

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

11 December 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, 11 December 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
7 December 2018

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 DECEMBER 2018

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AGENDA

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

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

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer led by Cr S Pedler

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

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

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

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

2 ATTENDANCE and APOLOGIES

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

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Anthony Middleton	Manager of Corporate and Community Services
Judy Stewart	Senior Administration Officer
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

Nil

APOLOGIES

Phil Shephard	Planner
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3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

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6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 20 NOVEMBER 2018

Minutes of the previous Ordinary Council Meeting which was held on 20 November 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 20 November 2018 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

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

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Monday, 3 December 2018
FILE NO	TT.PLN.3
ATTACHMENTS	

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.4 Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.	1.4.3 Form a programmed upgrade of Main Street through landscaping, furniture and signage. 1.4.5 Review and implement a townscape plan and ‘Main Street’ development. 1.4.6 Redevelop the Main Street to create a people friendly and vibrant retail centre.

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council’s agreement to officially request Main Roads WA to implement a 40KPH speed zone on the Albany Highway from the intersection of Newstead Road to Broomehill Road, Kojonup.

BACKGROUND

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

COMMENT

Cr Radford at the 6 November 2018, Briefing Session indicated that Council should give consideration to a further reduction of the 50 KPH speed limit on the Albany Highway between Newstead Road and Broomehill Road to 40KPH. Towns such as Collie, Katanning and Wagin have implemented 40KPH speed limits for their main streets, which is now becoming the norm rather than the exception to improve traffic and pedestrian management of main streets. Cr Radford has spoken with Transport Operators to ascertain if a 40KPH restriction poses any issues for trucks travelling north being able to pull trailers up the hill – outcome 50/50 for/against.

CEO submits this agenda item in order for Council to make a formal decision on Cr Radford's suggestion.

CONSULTATION

Briefing Session – 6 November 2018
Matthews Transport
Miotti Transport

STATUTORY REQUIREMENTS

Road Traffic (Vehicles) Regulations 2014
Road Traffic (Administration) Regulations 2014
Road Traffic Act (Towed Agricultural Implements) Regulations 1995
Road Traffic Code 2000
Road Traffic (Charges and Fees) Regulations 2006
Road Traffic (Administration) Act 2008
Road Traffic (Vehicles) Bill 2011
National Heavy Vehicle Regulator
National Transport Commission
Department of Transport – Main Roads WA
Western Australia Police
Department of Mines and Petroleum
Road Safety Commission

POLICY IMPLICATIONS

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

It is recommended that Cr Radford's suggestion be conveyed to the community for feedback in order to gauge support for a further speed limit reduction.

FINANCIAL IMPLICATIONS

Financial Planning is critical in achieving short, medium, long term targets for the Main Street Renewal Strategy. Signage would be the responsibility of Main Roads WA for the changed speed zones if approved.

RISK MANAGEMENT IMPLICATIONS

Ensure any future works undertaken on the Main Street address pedestrian safety, mobility requirements and motorists' needs.

ASSET MANAGEMENT IMPLICATIONS

No direct implications for the Shire of Kojonup.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

No direct implications.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Seek community feedback until 31 January 2019 regarding the suggestion of approaching Main Roads WA to implement a 40KPH speed zone on the Albany Highway from the intersection of Newstead Road to Broomehill Road, Kojonup; and**
- 2. Consider the above community feedback at the 19 February 2019, Council Meeting.**

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 MEDICAL/HEALTH SERVICES - KOJONUP

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Tuesday, 4 December 2018
FILE NO	PH.SVP.1
ATTACHMENTS	H&H Architects Drawings

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.2 Be a happy, healthy connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.10 Develop and adopt a Health Plan. 1.4.5 Review and implement a townscape plan and ‘Main Street’ development. 1.4.6 Redevelop the Main Street to create a people friendly and vibrant retail centre.
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups.	2.2.1 Work with regional, state and national health providers to develop innovative health services. 2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 Establish formal networks between all health service providers within Kojonup. 2.2.4 Enable a sustainable aged-care service through public-private partnerships. 2.2.5 Advocate for the Department of Health to maintain the presence of existing health services and promote their availability throughout the region.
KP 3 - Performance	3.3 Use a Building Assessment Framework and control our investment in building maintenance.	3.3.1 Implement an asset rationalisation process based on the Building Assessment Framework. 3.3.2 Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people. 3.3.3 Develop a Capital Assessment Framework for all new asset decisions. Implement a ‘Capital Evaluation’ policy and procedure to ensure all

	<p>3.4 Be organised and transparent with our financial management.</p>	<p>potential future projects are evaluated appropriately; and only the projects most aligned to achievement of council’s objectives and long-term sustainability are selected for implementation.</p> <p>3.3.4 Undertake an asset management planning process to review and rationalize Shire buildings to maximize their use and value to the community</p> <p>3.3.6 Adapt the current ‘Buildings Assessment Framework’ project to include review of other asset classes; and dispose of surplus/ unsustainable assets as required.</p> <p>3.3.7 Ensure the Shire has an appropriate database for storage of asset information and complete a detailed data pick-up and condition assessment of all assets.</p> <p>3.3.8 Utilise the results of implementation of recommendation 9 to prepare:</p> <ul style="list-style-type: none"> • A sustainable ‘operations and maintenance’ plan; • A ‘renewal and replacement’ plan; and • A ‘new, upgrade and disposal (capital investment)’ plan. <p>3.3.9 Once recommendations 9 and 10 are complete, update the Shire’s ‘Asset Data Request’, re-run the Shire’s renewal model and update the Asset Management Plan with the results.</p> <p>3.4.8 Update the Long-Term Financial Plan and ensure there is a mechanism in place to continuously link Asset Management to the Long-Term Financial Plan update cycle.</p>
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DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council direction on the options it will progress for Medical/Health Services infrastructure following the Community Forum held on 3 December 2018.

BACKGROUND

The Community Forum was facilitated by Mark Weller – Core Business in conjunction with Tom Stevens (H & H Architects – Quantity Surveyor) to update residents on the work undertaken by Council in assessing development options for built infrastructure with guests David Naughton – (Regional Director, West Australia Country Health Service (WACHS) - Great Southern), Ruth York - (Operations Manager, Multi-Purpose Services, WACHS) and Robyn Miller (Director of Nursing, Katanning Health Service, WACHS) in attendance to provide comment on Health and Medical Service provision from a State Government perspective for the region, sub region and local areas.

COMMENT

Feedback received from the community forum held 3 December 2018 in which approximately 170 people attended identified that:

1. The community wishes to ensure that we have adequate coverage and retain access to General Practitioners and allied health services first and foremost rather than focussing entirely on bricks and mortar.
2. Building a new Medical Centre does not necessarily guarantee improved patient access times or attracting/retaining GP's.
3. Acknowledged the following comments made by Mr David Naughton - Regional Director, WA Country Health Service - Great Southern that:
 - Health Services is a core State Government responsibility with Kojonup Health Service being a Level 2 facility with Katanning as the hub which is supplemented by Commonwealth Initiatives such as funding GP's to rural areas.
 - Medical Practices are businesses and as such look for the best return on investment.
 - Contractual obligations and service provision for 'Rosters, On-Call, Call-Outs' is determined by the State via WACHS for providers such as St Luke's Family Practice. (i.e. Local government cannot be involved in such arrangements).
 - GP's require a work/life balance and look Australia wide for the 'best fit' which places rural areas at a disadvantage if you don't have a coast line or close proximity to metropolitan services/amenities.
 - E Health (Telehealth) is now the norm not the exception for patient needs as WA is a vast area with sparse populations outside metropolitan Perth.
4. The community are experiencing frustration and delays when trying to make an appointment at St Luke's Family Practice, leading to more residents travelling elsewhere such as Bunbury to see Dr Anthony King.
5. Even if patient service provision improved at the St Luke's Family Practice some residents because of their long association with Dr King would continue to travel to Bunbury.
6. Claims from a section of the community that a greenfield site build, complete with 'fit out' in accordance with Australian Standards for Medical Centre/Doctor Consulting Rooms, etc., (excluding an operations plan of how the building and surrounds would be managed and operated) consisting initially of 4 consulting rooms if undertaken by a 'Community Committee' can be achieved around \$1.2M utilising George Church Bequest if 'Walker's Block' sold to community committee for \$1.00. This statement of intent needs to be clearly demonstrated by a contractor providing a formal written 'Cost of

Construction' quote to the Shire for comparison against the Quantity Surveyor costs already possessed by Council.

7. Based on previous quantity survey costings, Council will need to secure up to \$1.4 million in addition to Mr Church's bequest to build a new Medical Centre on a Greenfield site that complies with Australian Standards.
Expanding and improving the existing site in Katanning Road including new sealed Car Park, Landscaping, covered walkway, Ambulance access, 2 additional treatment rooms, plus contingency provision has been costed at \$872,300 by Quantity Surveyor – Chris O'Keefe as per "concepts" displayed at the Community Forum and at Attachment 11.1.1.
8. The 2019/20 Shire Budget could include provision for the additional \$350,000 enabling the extensions and enhancements to be completed on or before November 2020.
9. The time frame for constructing a new facility would remain dependent upon securing an additional \$900,000 +/- in addition to Mr Church's bequest.

It has been reiterated in the adopted Health Precinct report by NAJA consulting, by Dr Du Pree - St Luke's Family Practice and Mr Naughton that the delivery of Medical services is changing so rapidly that a facility built even five years ago would be different to the requirements of today.

Virtual consultations are already a reality and patient records can be made available to Specialists without the need for a physical visit. Follow up appointments with Specialist services will in many instances be able to occur this way negating the need for patients to travel long distances by simply attending the local Medical/Multi-Purpose Centre for a long-distance appointment.

Mr Naughton indicated that Primary Health Care is increasing at such a rate that the likelihood of a dedicated online Doctor on call 24/7 is very real for country areas. Such changes may be very different to what we are accustomed to but will result in better access and health outcomes for regional communities.

Council has considered whether funding can be found and what the ongoing cost implications to rate payers would be of building a new facility as opposed to improving the existing site.

Mr Stevens indicated that the most recent 6 – 7 room Medical Centre built in Albany was \$1.4M excluding GST with all infrastructure services on-site prior to commencement. Mr Naughton advised that the Williams Centre build was in the vicinity of \$3 - 4 Million.

CONSULTATION

Community Forum – 3 December 2018

STATUTORY REQUIREMENTS

Local Government Act 1995

S3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

POLICY IMPLICATIONS

Council will need to secure additional funds ranging from \$900k - \$1.4M to build a new Medical Centre on a Greenfield site. Extension and renovation of 34 Katanning Road funds can be sourced from the annual Grants Commission allocation.

The Asset Management Plan (AMP) specifically states *“The most significant recurring theme for all local government organisations is the sustainability concerns related to financing the renewal gap. Ageing community infrastructure, cumulative infrastructure renewal backlog and changing community expectations for the assets being replaced contribute to an industry wide challenge.”*

The Shire of Kojonup has limited resources and is the custodian of a large number of assets. Therefore, when making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets. In addition, where possible, rationalizing and consolidating assets that are no longer used or do not provide the agreed level of service.

Asset Management is the systematic process of effectively planning for, maintaining, upgrading and operating assets. The benefits to both the council and the community of improved asset management are:

- Strong governance and accountability in the delivery of efficient and effective services;
- Sustainable infrastructure investment decisions through the appropriate consideration of all options and the recognition of life cycle costs;
- Improved understanding of customer requirements and the alignment of the performance of assets to the community expectations; and
- Effective risk management.

FINANCIAL IMPLICATIONS

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

Council will need to secure additional funds ranging from \$900k - \$1.4M to build a new Medical Centre on a Greenfield site which could take up to 5 plus years to achieve. Extension and renovation of 34 Katanning Road can be sourced from the annual Grants Commission allocation allowing works to be completed during 2020 calendar year.

Kojonup Medical Centre Ref: A996, 34 Katanning - Kojonup Road, Kojonup
Indicative Cost Estimate 24/10/2018

Project Cost Summary

Total Cost from Summary	\$569,000
Kojonup District Allowance (15%)	\$85,350
Design/Construction Contingency	\$65,450
Subtotal	\$ 719,800
Loose Furniture & Equipment Allowance	\$ 15,000
Professional Fee Allowance	\$ 58,200
GST	\$ 79,300
Total Indicative Cost Estimate	\$ 872,300

Exclusions:

This estimate excludes the following costs:

Unknown ground conditions

Medical equipment

There is a legal aspect in relation to the treatment of Mr Church's bequest that also needs careful consideration. Mr Church by virtue of specifically stating the intent of the bequest, rather than a donation, unintentionally 'locked in' the use of the bequest which the State Attorney-General by virtue of the *Charitable Trusts Act 1962* has jurisdiction and any change is subject to application to the Supreme Court.

The bequest cannot be transferred or used for any purpose that forms part of a private sector arrangement. It must be for a charitable purpose with any income generated used for a charitable purpose as per Section 7 below: -

Charitable Trusts Act 1962

"Part III — Schemes in respect of charitable trusts

7. Property may be disposed of for other charitable purposes

- (1) Subject to the provisions of subsection (3), where any property or income is given or held upon trust, or is to be applied, for any charitable purpose, and*
 - (a) it is impossible, impracticable or inexpedient to carry out that purpose; or*
 - (b) the amount available is inadequate to carry out that purpose; or*
 - (c) that purpose has been effected already; or*
 - (d) that purpose is illegal or useless or uncertain,*

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

RISK MANAGEMENT IMPLICATIONS

Minimizing risk exposure to Council and Community in relation to financial costs, Internal fit out, compliance, future planning and public risk is vitally important to clearly understand:

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

Capital outlay is but one aspect when considering a new asset, the occupant(s) roles & responsibilities, accounting/IT functions, environs maintenance, 'whole of life' costs need to be known, documented, managed and legally scrutinized.

ASSET MANAGEMENT IMPLICATIONS

Whist private sector investors are able to develop purpose-built facilities, there is already a medical practice in Kojonup and given the size of the population catchment, it is ultimately a business decision by investors whether they would compete against St Luke's Family Practice.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Provide a period of 6 months from 1 January 2019 to 30 June 2019 enabling proponents to substantiate that a greenfield site build, complete with ‘fit out’ in accordance with Australian Standards for Medical Centre/Doctor Consulting Rooms, Infection Control, etc., (including an operations plan of how the building and surrounds would be managed and operated) consisting of up to 4 consulting rooms and 2 treatment rooms if undertaken by a ‘Community Committee’ can be achieved around \$1.2M utilising George Church Bequest.**
- 2. Be provided from a duly certified contractor a formal written ‘Cost of Construction’ quote to the Shire for comparison against the Quantity Surveyor costs already possessed by Council.**
- 3. Based on the qualified information received in respect of 1 & 2 above, reserve a decision on Medical/Health Services until the 25 July 2019 Council Meeting.**

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

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

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Friday, 7 December 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – November 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 November 2018.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2018 to 30 November 2018 represents five (5) months, or 42% of the year.

The following items are worthy of noting:

- Closing surplus position of \$2.22m;
- Operating results:
 - 60% of budgeted operating revenue has been received; and
 - 34% of budgeted operating expenditure spent;
- Capital expenditure achieved 17% of budgeted projects;
- The value of outstanding rates equates to 17.2% of 2018/2019 rates raised (includes instalments);
- Cash holdings of \$5.75m of which \$3.59m is held in cash backed reserve accounts; and

- Page 10 & 11 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6;

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2018 to 30 November 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, 3 December 2018
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 01/11/2018 to 30/11/2018

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 November 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 and Community Services prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Refer to the VROC Strategic Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

FROM – 1 November 2018		TO – 30 November 2018
Municipal Cheques	14085 – 14092	\$15,280.68
EFTs	22488 – 22674	\$349,084.08
Direct Debits		\$518,834.42
Total		\$883,199.18

be received.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.3 LEASE OF COUNCIL PROPERTY – 162 BLACKWOOD ROAD, KOJONUP

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 28 November 2018
FILE NO	CP.LEA.1
ATTACHMENT(S)	12.3.1 - Map

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance KP4 - Prosperity	3.4 – Be organised and transparent with our financial management. 4.1/4.2/4.3/5.1/5.2/5.3 as detailed under ‘Comment’ within this report.	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 seek Council’s approval to offer for lease farming land at 162 Blackwood Road, Kojonup (Certificate of Title Volume 1144/Folio 173).

BACKGROUND

On 17 May 2016 Council resolved as follows:

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

The Kojonup Football Club has used this land (approximately 34 hectares located between the industrial estate and the Showgrounds), for a community cropping programme, to gain funds for ongoing operations. Prior to the Kojonup Football Club’s leasing of this land, the land was leased by the Kojonup Football and Cricket Clubs for the same purpose. The three year term previously offered was aimed at reducing administration costs and providing certainty for the successful tenderer.

COMMENT

Council, if resolving to offer this land for lease following the current lease’s expiry on 01 March 2019, may wish to advertise with the following conditions (as have been applied previously):

1. Term of lease to be for a period of three (3) years;
2. The lessee accepts the property on an ‘as is’ basis;
3. The lessee is to maintain fences at the current standards;
4. The Shire will not be liable for any issues arising from fencing and/or containment of stock;

5. The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
6. Any stocking rates will be agreed by both parties on an ‘as needs’ basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

Previous leasing of land for community cropping purposes has allowed funds to be raised for group/s who give back to the community through sport. An alternate possible use for this land includes a site for agricultural research trials by local groups such as Southern Dirt. When considering many of the goals contained within *Smart Possibilities* (4.1, 4.2, 4.3, 5.1, 5.2, and 5.3 as follows), an alternative use for this property may have a higher priority than its present purpose:

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

As such, going to tender will give every interested community group or organisation an equal opportunity to express their interest. Should a diverse range of tenders be received, it is prudent to set the selection criteria used to assess tenders prior to advertising. It is envisaged that the selection criteria will be as follows:

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

CONSULTATION

Manager of Corporate and Community Services

STATUTORY REQUIREMENTS

Local Government Act 1995 - s.3.58 – Disposing of Property (encompassing leases)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease payment for this land is \$3,200 per annum GST inclusive.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

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

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

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

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 28 November 2018
FILE NO	CP.LEA.1
ATTACHMENT(S)	12.4.1 - Map

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council’s direction regarding the offering for lease of industrial land at Thornbury Close, Kojonup, that makes up part of Certificate of Title Volume 2670/Folio 367 Lot 9999 being the remainder of Lot 9 after subdivision excluding the fenced off area of land in the south east corner and a section to the right of Thornbury Close that is currently under a separate lease agreement (please see attached map).

BACKGROUND

In March 2016 Council resolved as follows:

“That Council offer for lease by public tender the land as marked on the attached map, Lot 9999 Kojonup (part of Certificate of Title Volume 2670 Folio 367 being remainder of Lot 9 after subdivision excluding the area of land in the fenced off area in the South East corner), for a three (3) year period.”

Subsequently, the land was then advertised for tender with Council resolving as follows, in May 2016:

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

Prior to this, the land was leased for one year with Council giving thought, at that time, to assessing the future use of the land for possible industrial area development. Since November

2016, a portion of Lot 9999 (the north-west corner to the right of Thornbury Close) has been leased until 31st October 2021.

COMMENT

The term of the current lease of Lot 9999 Thornbury Close expires on 28 February 2019. Council may wish to offer this property for lease again by public tender with a view to considering sub-division of the property to provide industrial development opportunities (bearing in mind the north-west corner section, as described above, is leased until late 2021).

If the property is not leased, responsibility for fire hazard reduction would fall with the Shire.

Council currently has one parcel of industrial land that is available for purchase being 54 Thornbury Close, Kojonup.

CONSULTATION

Manager of Corporate and Community Services

STATUTORY REQUIREMENTS

Local Government Act 1995 - s.3.58 – Disposing of Property

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current lease payment for this land is \$1,500 per annum.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

- 13.1 VARIATION TO DEVELOPMENT APPROVAL FOR RURAL INDUSTRY (HUMIFIED COMPOST MANUFACTURING) TULLAMORE HOLDINGS PTY LTD LOT 1 BAILYE ROAD, BOSCABEL.

AUTHOR	Phil Shephard – Town Planner
DATE	Monday, 3 December 2018
FILE NO	A21880
ATTACHMENT(S)	13.1.1 - Figure 1 Composting hardstand, Figure 2 Facility layout, Figure 3 Nearest Residences

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP4 – Prosperity	4.2 Be attracting support industries and diverse and new business sectors to the region.	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

To consider a request from the landowners to vary a condition of development approval for the existing composting manufacturing activity and allow an increase in the production capacity.

The recommendation is to support the request.

BACKGROUND

The landowner was granted development approval by the Shire in September 2009 for the Rural Industry (Humified Compost Manufacturing) subject to the activity complying with the then Department of Environment Works Approval/Licence.

COMMENT

The landowners, at the request of the Water Corporation, have applied to the Department of Water and Environmental Regulation for an amendment to their Works Approval/Licence to allow for the capacity of the facility to be increased from 20,000 tonnes to a maximum of 50,000 tonnes annually. The additional capacity is not expected to be required however the Water Corporation have requested the increase in case of the need to treat additional bio solids.

The landowners have engaged Bowman and Associates Pty Ltd (Environmental Engineering Consultants & Waste Management Specialists) that have prepared to report to support the amendment.

The existing compost manufacturing activity has operated without complaint to the Shire since 2009 and achieves the requirements of the Department of Water and Environmental Regulation Works Approval/Licence that manages the operations and controls the environmental impacts.

The consultant advises the increase in capacity does not require any increase to the area of the existing approved development footprint and the current hardstand, drain and leachate dam can accommodate the increase.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.77) ‘Amending or cancelling development approval’ allows the Council to consider requests from landowners to amongst other things, amend or delete, any condition to a development approval. The Council may either approve the request with or without conditions or may refuse the request.

The consultant advises the proposed increase in capacity is only required as a contingency for the Water Corporation which may not ever eventuate.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval including when considering the variation and/or deletion of a condition of 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 Rural Zone (c.3.2.7).
(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 rural industry use is a permitted land use within the Rural zone. The facility has operated successfully since 2009 and achieves the required development standards and is considered consistent with the orderly and proper planning of rural areas in Kojonup. The Council has received a request from the landowner to modify the capacity of the composting facility. The Council under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> may vary or delete any condition of development approval.
(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 composting facility occupies a small area on a farm in a general farming has operated without complaint since 2009 and the increase in capacity can be accommodated within the existing development footprint.
(n) the amenity of the locality including the following-	The composting facility has not negatively impacted on the environment, character or amenity of

Matter to be Considered	Response
(i) environmental impacts of the development;	this rural locality. The increase in capacity will be subject to approval from Department of Water and Environmental Regulation and requires compliance with the Works Approval/Licence.
(ii) the character of the locality;	
(iii) social impacts of the development;	
(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 consultant's report includes a risk assessment that concludes ' <i>with effective management of site operations, there are no environmental risk factors that would prohibit the composting ... at the facility</i> '. The facility has operated successfully since 2009 and the land is considered suitable for the development.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The proposal is not considered to increase risk to human health or safety.

Conclusion

The Water Corporation have requested the landowners seek an increase in the facility's capacity for contingency purposes. The increase in capacity can be accommodated within the existing approved development footprint. The request should be approved.

Alternate Options

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

1 Refuse the request

The Council can choose to refuse the request to increase the compost manufacturing capacity. If refused, the Council need to provide grounds for not supporting the request.

2 Approve the request

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

3 Defer the proposal

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

The decision of the Council is a reviewable determination under the *Planning and Development (Local Planning Schemes) Regulations 2015* (c.76) 'Review of decisions' and the landowner may apply to the State Administrative Tribunal for a review of the decision and/or condition made by the Council.

CONSULTATION

Nil required.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

There are no Council planning policies relevant to this report.

FINANCIAL IMPLICATIONS

The proponent has paid the development application fee of \$295 as set down in the adopted 2018/19 List of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications relevant to this report.

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

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the request and approve the increase in capacity for the existing Rural Industry (Humified Compost Manufacturing) facility on Lot 1 Bailye Road, Boscabel to a maximum of 50,000 tonnes per annum subject to the activity complying with the Department of Water and Environmental Regulation Works Approval/Licence.

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

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 19 February 2019 commencing at 3:00pm.

19 CLOSURE

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

20 ATTACHMENTS (SEPARATE)

- Item 7 7.1.1 Minutes of the Ordinary Council Meeting held 16 October 2018
- Item 11.1 11.1.1 H&H Architect Drawings
- Item 12.1 12.1.1 Financial Management – Monthly Statement of Financial Activity
 (November 2018)
- Item 12.2 12.2.1 Monthly Payments Listing 0111/2018 – 30/11/2018
- Item 12.3 12.3.1 Map
- Item 12.4 12.4.1 Map
- Item 13.1 13.1.1 Figure 1 Composting Hardstand, Figure 2 Facility Layout, Figure 3
 Nearest Residences