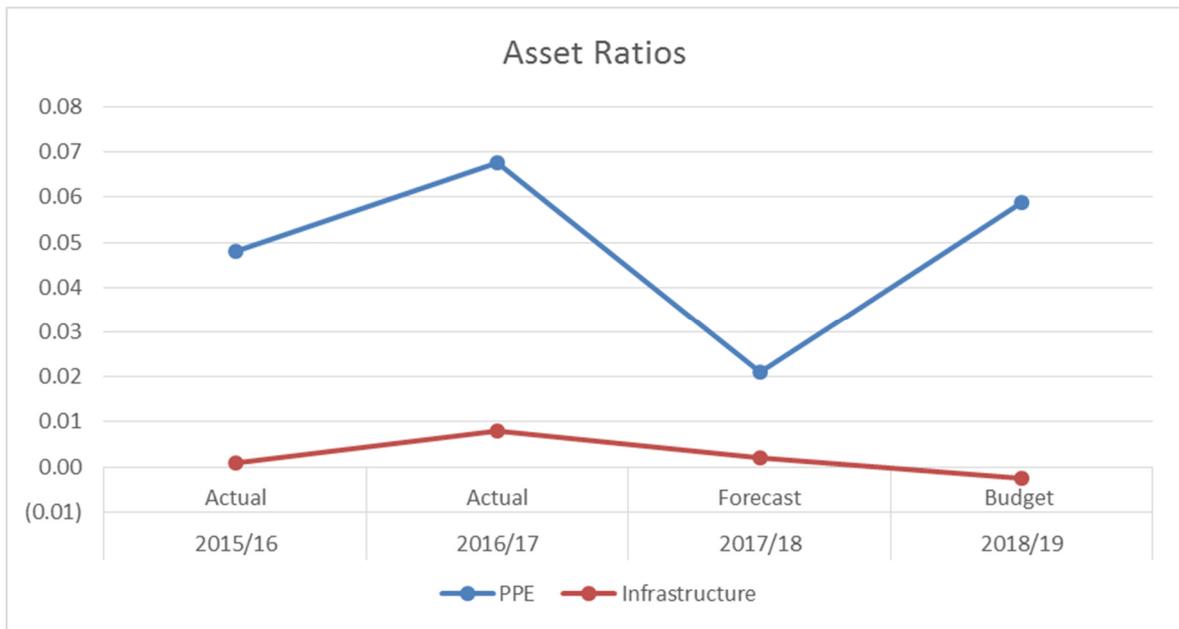
Depreciation & Cost Allocations dominate this graph





For more information on the following ratios and trends, please refer to note 15 in the budget:





Conclusion

The 2018/19 Budget process included consideration of and implications to the Long Term Financial Plan, Community Strategic Plan, Corporate Business Plan, Asset Management Plan, Risk Management Plan, Workforce Plan, as well as our ability to meet and respond to changes in government funding streams, regulation, cost shifting and the political landscape.

I express my sincere gratitude to Councillors who now as “normal practice” continually assess, review and evaluate the strategic direction of Council on behalf of the community they represent which is reflected in the quality of decisions made, backed by sound business planning including “whole of life” costs, and analysis of social, economic, environmental, cultural, historical, heritage values and resource requirements – human and physical.

Council will continue to engage and consult with the community to rank priorities and assess external funding opportunities which have severely diminished given the state’s unsatisfactory financial position.

Private Sector Investment in our Shire from building activity, expansion of engineering/agricultural support services, retail, commerce and tourism sector and diversified agricultural base is not taken for granted and reinforces the new Community Strategic direction of SMART Kojonup and the possibilities we can collectively achieve now and in the future.

To all my team – Thank you for your commitment to change, continuous improvement, to be innovative and continually rising to the challenge. To grasp opportunities such as resource sharing and whilst our population remains static we are making a positive difference which is being recognised by others because we strive to be better rather than ‘more of the same!’

To the community members whom I, Council and staff have been involved with over the past year and the many volunteers who have contributed time and energy supporting various clubs, groups and organisations thank you for your input and feedback and I look forward to continuing our productive association in the year ahead.

To the businesses who continue to support our community a big thank you! Council recognises the pressures being placed on our community and the need to work together so to everyone who has attended Forums, Briefing Sessions, Advisory meetings, Work Shops, lodged submissions, made suggestions or requests thank you for taking the time to be interested in the past, present and future direction of the Shire of Kojonup.

I commend this budget to Council for adoption for the 2018/19 Financial Year.

Rick Mitchell-Collins
Chief Executive Officer

16 July 2018

CONSULTATION

All staff have had input into the components of the budget. The Council has been consulted during budget workshops to assess the priorities of proposed capital works, plant replacement, abnormal operating items, reserve transfers and rate increase levels. The Audit Committee have had input into the fees and charges.

STATUTORY REQUIREMENTS

Section 6.2 of the *Local Government Act 1995* and regulations 22-33 of the *Local Government (Financial Management Regulations) 1996* legislate the requirements of the annual budget.

Section 6.2(1) of the *Local Government Act 1995* requires that prior to 31 August each year, the Council adopt a budget for its municipal fund for the proceeding financial year.

The annual budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;
- b) detailed information relating to the rates and service charges which will apply to land within the district including:
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.

- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and such other matters as are prescribed.

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

The adopted budget of the Shire sets the financial direction for the proceeding financial year and is prepared following consideration of the Corporate Business Plan, Long Term Financial Plan and all other informing documents and strategies.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for the adoption of the budget, apart from minimizing exposure to risks (particularly financial) through a thoroughly prepared and legislative compliant annual budget process.

ASSET MANAGEMENT IMPLICATIONS

The 2018/2019 budget makes provision for numerous new asset purchases, asset renewal and upgrades and major maintenance items for the coming financial year.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

That the 2018/2019 Annual Budget, as attached, be adopted.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.6 FREEDOM OF INFORMATION – INFORMATION STATEMENT 2018/2019

AUTHOR	Claire Servaas – Records Officer
DATE	Monday, 16 July 2018
FILE NO	IM.FOI.4
ATTACHMENT(S)	12.6.1 - Information Statement 2018/2019

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.3 – Develop and implement a formal media two-way communications strategy. 3.2.7 – Develop and adopt a communications strategy.

DECLARATION OF INTEREST

Nil

SUMMARY

To review, prior to the annual publishing of, the Shire of Kojonup’s Information Statement.

BACKGROUND

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an information Statement.

The Information Statement must set out:

- The Agency’s Mission Statement;
- Details of legislation administered;
- Details of the agency structure;
- Details of decision-making functions;
- Opportunities for public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency; and
- The operation of Freedom of Information (FOI) in the agency.

COMMENT

The Shire of Kojonup’s Information Statement 2018/2019 is attached to this agenda. The document complies with the requirements of the *Freedom of Information Act*, as outlined above.

A copy of the Information Statement will be forwarded to the Commissioner as required. The previous version was adopted by the Council at its ordinary meeting held 25 July 2017.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

This item is required under the *Freedom of Information Act 1992*.

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the *Freedom of Information Act*, and is linked to the Records Management Policy and Recordkeeping Plan.

FINANCIAL IMPLICATIONS

There are no known Shire of Kojonup Financial implications

RISK MANAGEMENT IMPLICATIONS

The review of this document ensures compliance with legislation and is a vital tool in ensuring open and accountable local governance.

ASSET MANAGEMENT IMPLICATIONS

There are no known Asset Management Plan implications.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2018/2019 Information Statement as attached be adopted and published in accordance with the *Freedom of Information Act 1992*.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.7 OCCUPATIONAL SAFETY AND HEALTH POLICY

AUTHOR	Mort Wignall, Manager Regulatory Services
DATE	Tuesday 17 July 2018
FILE NO	PE.PHS.5
ATTACHMENT(S)	12.7.1- Policy 2.2.14 Occupational Health and Safety (original) 12.7.2 – Policy 2.2.14 Occupational Health and Safety (updated for adoption)

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP- 3 Performance	Nil	KP3 Provision of Occupational Health and Safety processes and systems

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council’s endorsement to replace Council Policy number 2.2.14 Occupational Health and Safety (OSH) Policy with a revised policy based on the Shire of Perenjori OSH Policy recommended by Monty Archdale, our Local government Insurance Services (LGIS) Regional Risk Coordinator.

BACKGROUND

In a recent review of the existing OSH Policy by the OSH committee it was determined that the content of the policy included information that relates to procedural matters that would be better administered through a procedures manual. Therefore, the OSH policy needs to be refined to delete reference to matters of a procedural nature and it is considered, that the Shire of Perenjori OSH Policy is a suitable policy that could be adopted by Shire of Kojonup.

COMMENT

Our LGIS Regional Risk Coordinator advised of an OSH policy adopted by the Shire of Perenjori which, in his opinion, was a concise and appropriate policy that could be considered by Council to replace the existing OSH Policy.

CONSULTATION

OSH Committee (including LGIS Regional Risk Coordinator)
Senior Management Team.

STATUTORY IMPLICATIONS

Occupational Safety and Health Act 1984

POLICY IMPLICATIONS

Occupational Safety and Health Policy number 2.2.14

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Council has an obligation to provide a safe workplace for their employees, part of which is the adoption of an appropriate OSH Policy (supported by accompanying Procedures) that outlines Council's commitment to providing a safe workplace in accordance with OSH legislative requirements.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING

Simple majority

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

That Council resolve to replace Occupational Safety and Health Policy number 2.2.14 with a revised Occupational Safety and Health Policy as outlined in Attachment 12.7.2.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.8 REGISTRATION OF THE WA LOCAL GOVERNMENT ASSOCIATION 2018 ANNUAL GENERAL MEETING VOTING DELEGATES

AUTHOR	Lorraine Wyatt – Executive Assistant
DATE	Monday, 16 July 2018
FILE NO	CM.POL.2
ATTACHMENT(S)	12.8.1 - Policy 3.3 Councillor Induction and Training

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
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

To obtain authorisation from Council for the nominated delegate to vote at the WA Local Government Association (WALGA), Annual General meeting to be held on Wednesday 1 August 2018 at the Perth Convention Centre.

BACKGROUND

In accordance with policy 3.3 Councillor Induction and Training, authorisation from Council is required for nominated delegates attending the conference vote on motions at the WALGA Annual General Meeting in the absence of the Shire President and/or the Deputy Shire President.

All Councillors are encouraged to attend Local Government Week. The Shire President and Deputy Shire President are the Council’s nominated delegates to attend the conference and vote on motions on the Council’s behalf. The Council shall be required to authorise attendance by any other Councillor wishing to attend.

COMMENT

All Member Councils are entitled to be represented by two (2) voting delegates at the WALGA Annual General Meeting to be held on Wednesday, 1 August 2018 at the Perth Convention Centre however, only registered delegates or proxy registered delegates will be permitted to exercise their voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

In accordance with Policy 3.3, Council is required to authorise the nominated proxy delegate before registration can occur.

CONSULTATION

Shire of Kojonup Policy Manual

POLICY IMPLICATIONS

Policy 3.3 – Councillor Induction and Training.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council authorise Cr Jillian Mathwin to act on behalf of the Shire of Kojonup in the capacity as proxy delegate in the absence of the Deputy Shire President and so, be duly authorised to vote on motions at the WA Local Government Association Annual General meeting to be held on Wednesday 1 August 2018 at the Perth Convention Centre.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

13.1 OFFER OF PURCHASE – DISPOSAL OF LOT 14 THORNBURY CLOSE

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Monday, 16 July 2018
FILE NO	A20313
ATTACHMENT	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 – Prosperity	4.3 - Be attracting support industries and diverse and new business sectors to the region.	4.3.4 Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council approval to accept the formal offer of \$10,000 made by Mr Roy Donaldson, to dispose of Lot 14 Thornbury Close, (Diagram 75165, Volume 1826, Folio 47, 1945m²), Kojonup following public notification in the Great Southern Weekender in accordance with S3.58 of the *Local Government Act 1995*.

BACKGROUND

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

The Shire of Kojonup owns Lot 14 and at present does not use the land for any purpose. Council, at its meeting held 17 April 2018 resolved:

Decision 41/18 “That Council authorise the Chief Executive Officer to progress the disposal of Lot 14 Thornbury Close, Kojonup in accordance with section 3.58 of the Local Government Act.”

COMMENT

Lot 14 Thornbury Close is a vacant block of land in the Industrial area. The lot is 1945m². The block was valued at \$10,000 excluding GST and the offer received is \$10,000.

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

No comment was received during the public advertising period. Disposal of this land is therefore recommended.



Lot 14 Thornbury Close

CONSULTATION

Senior Administration Officer

STATUTORY REQUIREMENTS

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

3.58. *Disposing of property*

(1) *In this section -*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to-*

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

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*

(a) *it gives local public notice of the proposed disposition -*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

OFFICER RECOMMENDATION

That Council:

- 1. Authorise the Chief Executive Officer to accept the formal \$10,000 offer excluding GST to dispose of Lot 14 Thornbury Close, Kojonup (Diagram 75165, Volume 1826, Folio 47, 1945m²) excluding any transfer/legal costs, in accordance with S3.58 of the *Local Government Act 1995*.**
- 2. Allocates the net proceeds from the sale to the Land Acquisition and Development Reserve.**

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

13.2 APPLICATION FOR DEVELOPMENT APPROVAL – ADDITIONS/ALTERATIONS TO OFFICE BUILDINGS No. 119-123 ALBANY HIGHWAY, KOJONUP.

AUTHOR	Phil Shephard – Town Planner
DATE	Friday, 13 July 2018
FILE NO	A24165
ATTACHMENT(S)	13.2.1 - Application plans

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Delivered Activity
KP 4 - Prosperity	4.4 Have collaborated to enhance and attract diverse retail to ensure a successful and renewed Main Street.	Assessment and approval of subdivision and development applications under the authority of the <i>Planning and Development Act 2005</i> .

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal for development approval for building additions/alterations to the existing office buildings. Some of the construction will cross the cadastral (property) boundary.

BACKGROUND

Nil.

COMMENT

The development includes the construction of several additions/alterations to the existing office building as shown in the attached plans including new toilet, ramps/stairs, rear verandah and kitchen facilities. The applicant states the purpose is to ‘.. *improve the conditions for employees and clients of the building owner*’.

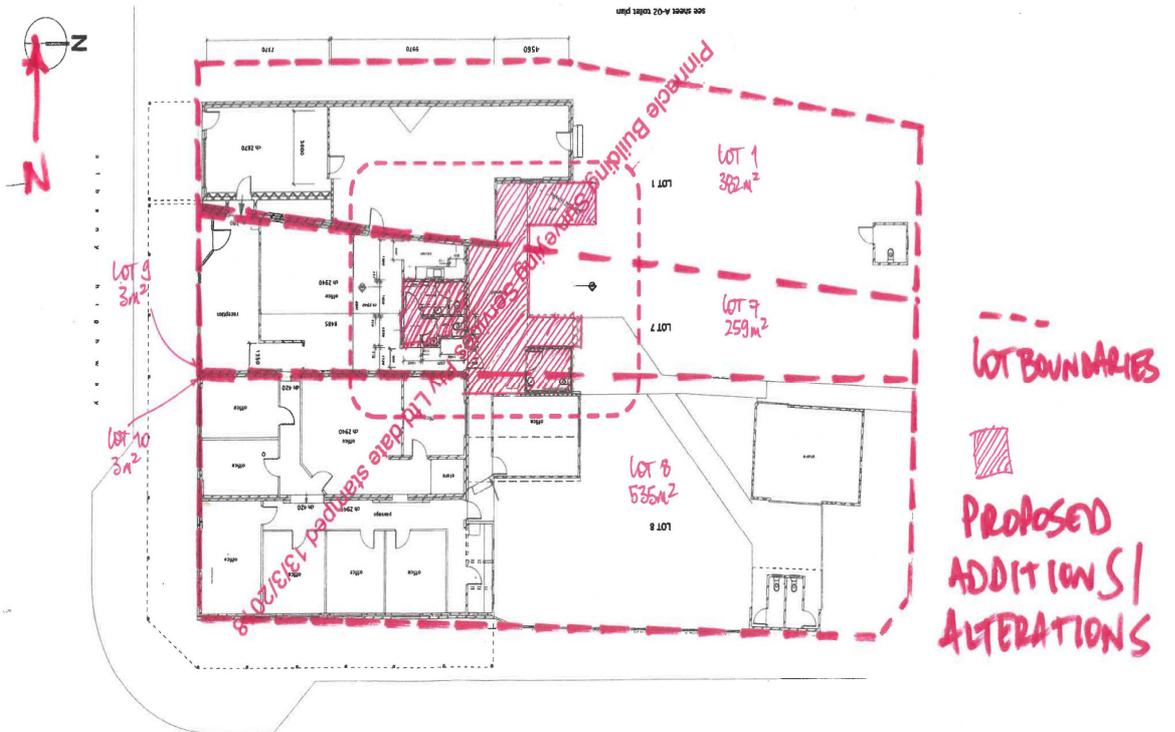
The existing office buildings have been constructed on several lots (being Lots 1, 7/9, 8/10) generally along cadastral boundaries with the existing party wall arrangements/minor encroachments across the boundaries covered by easements on the certificate of titles.



Aerial image showing lot boundaries in red and existing buildings (Source: Landgate Map Viewer Plus)

Site plan	A-01	Drawn 15/08/18
Architectural Drawing		
Scale: 1:200		
123 Albany Highway Kojonup 6395 WA		
Renovations Pascoe offices		
Martin Beck		
PO Box 1492 Pascoe 6008		
Mobile 0412 954 192		
martinbeck@gmail.com		

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Street image showing existing buildings (Source: Google Earth Pro)

The new unisex accessible toilet and rear verandah are proposed to be constructed across the boundaries and staff recommend that the lots be amalgamated to facilitate the building improvements.

The property is zoned Commercial under Town Planning Scheme No. 3 (TPS3) and has access to the water supply, sewer, electricity and telecommunications infrastructure.

Town Planning Scheme No. 3 controls

The property has a longstanding use as a Professional Office which is an AA discretionary land use within the Commercial Zone under TPS3 which means that the Council, at its discretion, permit the use.

TPS3 requires that all development comply with the relevant development standards in Table II – Development Table unless a variation is approved by Council. The development standards that apply to a Professional Office development are shown in the table below:

<i>Minimum Boundary Setback (m)</i>			<i>Maximum Plot Ratio</i>	<i>Minimum Landscaped Area (%)</i>	<i>Minimum Number of Car Parking Bays</i>
<i>Front</i>	<i>Rear (Average)</i>	<i>Side</i>			
*	*	*	0.5	*	<i>1 for every 30m² plot ratio area</i>

Setbacks

The proposal largely affects an existing building and the additions/alterations include both internal and external works and the setbacks will vary accordingly and, in some cases, will be nil where the development crosses a lot boundary.

Plot Ratio

The plot ratio of the office buildings (excluding the verandah areas) will be approximately 0.48 or 48% which is less than the maximum allowed.

Landscaping

The proposal does not include any landscaping within the application and no additional landscaping is considered necessary.

Car Parking

The proposal largely affects an existing building and the additions/alterations do not include any new office space. Given there is no increase in staff numbers, no additional car parking is considered necessary.

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 consistent with the objectives for the TPS3 (c.1.6) and Commercial Zone (c.3.2.3).
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposal is a discretionary land use within the Commercial Zone and mainly achieves the required development standards and is considered consistent with the orderly and proper planning of this area in Kojonup.
(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 additions/alterations are considered compatible in height, bulk, scale and appearance with other similar structures in the commercial areas in Kojonup.
(n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not expected to negatively impact on the environment, character or amenity of this commercial locality.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The land is considered suitable for the proposed development.

Matter to be Considered	Response
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The proposal is not considered to increase risk to human health or safety.

Conclusion

The proposal complies generally with the relevant development standards for a Professional Office development under of TPS3 should be approved subject to conditions.

Alternate Options

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

1 Not support the proposal

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

2 Support the proposal

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

3 Defer the proposal

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

CONSULTATION

Nil required.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 - This application is required to be determined in accordance with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

There are no Council planning policies relevant to this report.

FINANCIAL IMPLICATIONS

The applicant has paid the development application fee of \$320 as set down in the adopted 2017/18 List of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relevant to this report.

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

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant development approval for the building additions/alterations to the Professional Office use/development on No. 119-123 (Lots 1, 7/9 and 8/10) Albany Highway, Kojonup subject to the following conditions/advice:

- a) **The development to be generally consistent with the attached stamped approved plan and where marked in red, unless a variation has been approved in writing by the Chief Executive Officer.**
- b) **The lots being amalgamated to the satisfaction of the Chief Executive Officer (confirmation of the Landgate dealing number or similar) prior to the building permit being issued.**
- c) **Stormwater from the building additions to be collected and disposed/reused on-site.**

Advice Notes:

- a) *The building additions/alterations requires a separate Building Permit to be obtained prior to any works commencing.*

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

14 **KEY PILLAR 5 – ‘DIGITAL’ REPORTS**

Nil.

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

17 CONFIDENTIAL REPORTS

17.1 CHIEF EXECUTIVE OFFICER – 2017/2018 PERFORMANCE REVIEW

AUTHOR: Anne Lake – Consultant – Anne Lake Consulting
DATE: 11 July 2018
FILE NO: Personnel File

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the meeting be closed to the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* to discuss a matter affecting an employee or employees.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION

That the meeting resume in open session.

18 NEXT MEETING

Tuesday, 21 August 2018 commencing at 3:00pm.

19 CLOSURE

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

20 ATTACHMENTS (SEPARATE)

- Item 7 7.1.1 Minutes of the Ordinary Council Meeting held 19 June 2018
- Item 10 10.1.1 Quote from Metro Trees
- Item 11.1 11.1.1 Correspondence from the Office of National Rail Safety Regulator
- 11.1.2 Certificate of Currency
- Item 11.2 Data Breach relating to:
 - 11.2.1 RC – 01: Initial Assessment
 - 11.2.2 MA – 07: Record
 - 11.2.3 RC – 10: Restraint,
- Item 12.1 12.1.1 June 2018 Monthly Financial Statement.
- Item 12.2 12.2.1 Monthly Payments Listing 1/5/2018 to 31/5/2018
- Item 12.4 12.4.1 Budget Adoption – 2018/2019 Fees and Charges
- Item 12.5 12.5.1 Budget Item – 2018/2019 Annual Budget
- Item 12.6 12.6.1 Information Statement 2018/2019
- Item 12.7 12.7.1 Policy 2.2.14 Occupational Health and Safety (original)
- 12.7.2 Policy 2.2.14 Occupational Health and Safety (for adoption)
- Item 12.8 12.8.1 Policy 3.3 Councillor Induction and Training
- Item 13.1 13.2.1 Application Plans