

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

23 July 2019

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 23 July 2019 commencing at 3:00pm.

Qualified Persons Advice, etc.

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

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

Your attendance is respectfully requested.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

19 July 2019

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 23 JULY 2019

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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

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 | |
| Cr John Benn | |
| Cr Graeme Hobbs | |
| Cr Jill Mathwin | |
| Cr Ian Pedler | |
| Cr Sandra Pedler | |

STAFF

| | |
|-----------------------|---|
| Rick Mitchell-Collins | Chief Executive Officer |
| Anthony Middleton | Manager Corporate and Community Services |
| Sue Northover | Manager Aged Care Services |
| Michelle Denis | Development Services Coordinator |
| Zahra Shirazee | Manager Community Development and Tourism |
| Judy Stewart | Senior Administration Officer |
| Lorraine Wyatt | Executive Assistant |

LEAVE OF ABSENCE

Cr Judith Warland

APOLOGIES

| | |
|---------------|---------|
| Phil Shephard | Planner |
|---------------|---------|

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 11 JUNE 2019

Minutes of the Ordinary Council Meeting which was held on 11 June 2019 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 11 June 2019 be confirmed as a true record. ”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

8 ANNOUNCEMENTS by the Presiding Member without discussion.

9 DECLARATIONS OF INTEREST

Item 12.8 - Westcourt Road Re-Alignment (Closure and Dedication) Proposal through Reserve 16076, Blackwood Road Recreation Precinct, Kojonup.

The Chief Executive Officer declared an impartiality interest as Secretary of the Kojonup Golf Club (Club); the Club being the Lessee of Reserve 16076 through which Westcourt Road Reserve runs and golf fairways and improvements are located.

Item 16.1 - Great Southern Housing Initiative - Government Regional Officers Housing (GROH)

The Manager of Corporate and Community Services declared an impartiality interest in this item as a possible future tenant.

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

Nil

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 DISPOSAL OF LAND (3 SPRING STREET, KOJONUP) TO THE GEORGE CHURCH COMMUNITY MEDICAL CENTRE INCORPORATED

| | |
|----------------------|--|
| AUTHOR | Judy Stewart – Senior Administration Officer |
| DATE | 15 July 2019 |
| FILE NO | CP.ACD.7; PH.SVP.1 |
| ATTACHMENT(S) | 11.1.1 – Department of Health/The George Church Community Medical Centre Inc. - Community Health and Hospital Program: Schedule for Capital Works 11.1.2 – Copy of Public Notice (Proposal to Dispose of Property by Sale – 3 Spring Street, Kojonup) |

| STRATEGIC/CORPORATE IMPLICATIONS | | |
|---------------------------------------|---|---|
| “Smart Possibilities – Kojonup 2027+” | | “Smart Implementation – Kojonup 2021 +” |
| 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. | 2.2.1 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. |
| KP3 - 3 Performance | 3.3 – Use a Building Assessment Framework and control our investment in building maintenance. | 3.3.4 – Undertake an asset management planning process to review and rationalise buildings to maximise their use and value to the community. |

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider the sale of Lot 3 Spring Street, Kojonup, to The George Church Community Medical Centre Incorporated (TGCCMC).

BACKGROUND

At its meeting held on 19 February 2019, the Council resolved:

Decision 7/19

“That:

- 1. The Kojonup Shire Council lease the land known as “Walkers Block” at Lot 3 Spring Street to the George Church Community Medical Centre Inc. for the purpose of building and operating a Medical Centre.*
- 2. The lease will be at a peppercorn rental for 49 years.”*

In accordance with s. 3.58 of the *Local Government Act 1995* (see statutory requirements) a sworn rental valuation for Lot 3, Spring Street, Kojonup was obtained and a public notice advertising the details of the Shire’s proposed disposal of property (lease) took place. Nil submissions were received regarding the proposal to lease this land.

As of Council’s May 2019 Ordinary Meeting, the following had been established:

- a. As per its Business Plan (as forwarded by the TGCCMC to the Chief Executive Officer on 18 February 2019), TGCCMC intends to use funds gifted to the Shire by George Church for the purposes of building, managing and maintaining a medical centre at Lot 3 Spring Street, Kojonup, being Objects 1 and 2 of the entity. A required action to achieve the Objects is the transferral of the George Church gift from the Shire of Kojonup (Shire) to TGCCMC.
- b. The Office of the Attorney General agreed to the Shire transferring the George Church funds to TGCCMC provided that the Shire carries out its duties as trustee of the funds; that is, the Shire establishes that the TGCCMC has appropriate governance processes in place to ensure that the money is properly spent on the charitable purpose (being the building, managing and maintaining of a new medical centre). The Council resolved accordingly at its March 2019 Ordinary Meeting, as follows:

Decision 24/19

“That Council:

- 1. Receives the State Solicitor’s Office advice contained in correspondence dated 13 March 2019 regarding the George Church Gift,*
- 2. Liaise with the George Church Community Medical Centre Inc., (new trustee) to consider the appropriate governance processes as indicated by the State Solicitor’s Office are in place to enable the George Church Funds (gift plus interest) to be transferred to the new trustee on or before 30 June 2019 including;*
 - Procurement process for appointing preferred building contractor including assessment criteria.*
 - Preparation and lodgement of building plans and specifications.*
 - Site works required and responsibility for project management including extension of infrastructure services.*

- *Preparation of a Business Plan that includes Financial, Risk Management, S.W.O.T analysis, pre and post construction aspects, process to be implemented to seek occupancy expression of interests, draft tenancy agreement considerations and maintenance requirements.*
 - *Reporting requirements and progress updates to the Shire of Kojonup and Kojonup community, and*
 - *Charitable Licence and Tax Deductible Gift Recipient status.”*
- c. An application submitted by the Shire of Kojonup in February 2019 for Community Health and Hospital Program (CHHP) funding towards a new medical centre culminated in Mr Rick Wilson MP announcing, on 1 March 2019 at Lot 3 Spring Street, Kojonup, Federal Government funding of \$750,000 excluding GST towards a new Medical Centre.

An agreement for the CHHP funding had not been received as of Council’s May 2019 Ordinary Meeting and Council resolved as follows:

Decision 45/19

“That this matter lay on the table until the Shire of Kojonup receives the formal Terms and Conditions attached to the Commonwealths Community Health and Hospital Program Financial Agreement allocation of \$750 000 and has had an opportunity to workshop same with the George Church Community Medical Centre Inc.”

Both the CHHP funding agreement (now fully executed as attached [Schedule for Capital Works]) and the allocation of \$750,000 have since been received by TGCCMC with the agreement requiring that the land on which the new medical centre is to be constructed is to be purchased by TGCCMC from the Shire of Kojonup for a nil or nominal cost.

Council is required to obtain a sworn valuation and provide local public notice of any land it proposes to dispose of, in accordance with s. 3.58 of the *Local Government Act 1995*. As the previous valuation and public notice advertised for this land related to its rental value (for leasing purposes), a new sworn valuation has been obtained and the proposed *sale* of the land has been advertised by public notice, as required. Nil public submissions were received and Council may now resolve to dispose of the land.

The sale, rather than lease, of the land at 3 Spring Street, Kojonup is better suited to meeting the objectives of the Council’s Strategic Community and Corporate Business Plans (Smart Possibilities/Smart Implementation) and its goal to rationalise its building assets, rather than increase them. Sale of the land not only gives ownership and control of the proposed medical centre to TGCCMC but may also assist with any funding opportunities the incorporated body may wish to explore in the future.

CONSULTATION

Chief Executive Officer

Manager Corporate and Community Services

STATUTORY REQUIREMENTS

Section 3.58. *Disposing of property Local Government Act 1995*

- (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
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

Policy 2.3.5 – Risk Management – as per Risk Management Implications

FINANCIAL IMPLICATIONS

1. Settlement Agent expenses
2. Selling the land, rather than leasing and effectively adding another building asset to the Shire's asset inventory, will avoid future maintenance, renewal or replacement costs associated with the land and proposed building.
3. It is proposed that the Shire offers TGCCMC the land for \$1 representing \$59,999 less than the sworn market value of the land.
4. Given the community nature of TGCCMC, Council may wish to consider the waiving of its annual rates for this land, as part of its annual budget deliberation. Unimproved value would see rates at \$720 but, with improvements on the land, that amount will increase.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

The Shire currently maintains the land at 3 Spring Street, Kojonup. Ownership of the land and proposed building by another body removes asset management implications for the Shire.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

“That:

- 1. Lot 3 Spring Street, Kojonup, be offered for sale to The George Church Community Medical Centre Inc. (TGCCMC) for \$1.00;*
- 2. It is acknowledged that, in accordance with s. 3.58 of the Local Government Act 1995, there were nil submissions received to the public notice proposing the sale of Lot 3 Spring Street, Kojonup to TGCCMC for \$1.00;*
- 3. Each party is to pay their own settlement expenses;*
- 4. The Shire President and Chief Executive Officer be authorised to execute the proposed sale as described in point 1 above; and*
- 5. An amount of \$500,000 plus interest of \$55,787.21 held in trust be transferred to The George Church Community Medical Centre Inc. forthwith. ”*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.2 DEVELOPMENT OF GROUPED DWELLING LOT P8 SOLDIER ROAD/LOTON CLOSE, KOJONUP.

| | |
|----------------------|----------------------------------|
| AUTHOR | Phil Shephard – Town Planner |
| DATE | Monday, 15 July 2019 |
| FILE NO | A11940 |
| ATTACHMENT(S) | 11.2.1 Site Plan |

| STRATEGIC/CORPORATE IMPLICATIONS | | |
|---------------------------------------|---|--|
| “Smart Possibilities – Kojonup 2027+” | | “Smart Implementation – Kojonup 2021 +” |
| Key Pillar | Community Outcomes | Corporate Actions |
| KP2 - Connected | 2.4 - Have enabled and facilitated improved housing options through public and private partnerships | 2.4.1 - Adopt new town planning scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level |

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the development of a grouped dwelling (two units) on the Shire’s land at Soldier Road/Loton Close.

BACKGROUND

There is no delegation available for staff to approve the development and the proposal must be submitted to the Council for consideration.

The recommendation is to approve the development subject to conditions.

COMMENT

The Shire has received funding to construct a grouped dwelling (two units) on part of the land owned by the Shire on Soldier Road/Loton Close as shown on the attached Site Plan. Tenders have been invited for the design and construction of each of the new dwellings and close 12 August 2019.

Zoning and Land Use/Development

The land is zoned Residential Development under Town Planning Scheme No. 3 (TPS3).

The objectives for the Residential Development Zone are contained within c.3.2.2 and state:

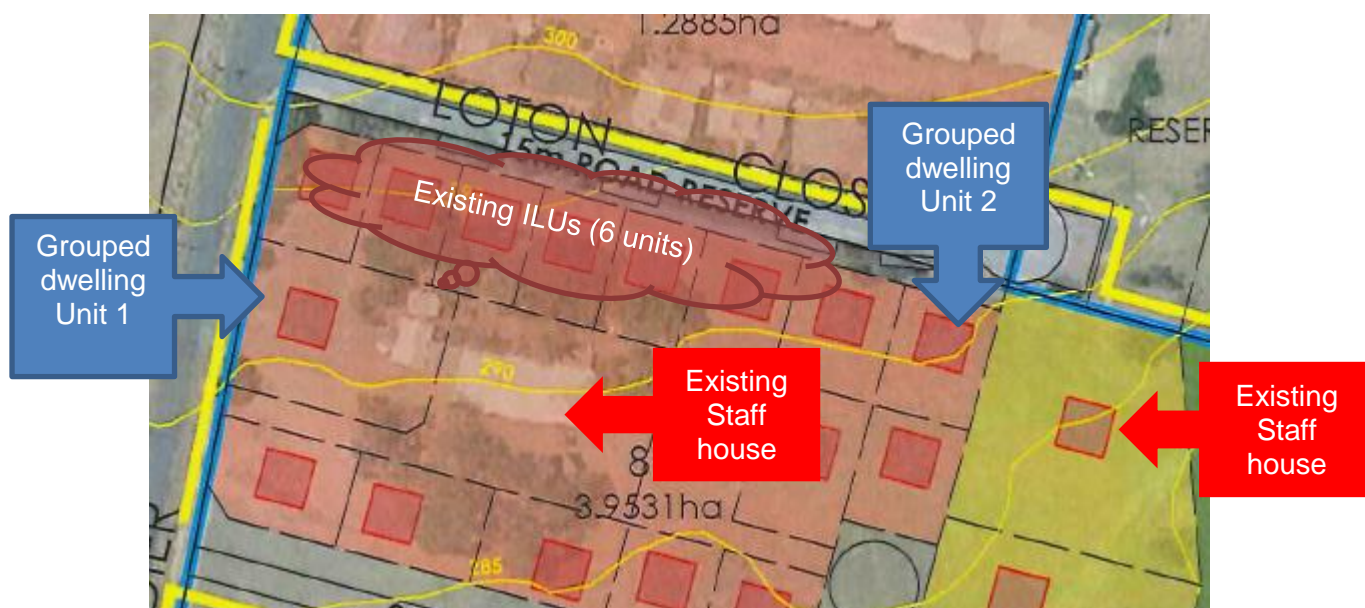
The use of land within the Residential Development Zone shall be consistent with the following objectives:

- (a) The Council will not allow any development or support subdivision in a Residential Development Zone without the preparation of, and its approval of, a Guided Development Plan for the area.*
- (b) To allow a variety of uses in the zone without the need to rezone the area where minor modifications are required to the Guided Development Plan prior to the final subdivision.*

The land use will include two new grouped dwelling units on the same lot as the existing aged person's units and staff houses and the proposal must therefore be considered as an additional grouped dwelling under the Residential Design Codes (R-Codes). Grouped dwellings are a 'P' permitted use in the Residential Development zone under Town Planning Scheme No. 3.

As there are existing dwellings on the lot, the proposed development is not exempt from development approval, as set out in c.5.1.2 of Town Planning Scheme No. 3 and Council must determine the application.

Council, at its 18 November 2014 meeting (Resolution 181/14), adopted a Guided Development Plan for Lots P8 and 361 Soldier Road, Kojonup as required by Town Planning Scheme No. 3 (part of adopted plan shown below).



Part of adopted Guided Development Plan showing proposed grouped dwelling sites, existing staff houses and units

The adopted Guided Development Plan is to be used by Council when considering land use/development applications and subdivision referrals for the affected land and applications should be generally consistent with the adopted plan.

The proposed new units are considered to be generally consistent with the recommendations in the adopted Guided Development Plan.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) require the Council, in considering an application for development approval, to 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 Residential Development Zone (c.3.2.2). |
| (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 can achieve the required development standards and is considered consistent with the orderly and proper planning of this area in Kojonup. The proposal is consistent with the recommendations of the adopted GDP for the lot. |
| (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; | The proposal will be compatible in height, bulk, scale and appearance with the other approved dwelling units and housing constructed on the lot. |
| (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 residential 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. |
| (r) the suitability of the land for the development taking into account the possible risk to human health or safety; | The proposal is not considered to increase any risk to human health or safety. |

| | |
|--|--|
| (s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles; | Loton Close and Soldier Road are adequate to cater for their use as access to the proposed unit sites. |
| (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; | Loton Close and Soldier Road is adequate to cater for the increased residential traffic expected to be created by 2 new housing units. |

Conclusion

The development of a grouped dwelling (2 units) on the Shire's land at Soldier Road/Loton Close is consistent with the scheme requirements and adopted Guided Development Plan for the lot. The proposal should therefore be supported.

Alternate Options

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

1 Refuse the proposal

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

2 Approve the proposal

The Council can choose to approve the proposal, in part or whole, 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 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The construction of the new dwellings has been funded through the Australian Government's Building Better Regions Fund; with the Shire working collaboratively with the Shires of Broomhill-Tambellup, Cranbrook, Gnowangerup, Jerramungup, Katanning and Kent.

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

Nil.

RISK MANAGEMENT IMPLICATIONS

| Risk Description | Risk Likelihood | Risk Consequence | Risk Classification | Risk Treatment |
|---|-----------------|------------------|---------------------|---|
| Council does not approve the development of the new housing units | Unlikely (D) | Minor (2) | Low | Manage by routine procedures, unlikely to need specific application of resources. |

ASSET MANAGEMENT IMPLICATIONS

The new units are to be funded from external sources. The units when completed will be owned by the Shire and will be added to the Shire's Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

"That Council grant development approval for the new grouped dwelling (two units) on Lot P8 Soldier Road/Loton Close, Kojonup subject to the following conditions/advice:

- a) The setbacks to the new units to comply with the requirements of the Residential Design Codes R20 code.
- b) The provision of 2 on-site car parking bays per unit.
- c) Any new access/egress driveway and crossover points onto Loton Close and Soldier Road to be sited, designed and constructed to the satisfaction of the Chief Executive Officer.
- d) The units to be connected to the Water Corporation deep sewer and water supply networks.
- e) All stormwater to be discharged to the Shire's drainage infrastructure to the satisfaction of the Chief Executive Officer.
- f) The units to comply with the requirements of the WA Planning Commission's State Planning Policy 3.7 'Planning in Bushfire Prone Areas' to the satisfaction of the Chief Executive Officer."

“Advice Notes:

- a) The construction of the units requires a separate Building Permit to be obtained prior to any works commencing.***
- b) The “Grouped dwelling unit 2” site is designated as bushfire prone by the Department of Fire and Emergency Services mapping. The Shire has obtained a BAL Report for this site; with the construction of the new dwelling unit required to meet BAL 12.5 construction requirements.***
- c) The provision of a rubbish service for the proposal will need to be negotiated through the Shire.”***

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.3 DEVELOPMENT OF 3 INDEPENDENT LIVING UNITS - LOT 361 SOLDIER ROAD, KOJONUP

| | |
|----------------------|--|
| AUTHOR | Phil Shephard – Town Planner |
| DATE | Friday, 12 July 2019 |
| FILE NO | CP.DAC.1 |
| ATTACHMENT(S) | 11.3.1 - Site Plan, Units Floor Plans & Elevations |

| STRATEGIC/CORPORATE IMPLICATIONS | | |
|---------------------------------------|---|--|
| “Smart Possibilities – Kojonup 2027+” | | “Smart Implementation – Kojonup 2021 +” |
| Key Pillar | Community Outcomes | Corporate Actions |
| KP2 - Connected | 2.4 - Have enabled and facilitated improved housing options through public and private partnerships | 2.4.1 - Adopt new town planning scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level |

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the development of three (3) new independent living units on the aged persons’ accommodation scheme reserve land at Soldier Road.

BACKGROUND

There is no delegation available for staff to approve the development and the proposal must be submitted to the Council for consideration.

The recommendation is to approve the development subject to conditions.

COMMENT

The Shire has received funding to construct housing suitable for aged persons. The site selected is an area at the rear of Springhaven Frail Aged Lodge. Plans are currently being developed by H+H Architects with public tenders to be invited for the unit construction in the coming weeks.

The construction materials proposed are a mixture of colorbond, brick, fibre cement and timber and will blend into the site and reflect the construction of the existing units along Loton Close.

A new sealed common driveway will be constructed off Soldier Road to service the units and the rear of Springhaven. Some cutting, filling and retaining of the land for the buildings will be required. All of the existing gum trees will be cleared from the site to facilitate the construction of the units and will provide a clear area for a formal car park at the rear of Springhaven. Additional landscaping will be considered as part of the car park development.



Proposed development site of new ILU's (Image Landgate Map Viewer Plus)

Zoning and Land Use/Development

The land is contained within a Special Use zone with a permitted special use of aged persons' accommodation under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

Clause 3.5 'Special Use Zone' of TPS3 requires that any land and buildings within a special use zone to only be used for the special purpose designated, in this case aged persons accommodation.

The proposed independent living units are consistent with the special use permitted by TPS3.

Site & Development Requirements

In accordance with clause 5.4 of TPS3, any development shall conform to the requirements for that use specified in Table II - Development Table. As there are no specific requirements specified for aged person's accommodation, c.5.4.1 requires the Council determine the requirements to comply with having regard to the predominant use and objectives of the reserve.

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

Setbacks

The units will be setback in accordance with Residential Design Codes requirements for R20 developments to reflect those on Loton Close.

Plot Ratio

The plot ratio is not considered relevant to the proposal.

Landscaping

The new units will have complementary landscaping included.

Car Parking

The units have 1 car parking space allocated to each unit.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) require the Council, in considering an application for development approval, to 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 Special Use Zone (c.3.2.5). |
| (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 can achieve 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 proposal will be compatible in height, bulk, scale and appearance with the other approved dwelling units and housing constructed in the area. |
| (n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; | The proposal is not expected to negatively impact on the environment, character or amenity of this residential 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. |
| (r) the suitability of the land for the development taking into account the possible risk to human health or safety; | The proposal is not considered to increase any risk to human health or safety. |

| | |
|--|---|
| (s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles; | Soldier Road is adequate to cater for its use as access to the proposed unit site. |
| (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; | Soldier Road is adequate to cater for the increased residential traffic expected to be created by the 3 new independent living units. |

Conclusion

The development of the new independent living units (3 units) on Soldier Road is consistent with the scheme requirements and Special Use zone for the lot. The proposal should be supported.

Alternate Options

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

1 Refuse the proposal

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

2 Approve the proposal

The Council can choose to approve the proposal, in part or whole, 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 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The construction of the new units has been funded through the Australian Government's Building Better Regions Fund and the State Government's Royalties for Regions Program. The Shire of Kojonup is working with the Shires of Broomehill-Tambellup, Cranbrook, Jerramungup and Katanning to deliver 21 new independent living units across the five Shires – "The Great Southern Aged Accommodation Program".

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

Nil.

RISK MANAGEMENT IMPLICATIONS

| Risk Description | Risk Likelihood | Risk Consequence | Risk Classification | Risk Treatment |
|---|-----------------|------------------|---------------------|---|
| Council does not approve the development of the new housing units | Unlikely (D) | Minor (2) | Low | Manage by routine procedures, unlikely to need specific application of resources. |

ASSET MANAGEMENT IMPLICATIONS

The units, when completed, will be owned by the Shire and will be added to the Shire's Asset Management Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

"That Council grant development approval for the new independent living units (3 units) on Lot 361 Soldier Road, 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 setbacks to the new units to comply with the requirements of the R20 code.
- c. The provision of 1 on-site car parking bay per unit.
- d. Any new access/egress driveway and crossover point onto Soldier Road to be sited, designed and constructed to the satisfaction of the Chief Executive Officer.
- e. The units to be connected to the Water Corporation deep sewer and water supply networks.
- f. All stormwater to be discharged to Shire's infrastructure in Soldier Road to the satisfaction of the Chief Executive Officer.

Advice Notes:

- a. The construction of the units requires a separate Building Permit to be obtained prior to any works commencing.*
- b. The provision of a rubbish service for the proposal will need to be negotiated through the Shire.”*

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.4 POLICY REVIEW - RESIDENTIAL AGED CARE

| | |
|----------------------|--|
| AUTHOR | Sue Northover – Manager Aged Care Services |
| DATE | Monday 15 July 2019 |
| FILE NO | CM.POL.2 |
| ATTACHMENT(S) | 11.4.1 – New and Updated Springhaven Policies |

| 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 – Consumer dignity and choice. • Standard 2 – Ongoing assessment and planning with consumers. • Standard 3 – Personal care and clinical care. • Standard 4 – Services and support for daily living. • Standard 5 – Organisation’s service environment. • Standard 6 – Feedback and complaints. • Standard 7 – Human resources. • Standard 8 – Organisational governance. |

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider new and updated policies to be implemented at Springhaven Lodge to reflect the new Aged Care Quality Standards that came into effect on 1 July 2019.

BACKGROUND

After the formation of the Aged Care Quality and Safety Commission in January 2019 the *Australian Aged Care Quality Act 2013* was amended to include a new set of quality standards across all aged care sectors including residential care and home care. These standards were to replace the four Aged Care Quality Standards residential care facilities needed to adhere to before 1 July 2019 to remain compliant.

COMMENT

The Shire of Kojonup and Springhaven Frail Aged Lodge will take all reasonable steps to adhere to the new *Aged Care Quality Standards 2019*. Due to the changes, the facility has reviewed, updated and completed new policies to reflect the changes.

This is especially important as the new standards reflect seven important concepts as follows:

- Dignity
- Respect
- Identity, culture and diversity
- Cultural safety
- Choice
- Dignity of risk
- Confidentiality

The facility will continue to foster individualised care and recognise the importance of the resident's sense of self. New policies included for your review reflect the increased focus on resident choice and being treated with dignity and respect to enhance quality of life at all times.

The New Standards require a change of culture for all staff from a tasks orientated focus to resident choice. Staff have completed initial training related to the New Standards but education will be ongoing.

The new and updated policies are as follows:

- **RC 01 Residents Rights, Dignity and Choice**
- **RC 03 Resident Admission**
- **RC 04 Comments and Complaints**
Management of unreasonable complaint conduct
Open disclosure
- **RC 16 Resident Lifestyle**
Resident lifestyle
Cultural diversity and spiritual life
Resident participation and social inclusion
- **RC 17 Antimicrobial Stewardship**
- **MA 01 Governance**
Clinical Governance
- **MA 04 Service Management**
Role of CEO and Shire of Kojonup Council
- **MA 11 Employee Management**
Staff development and training
Domestic and family violence
- **SS 06 Resident and Staff Safety**
Resident safety and security
First aid

CONSULTATION

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

STATUTORY REQUIREMENTS

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

Non – compliance to the Aged Care Quality Standards could result in sanctions that could lead to the closure of Springhaven Lodge.

FINANCIAL IMPLICATIONS

If breaches occur funding to the facility could be withheld.

RISK MANAGEMENT IMPLICATIONS

If new standards are breached Springhaven Lodge could be sanctioned and be unable to operate.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

“That Council adopts the new and updated policies listed in relation to the new Aged Care Quality Standards 2019 for the Springhaven Frail Aged Lodge.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

11.5 GREAT SOUTHERN TREASURES - SITTING FEE FOR CHAIRPERSON

| | |
|----------------------|--|
| AUTHOR | Zahra Shirazee – Manager Community Development & Tourism |
| DATE | Wednesday, 17 July 2019 |
| FILE NO | ED.PRM.2 |
| ATTACHMENT(S) | 11.5.1 - Draft Job Description Chair |

| STRATEGIC/CORPORATE IMPLICATIONS | | |
|---|---|---|
| “Smart Possibilities – Kojonup 2027+” | | “Smart Implementation – Kojonup 2018-2022” |
| Key Pillar | Community Outcomes | Corporate Actions |
| KP2 – Connected | 2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances | 2.1.1 – Build partnerships with WA recreation, business and tourism 2.1.2 – Promote and facilitate Kojonup as a short term tourism destination to and from Albany 2.1.7 – Support local tourism initiatives |
| KP3 – Performance | 3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. | 3.1.1 – Build partnerships with WA recreation, business and tourism |
| KP3 – Performance | 3.2 – Be exceptional in two-way communication with our community, and market our brand outside of our community | 3.2.6 – Define and grow our brand and continually promote and activate the diverse features of Kojonup. |

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider endorsing remuneration for the Chair’s position with a sitting fee to encourage a skills based person to apply for the position of Chairperson Great Southern Treasures.

BACKGROUND

Great Southern Treasures Committee have for the first time attached a dollar value to the position of Chair which has become vacant with the current Chair Vicki Brown choosing not to re-nominate.

COMMENT

Great Southern Treasures is a collaborative partnership between eight (8) local government authorities in the upper Great Southern working collectively to market and promote the region as a destination to visit. Formerly known as Hidden Treasures of the Great Southern, the Great Southern Treasures have undertaken promotion and marketing of attractions, events and activities and have been instrumental in increasing the profile of the region to visitors and government through events such as the spring Bloom Festival.

Through working collectively, the Shire funding provided to Great Southern Treasures has enabled the committee to leverage and seek additional grant funding.

The role of the Chair since the inception of the committee has evolved into an advocacy role for the region in addition to providing leadership and strategic direction to the Great Southern Treasures and ensuring that the vision, objectives and goals are being followed. A full job description of the role is provided in **Attachment 11.5.1**

In the Great Southern Treasures 2018/2019 Annual Report, the funds secured by Great Southern Treasures on top of the Shire contributions included:

| | |
|--|----------|
| Bloom Funding (Tourism WA, Healthway, GSDC, Lotteries) | \$65,000 |
| Rebranding Grant (GSDC) over 3 years | \$50,000 |
| FRRR Grant | \$13,000 |

On average in 2018/2019, Great Southern Treasures attracted a further \$11,833 for each shire through successful grants. This provided funds to undertake; the Bloom Festival event, brochure distribution state wide, a new website, development and rebranding of new name and logo, new road signs for each shire, representation at the Perth Caravan and Camping Show and workshops in Broomehill and Cranbrook.

At the end of the financial year Great Southern Treasures carried forward in the 2019/2020 Budget \$36,091 which was better than the projected original budget of \$14,615.

The recommendation from the committee and previous Chairperson felt that to encourage a skills base person within the region to apply for the position, some remuneration to cover costs in attending the duties should be considered. Through the job description the Committee has proposed the following:

Where the Chairperson is not an employee of Government, they are entitled to claim remuneration per financial year (or pro-rata) for eligible activities as follows;

- To attend and chair Committee meetings (6 per year)
- To attend and undertake official duties at the Bloom festival opening event
- To attend and undertake official duties at the Bloom festival closing event

The following rates apply:

- 2,100km travel at \$0.68/km, to a maximum \$1,428 per financial year.
- \$200 per Committee meeting, to a maximum \$1,200 (6) per financial year.
- \$200 for the Bloom Festival opening event, to a maximum \$200 (1) per financial year.
- \$200 for the Bloom Festival closing event, to a maximum \$200 (1) per financial year.

CONSULTATION

Shire President attended the Great Southern Treasures meeting 6 June 2019
Council Briefing Session, 9 July 2019

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire of Kojonup currently contributes \$4,000 per annum as a membership fee together with an additional \$2,500 in the 2019/2020 financial year to match funds from the Great Southern Development Commission. The cost to cover the proposed sitting fee is covered within the Great Southern Treasures annual budget.

RISK MANAGEMENT IMPLICATIONS

There is a potential of not attracting a suitable applicant to the position which could lead to the loss of reputation and leadership of the committee moving forward. In a period where regional tourism funds have become more competitive, with previous government tourism promotion and funding seeming to focus on the coastal shires of the Great Southern it is important that the upper Great Southern Shires continue to have a voice and presence to ensure that economic benefits from tourism flows through to the smaller regional Shires.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION

“That Council endorse the Great Southern Treasures recommendation to remunerate the Chairperson with a sitting fee.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (JUNE 2019)

| | |
|----------------------|--|
| AUTHOR | Anthony Middleton – Manager Corporate & Community Services |
| DATE | Monday, 15 July 2019 |
| FILE NO | FM.FNR.2 |
| ATTACHMENT(S) | 12.1.1 – June 2019 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 2019.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2018 to 30 June 2019 represents twelve (12) months, or 100% of the year.

Please note – These financial statements do not represent an audited end of year financial position of the Shire. 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 2018/2019 figures will be shown in the Annual Report.

The following items are worthy of noting:

- Closing surplus position of \$413,840;
- Operating results:
 - 93% of budgeted operating revenue has been received; and
 - 105% of budgeted operating expenditure spent;
- Capital expenditure achieved 53% of budgeted projects;
- The value of outstanding rates equates to 5.2% of 2018/2019 rates raised;
- Cash holdings of \$4.85m of which \$3.74m is held in cash backed reserve accounts; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

Elected members will be aware that a prepayment of the 2019/2020 Financial Assistance Grants totalling \$802,000 was received in the 2018/2019 financial year. As such, the surplus mentioned above of \$413,840 would actually have been a deficit of \$388,160 had the prepayment not been received. The main contributors to this deficit were as follows:

- Road maintenance operating expenditure was 118% of the budget, or \$255,281 more than budget estimates; and
- Springhaven Lodge's budgeted operating loss of \$96,582 was exceeded by \$232,087 (total operating loss of \$328,669)

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 June 2019, as attached, be noted.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.2 MONTHLY PAYMENTS LISTING

| | |
|-------------------|---|
| AUTHOR | Melissa Binning – Finance Officer |
| DATE | Friday, 12 July 2019 |
| FILE NO | FM.AUT.1 |
| ATTACHMENT | 12.2.1 – Monthly Payment Listing 01/06/2019 to 30/06/2019 |

| 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 2019.

BACKGROUND

Not applicable.

COMMENT

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

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

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Refer to the VROC Strategic Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

| FROM – 1 June 2019 | | TO – 30 June 2019 |
|--------------------|---------------|-------------------|
| | | |
| Municipal Cheques | 14129 – 14140 | \$38,932.52 |
| EFTs | 23826 – 24041 | \$485,841.70 |
| Direct Debits | | \$425,289.10 |
| Total | | \$950,063.32 |

be received. “

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.3 BUDGET ADOPTION – 2019/2020 FEES & CHARGES

| | |
|----------------------|--|
| AUTHOR | Anthony Middleton – Manager Corporate and Community Services |
| DATE | Tuesday, 16 July 2019 |
| FILE NO | FM.FEE.1 |
| ATTACHMENT(S) | 12.3.1 – Draft 2019/2020 List of Fees & 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 2019/2020 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 a Councillor briefing session.

COMMENT

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 improves 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 and by the Audit Committee.

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*
- *Health (Miscellaneous Provisions) Act 1911*
- *Cemeteries Act 1986*
- *Waste Avoidance and Resources Recovery Act 2007*
- *Building Act 2011*

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 fees and charges, as attached, be adopted."

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

12.4 BUDGET ADOPTION – 2019/2020 PROPERTY RATES

| | |
|----------------------|--|
| AUTHOR | Anthony Middleton – Manager Corporate & Community Services |
| DATE | Tuesday, 16 July 2019 |
| 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 2019/2020 financial year.

BACKGROUND

Property rates are the primary income source for local governments in WA. This agenda item sets the rating levels and associated parameters based on the *Local Government Act 1995* (‘the Act’) and the Shire’s previous procedures. No changes are recommended to the way in which we raise rates.

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 general rates, and a rate in the dollar is set for both valuation types. In the 2018/2019 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 2019/2020 draft budget is 3.0%, which represents an additional revenue of \$117,417. This proposed rate raise does not sufficiently fund the additional cost of doing business and therefore management have worked hard to find additional operating efficiencies elsewhere to balance the budget. For example:

- Springhaven Lodge operating loss has increased by \$131,885;
- Road Maintenance expenses have increased by \$178,950;
- The Council donation to the new Medical Centre totals \$140,000; and
- Audit costs have increased \$13,000 now that Audits are completed by the State Government.

The above four examples alone represent a rate increase of 11.85%.

All unimproved values (UV) have been revalued by the Valuer Generals Office in accordance with relevant statutory legislation and have increased approximately 6% in total. As always, individual UV properties are likely to receive a greater variance (both increased and decreased) than the 3.0% 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 \$700 from last year be increased to \$720 (increase of 2.85%).

Discount

Section 6.12 (1)(a) of the Act 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 2019/2020.

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 five 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. This is consistent with the previous year's charge and statutory requirements.

CONSULTATION

Setting the rating levels for 2019/2020 has been discussed at Council briefing sessions and senior management team meetings. 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 2019/2020 budget.

ASSET MANAGEMENT IMPLICATIONS

Rating revenue assists to fund the required asset management activities in accordance with the Asset Management Plan 2017.

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 2019/2020 financial year:
 - a) For all rateable properties where Gross Rental Valuations are applied a rate of 12.6476 cents in the dollar with a Minimum Rate of \$720 is to apply.
 - b) For all rateable properties where Unimproved Valuations are applied, a rate of 0.9005 cents in the dollar with a Minimum Rate of \$720 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 9 August 2019) of the date of rate notice issue (26 July 2019) be offered a discount of 2.5% on the amount of their 2019/2020 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 30 August 2019. Full payments received on or before 9 August 2019 are eligible for a discount of 2.5% on the amount of their current rate charge for the 2019/2020 year.

Option 2 Payments to be made by two (2) instalments as detailed on the rates notice, with the following dates:

| | |
|-------------------|----------------|
| First Instalment | 30 August 2019 |
| Second Instalment | 6 January 2020 |

Option 3 Payments to be made by four (4) instalments, as detailed on the rate notice, with the following dates:

| | |
|-------------------|-----------------|
| First Instalment | 30 August 2019 |
| Second Instalment | 31 October 2019 |
| Third Instalment | 6 January 2020 |
| Fourth Instalment | 9 March 2020 |

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 until the date each subsequent installment is due, in accordance with the *Local Government Act 1995*.
6. Subject to the outcome of agenda item 11.1 and given the community nature of The George Church Community Medical Centre, the 2019/2020 property rates for Lot 3 Spring Street, Kojonup of \$720 be written off. This write off to be expensed to account 3364 ('Other Health' Operating Expenditure)."

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.5 BUDGET ADOPTION – 2019/2020 ANNUAL BUDGET

| | |
|---------------|--|
| AUTHOR | Anthony Middleton – Manager Corporate and Community Services |
| DATE | Tuesday, 16 July 2019 |
| FILE NO | FM.BUD.2 |
| ATTACHMENT(S) | 12.5.1 – Draft 2019/2020 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 INTEREST

Nil.

SUMMARY

The purpose of this report is to consider adopting the 2019/2020 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 *Local Government (Financial Management) Regulations 1996*. The Council must adopt its budget by an Absolute Majority no later than 31 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 2019/2020 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 1995*. These included the List of Fees & 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 Great Southern Housing Initiative (GSHI). The GSHI is possibly the largest project ever undertaken by the Shire of Kojonup and the figures distort this budget accordingly making comparisons with previous years very difficult. The GSHI totals \$4.8m capital expenditure, with \$2.55m in grants and \$2.17m in loans;
- The budget has been prepared with a 3.0% rate increase;
- Fees and charges have been reviewed by the Audit Committee and Council and are itemised in the draft budget;
- The recurrent operating budget includes an overall increase in estimated operating expenditure of 6.8% (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, recurrent operating revenue has only increased 0.6% from last year's budget. Services such as Springhaven Lodge and Road Maintenance have increased in cost considerable will need to be reviewed into the future to ensure financial sustainability;
- A record capital works programme totalling \$9.3m for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on housing (\$5.5m), transport (\$1.7m), plant replacement (\$1.14m), recreation and culture (\$0.26m) and sub-divisions (\$0.24m) are the major components.
- An estimated surplus of \$405,909 is anticipated to be brought forward from 30 June 2019, however this is not audited and may change. Any change will be addressed as part of a future budget review.

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 substantial decrease in reserves \$1.1m as follows:

- Opening balance (1 July 2019) - \$3.74m
- Closing budgeted balance (30 June 2020) - \$2.64m

The figures above include \$1.62m of cash-backed bonds paid by residents of Springhaven Lodge. As such, 30 June 2020 reserve accounts available for future Shire projects only totals \$1.02m.

Loans

The Council's loan indebtedness is currently exceptionally low, with an outstanding balance at 30 June 2019 of only \$453,916. This budget includes the raising of new loan borrowings of \$2.63m as follows:

- Great Southern Housing Initiative - \$2.17m;
- Land Development - \$200,000;
- Medical Centre Donation - \$140,000; and
- Airstrip Lighting - \$124,148.

Following the raising of these new loans, it is budgeted that the loan balance outstanding as at 30 June 2020 will be \$3,055,153. Further information on these loans can be seen at Note 6 of this budget.

So, What is in the Budget?

Governance:

ICT Program / Implementation - \$45,000

Town Wi-Fi - \$20,000

Digital Signage - \$30,000

Admin Office Garden Upgrade - \$10,000

Furniture/Chambers technology - \$15,000

Office Building Asset Renewal - \$36,500

Law, Order & Public Safety:

Bush Fire Communications Tower - \$100,000 (100% reserve funded)

Housing:

Great Southern Housing Initiative – \$4.8m

Staff Housing Asset Renewal - \$29,000

Springhaven DACS Grant (kitchen/laundry etc.) - \$489,732

Springhaven iCare Software - \$38,000

Springhaven Furniture, Air-Conditioning, Rear Car Park & Building - \$89,907

Jean Sullivan/Loton Close Independent Living Unit's Building Renewal – \$20,000

Loton Close Community Garden Finalisation - \$16,000

Community Amenities:

Muradup Cemetery Works - \$20,000;

Town Furniture - \$30,000

Liquid Waste Facility - \$11,000

Historical Buildings, Men's Shed & Waste Oil Separator - \$5,000 each

Townscape Plan \$22,000

Reserves Clean Up - \$6,000

Natural Resource Management Operations – fully funded from Reserves

Recreation & Culture:

Memorial Hall Asset Renewal - \$45,000

RSL Hall Structure & All Halls Furniture - \$5,000 each

Swimming Pool Inflatables & New Ladder/Stairs- \$21,000

Sporting Complex – Pool Car Park - \$200,000

Transport:

Road Maintenance expenditure increase by \$179,000

Plant (as per 12 year plan)

- Net Cost \$550,000 – 12 year average
- Gross \$1.14m / Trade-In \$330,000 / Reserve Transfer \$259,000)

Airstrip Improvements - \$230,000

Signage Upgrades & Electronic Speed Signs - \$60,000

Footpaths - \$20,000

Kerbing - \$60,000

Road Construction - \$1.32m (As per 10 year Program)

- Gravel Re-sheeting - \$403,000
- Widening Kojonup-Frankland Rd - \$384,000
- Bitumen Reseal – Kojonup-Darken Rd - \$90,000
- Bitumen Reseal – Kojonup-Broomehill Rd - \$135,000
- Bitumen Reseal – Boscabel-Chittinup Rd - \$89,500
- Bitumen Reseal – Kojonup-Frankland Rd - \$90,000
- Bitumen Reseal – Newstead Rd - \$80,000
- Town Drainage Renewal - \$20,000
- Wooden Culvert Replacement - \$30,000

Economic Services:

The Kodja Place:

- Shelving & Storage - \$5,000
- Car Park Signage & Line Marking - \$10,000
- Rose Maze Structures - \$5,000

Promotional Signage at Air Strip - \$25,000

Truck Wash Down Bay - \$15,000

Sub-division Katanning Road, Industrial Area, Bagg St Parking - \$240,000

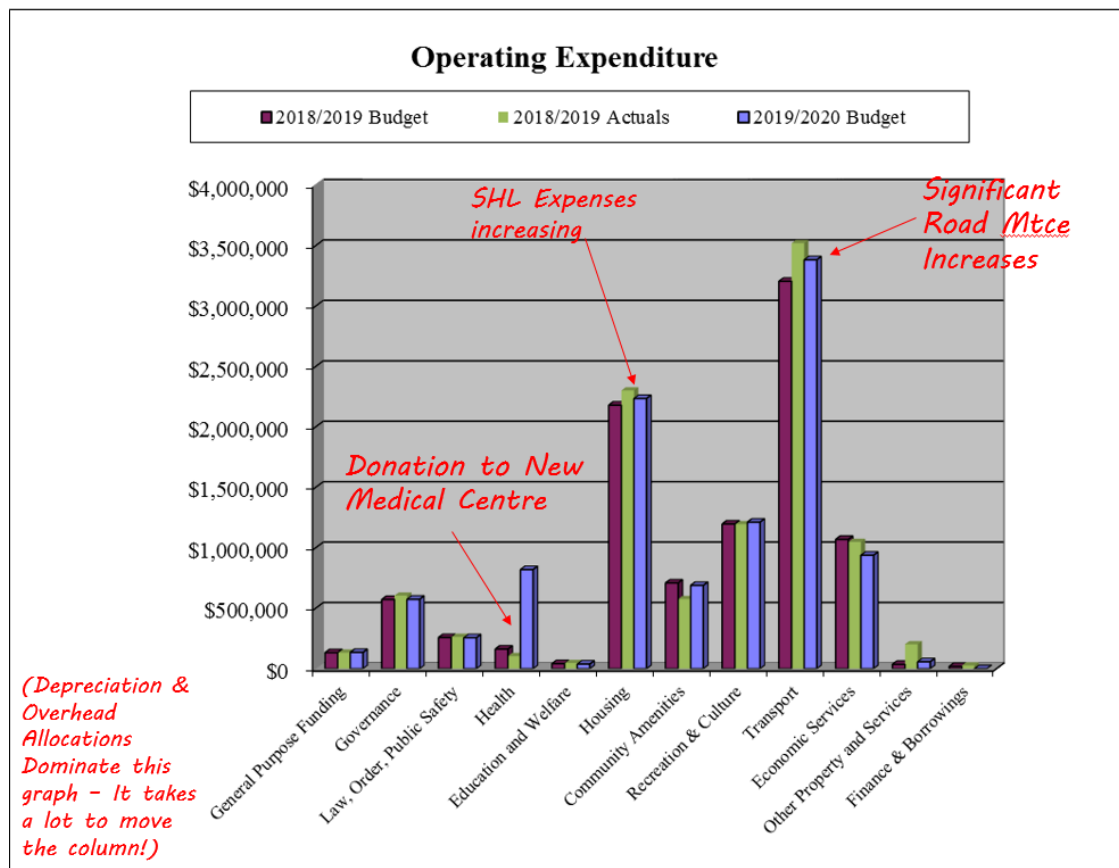
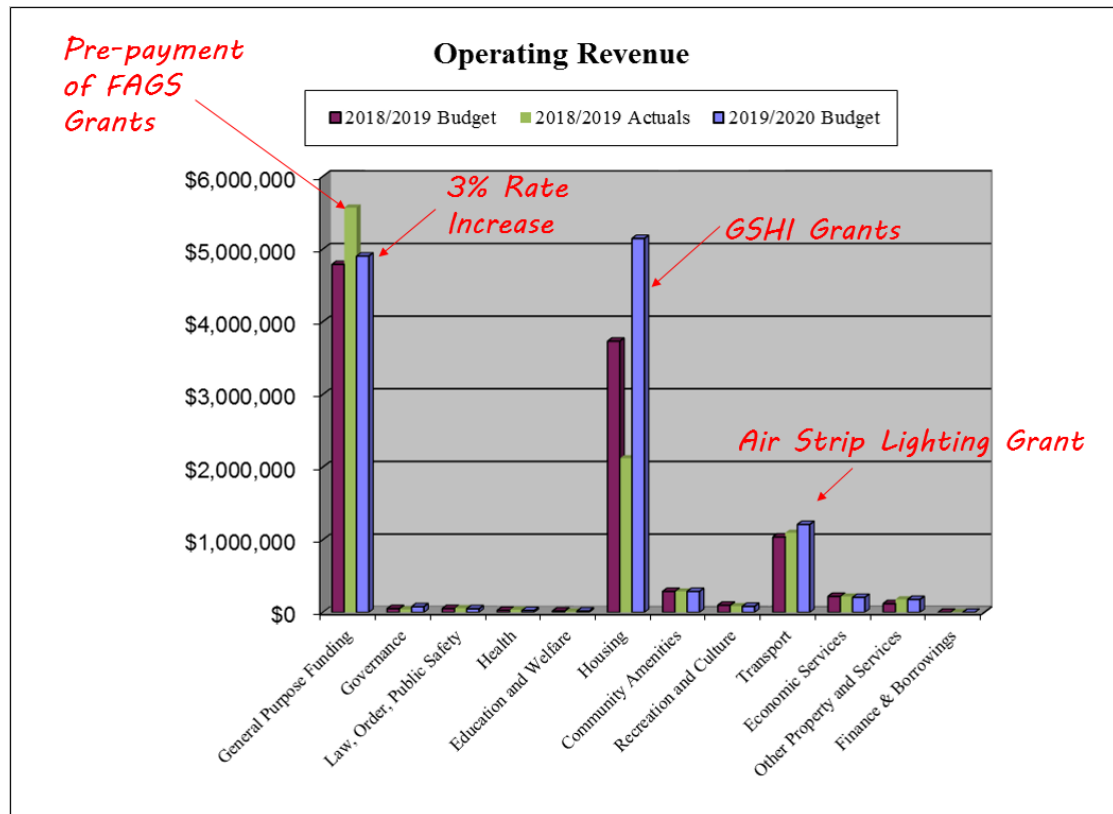
Other Property & Services:

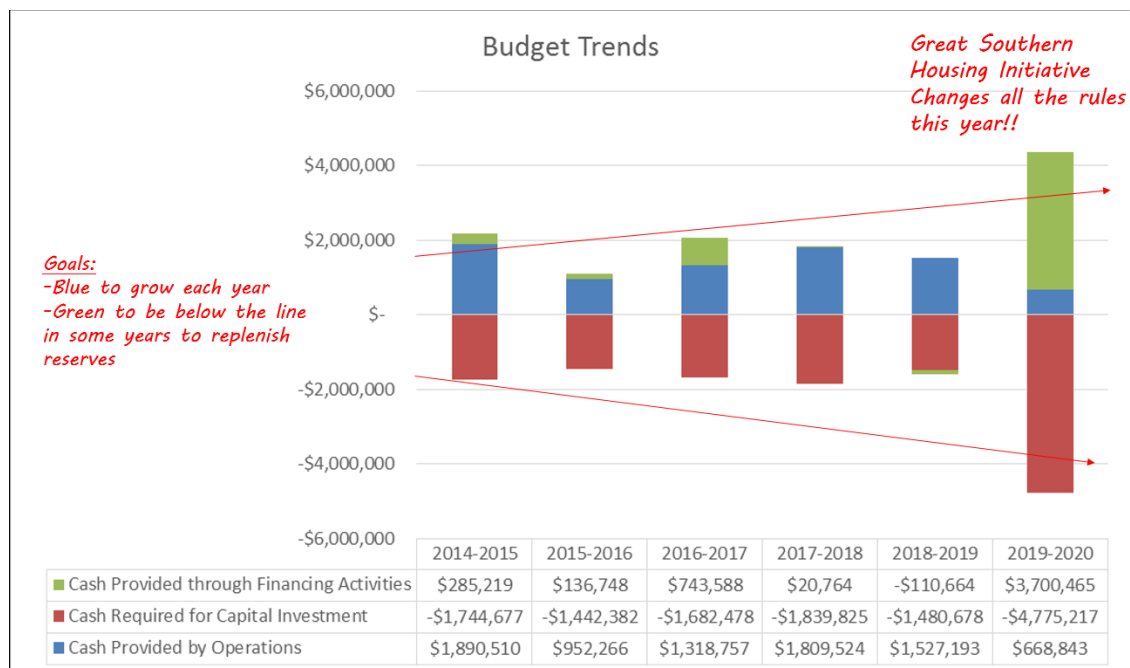
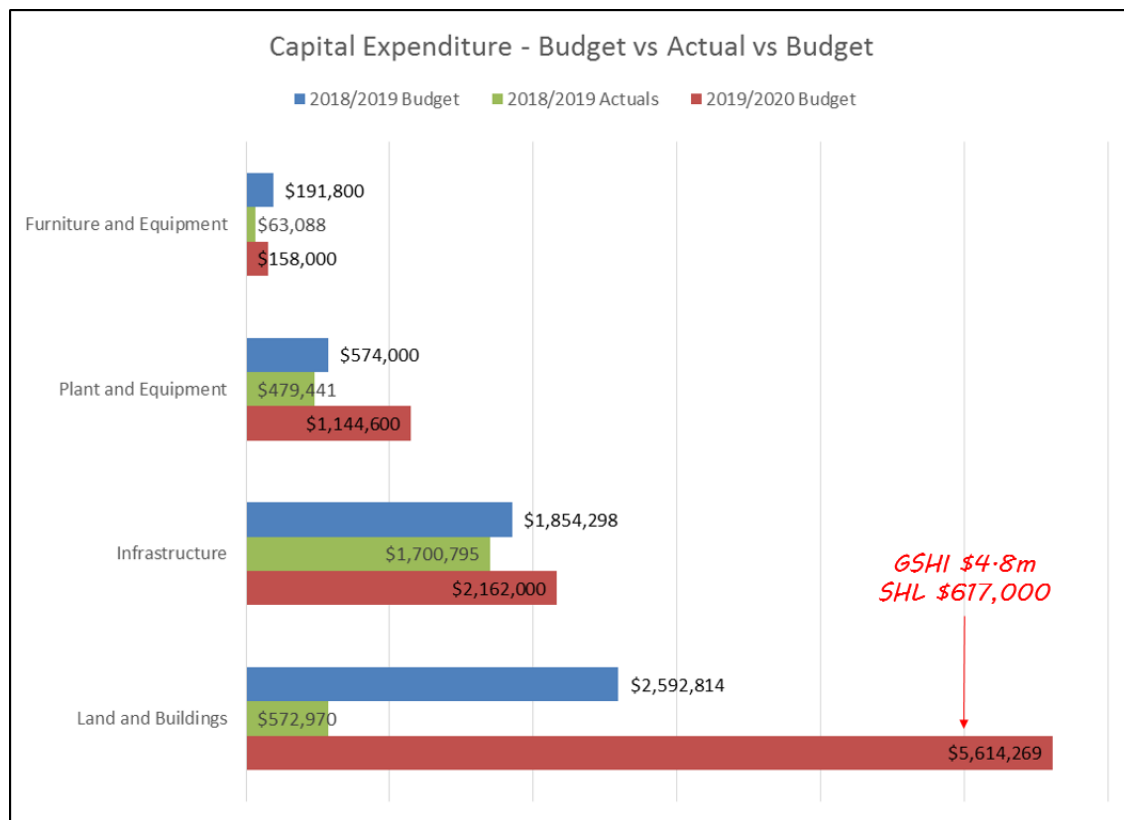
Depot Security Upgrade - \$12,000

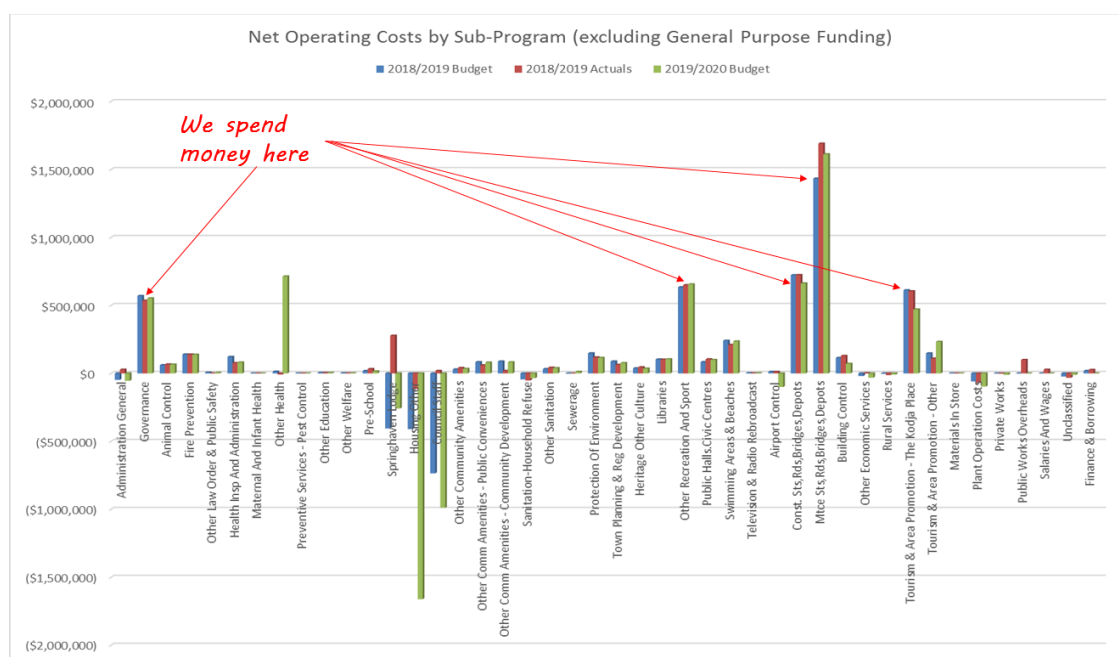
ICT for Depot Staff - \$5,000

Chemical Shed Replacement / Upgrade - \$10,000

Budget & Financial Summary







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

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

“The Shire of Kojonup has an excellent Community Strategic Plan – “SMART Possibilities”, with 5 Key Pillars being PLACE, CONNECTED, PERFORMANCE, PROSPERITY and DIGITAL. The Corporate Business Plan – “SMART Implementation” is continually being refined to reflect what can realistically be achieved over a four-year period for the community we represent which flows into our annual budget process.

It is important that Council remain focussed on achieving the strategic deliverables within “Smart Implementation” including undertaking projects within reasonable time frames, budget allocations and human resources. Council recognises that when the Community Strategic Plan and Corporate Business Plan were first prepared, Royalties for Regions was the major funding source from the State Government. The Great Southern Regional Housing Initiative has now progressed to the stage where tenders for Kojonup’s 3 Independent Units, 3 GROH houses (2 x Police, 1 x Education) and 4 Executive Houses/Units, are about to be advertised which will see unprecedented residential development and a new \$5M plus capital injection into Kojonup and the region.

Council is achieving great outcomes such as:

- *Regional Aged Accommodation Program – \$2.6M funding secured*
- *Building Better Regions Fund – Housing Initiative - \$10M funding secured*
- *Springhaven Kitchen/Laundry redevelopment - \$493 572 funding secured*
- *Completion of extensive Road construction, re-sheeting, reseal and maintenance program including footpath and kerb renewal/replacement*
- *Landcare/Natural Resource Management Projects – Officer Jane Kowald continues to secure grants as and when they arise and the level of community support (especially school involvement) is very pleasing*
- *Storyplace/Gallery Work Group established and MOSAiC Procedure Manual prepared*
- *Sports Complex – Stage 1 works completed and CSRFF/Lottery West application being prepared for Stage 2 works following community engagement*
- *Regional Airports Funding to initially replace runway lights completed and a further \$110k grant for upgrading electrical cabling (total project \$230,000)*
- *Play in the Park and Play Café conducted by Lorreen Greeuw continues to be well supported to such an extent, that St Bernard’s School also wish to participate*
- *Preparation of forward Building/Parks & Reserves Maintenance Programs*
- *More team members are preparing agenda items or making presentations at briefing sessions building organisational capacity/capability and continuous improvement*
- *Team members and the organisation are more aware of Risk Management and OHS requirements which is reflected in audit scores at our various work areas*
- *“Trade-offs’ with Men’s Shed to refurbish town seating is appreciated*

The 2019/2020 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.

Council has managed to restrict the rate increase to 3% which raises an additional \$117,417 of revenue. This proposed rate raise does not sufficiently fund the additional cost of doing business and management have worked hard to find additional operating efficiencies elsewhere to balance the budget.

Council and management will continue wherever possible to leverage funds from other sources to progress projects, recognising that Council must always be financially prudent but also maintain our assets.

Other provisions are separately listed demonstrating that the essential pre-planning undertaken can now be transferred to tangible outcomes such as street furniture, signage, lighting upgrades and a continuation of asset maintenance and renewal.

I express my sincere gratitude to Councillors who 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.

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, 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. 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 2019/2020 Financial Year.

*Rick Mitchell-Collins
Chief Executive Officer
16 July 2019”*

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 2019/2020 budget makes provision for numerous new asset purchases, asset renewal and upgrades and major maintenance items for the coming financial year.

Capital Expenditure by asset investment type for the coming year (with last year comparatives) are as follows:

| | 2018/2019 Budget | | 2018/2019 YTD Actuals | | 2019/2020 Budget | |
|------------------|---------------------|-----|--------------------------|-----|---------------------|-----|
| Asset Renewal | \$1,870,296 | 35% | \$1,327,037 | 47% | \$2,057,139 | 22% |
| Asset Upgrade | \$1,006,602 | 19% | \$898,390 | 32% | \$851,000 | 9% |
| New Assets | \$2,457,014 | 46% | \$590,280 | 21% | \$6,410,730 | 69% |
| Totals | \$5,333,912 | | \$2,815,708 | | \$9,318,869 | |

As can be seen with the table above, asset renewal is relatively constant between 9% and 32%, although the Great Southern Housing Initiative again distorts these figures.

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

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

“That the 2019/2020 Annual Budget, as attached, be adopted.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.6 DEED OF AGREEMENT – GREAT SOUTHERN HOUSING INITIATIVE (COMMONWEALTH FUNDING)

| | |
|----------------------|---|
| AUTHOR | Judy Stewart – Senior Administration Officer |
| DATE | Monday, 15 July 2019 |
| FILE NO | GS.PRG.13 |
| ATTACHMENT(S) | 12.6.1- Commonwealth Standard Grant Agreement between the Commonwealth (Department of Industry, Innovation and Science) and Shire of Broomehill-Tambellup 12.6.2 - Deed of Agreement to facilitate Great Southern Housing Initiative' between the Shire of Broomehill-Tambellup and the Shire of Kojonup |

| 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

The purpose of this report is for Council to consider the endorsement of a Deed of Agreement (Agreement) between the Shires of Broomehill-Tambellup and Kojonup to facilitate the Great Southern Housing Initiative (GSHI).

BACKGROUND

Through the GSHI, Commonwealth funding is being used in conjunction with State funding (and other contributing sources) to facilitate the construction of 52 dwellings and independent living units throughout the region (10 of which will be constructed within the Kojonup townsite, being three independent living units and seven key worker/employee houses).

Council will recall that the Shire of Kojonup is the recipient of the State funding to facilitate the construction of the Regional Aged Accommodation Project, a component of the GSHI that will see 21 independent living units (of the 52 dwellings in total) constructed across the region. In May 2019, Council, as the GSHI State funding recipient, resolved to enter into Third Party Agreements with the Shires of Broomehill-Tambellup, Cranbrook, Jerramungup and Katanning, for the State funding.

COMMENT

The Shire of Broomehill-Tambellup is acting as the recipient for the GSHI Commonwealth funding that is to be used in conjunction with the State funding (and other contributing sources) to facilitate the 52 dwelling Capital Works Project (Project). The eight Project participants include the Shires of Broomehill-Tambellup, Cranbrook, Gnowangerup, Jerramungup, Katanning, Kent and Kojonup and the Ongerup Community Development Inc.

In accordance with the overarching Commonwealth Standard Grant Agreement (Attachment 1 - Grant Details: Clause E 'Reporting'), the Shire of Broomehill-Tambellup is required to enter into an Agreement with the Project partners for Project delivery and expenditure.

The Shire of Broomehill-Tambellup engaged McLeods Barristers and Solicitors to formulate the Deed of Agreement which is shown as Attachment 2 to this item – for Council endorsement.

CONSULTATION

Chief Executive Officer
Manager Corporate and Community Services

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Financial contributions to this Project are detailed in the 2019/20 budget.
- Contributions of all participants are as follows (Commonwealth Standard Grant Agreement, page 13 - *Supplementary Terms 1 – Other contributions*):

| Contributor | Nature of Contribution | Cash contribution \$ (GST excl) | In-Kind contribution \$ (GST excl) | Timing |
|----------------------|--|---------------------------------|------------------------------------|--------------|
| Grantee | Cash; in kind (land, project management, site works) | \$ 2,033,987 | \$ 200,000 | Grant Period |
| Shire of Jerramungup | Cash; in kind (land) | \$ 1,293,000 | \$ 450,000 | Grant Period |
| Shire of Katanning | Cash; in kind (land) | \$ 1,420,057 | \$ 380,000 | Grant Period |
| Shire of Cranbrook | Cash; in kind (land) | \$ 225,000 | \$ 82,000 | Grant Period |
| Shire of Gnowangerup | Cash; in kind (land) | \$ 367,500 | \$ 40,000 | Grant Period |

| | | | | |
|---|--|---------------------|---------------------|--------------|
| Shire of Kojonup | Cash; in kind (land, project management) | \$ 2,345,536 | \$ 520,000 | Grant Period |
| Shire of Kent | Cash; in kind (land, project management, site works) | \$ 1,100,000 | \$ 80,000 | Grant Period |
| Department of Primary Industries and Regional Development | Cash | \$ 2,591,492 | \$0 | Grant Period |
| Darwinia Cottages Cranbrook Committee Incorporated | Cash; in kind (land) | \$ 283,575 | \$ 40,000 | Grant Period |
| Ongerup Community Development Inc. | Cash; in kind (land) | \$ 460,000 | \$ 10,000 | Grant Period |
| Total | | \$12,120,147 | \$ 1,802,000 | |

- The cost to formulate this Agreement is covered by grant monies.
- Access to funding for housing construction, particularly key worker/employee housing, is rare.

RISK MANAGEMENT IMPLICATIONS

Risk Profile 13 – Project/Change Management – clear/formal project management

A professionally drafted, formal agreement clearly defines the requirements of all parties involved with the Project.

ASSET MANAGEMENT IMPLICATIONS

In rural areas it may be difficult to attract/retain staff and provide a work/life balance compared to metropolitan areas if housing does not form part of the remuneration package. Council's existing housing stock, other than the new CEO house, is dated and in need of renewal. Construction of the new houses will not only boost Council's capacity to offer housing options but form part of future workforce planning as within the next 3 – 5 years there will be a number of employees retiring who presently own their own dwellings. The Katanning Road and Soldier Road developments will allow Council to extend necessary infrastructure; in particular, sewer connections enabling the land to be subdivided and, ultimately, separate titles created. Sale of existing housing stock will add additional housing stock to the local real estate market and generate rate income.

The new housing assets will be a welcomed addition to the Shire's Asset Register.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The Southern Link VROC Purpose is: 'To work collaboratively as Local Governments to share knowledge and resources for mutually beneficial outcomes that support the vision for the Great Southern region.'

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

"That:

- (1) The attached 'Deed of Agreement to Facilitate Great Southern Housing Initiative' (Deed) between the Shires of Broomehill-Tambellup and Kojonup, as part of the Great Southern Housing Initiative and pursuant to the Commonwealth Standard Grant Agreement referred to in the Deed, be adopted; and
- (2) The Chief Executive Officer and Shire President be authorised to execute the agreement and apply the common seal."

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.7 WESTCOURT ROAD RE-ALIGNMENT (CLOSURE AND DEDICATION) PROPOSAL THROUGH RESERVE 16076, BLACKWOOD ROAD RECREATION PRECINCT, KOJONUP

| | |
|----------------------|---|
| AUTHOR | Judy Stewart – Senior Administration Officer |
| DATE | Monday 15 July 2019 |
| FILE NO | PR.RES.16076; RO.ROA.133 |
| ATTACHMENT(S) | <p>12.7.1 - Licensed surveyor drawing showing Westcourt Road (actual placement) and Westcourt Road Reserve;</p> <p>12.7.2 - Landgate maps showing:</p> <ul style="list-style-type: none"> Westcourt Road within and outside of the dedicated Westcourt Road Reserve; Tennis court encroachment on Westcourt Road Reserve; <p>12.7.3. - Reserve 16076 Management Order; and</p> <p>12.7.4.- South West Native Title Settlement Noongar Land Estate Factsheet</p> |

| 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. | 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land. |

DECLARATION OF INTEREST

The Chief Executive Officer declares an impartiality interest as Secretary of the Kojonup Golf Club (Club); the Club being the Lessee of Reserve 16076 through which Westcourt Road Reserve runs and golf fairways and improvements are located.

SUMMARY

To seek Council endorsement to advertise for submissions, via local public notice, regarding a proposal to close the existing Westcourt Road Reserve and to dedicate the actual Westcourt Road formation as road and, subject to any submissions received not indicating otherwise, subsequently request the Minister for Lands approve the closure and dedication.

BACKGROUND

Council currently has a lease with the Kojonup Golf Club (Club) for the use of Reserve 16076 (Reserve) and, at its May 2019 Ordinary Meeting, resolved to re-lease this Reserve to the Club for a further 21 years, from 1 August 2019 to 31 July 2040, subject to the approval of the Minister for Lands (as per Management Order requirements – see Attachment 2 c). All parties to the afore-mentioned Lease are aware that the placement of Westcourt Road is not entirely within the Westcourt Road Reserve and that a portion of the tennis courts on Reserve 16076 encroaches on the Westcourt Road Reserve.

The new lease document for Reserve 16076 (as of 1 August 2019) reflects the possibility that re-alignment of the Westcourt Road Reserve and the boundary shared by Reserves 16076 and 13697 may occur during the term of the Lease. Approval of the new lease by the Minister for Lands has since been obtained in accordance with s.18 of the *Land Administration Act 1997 (Act)*.

COMMENT

The Senior Finance Officer and the author met with representatives of the Department of Planning, Lands and Heritage (Department) in Kojonup in late November 2018 to discuss the possible re-alignment of the Westcourt Road Reserve and neighbouring land reserve boundaries with the aim of boundaries reflecting actual land usage (and in accordance with Reserve purposes and building placement). The Department representatives were encouraging of a future request from Council to rectify the anomalies.

Since the November 2018 meeting, the Department has advised that the rectification of reserve boundary anomalies throughout the Blackwood Road Recreation Precinct, other than the Westcourt Road Reserve, should be delayed until the South West Native Title Settlement (SWNTS) Claim has been completed. The Department of the Premier and Cabinet SWNTS Noongar Land Estate Factsheet (attached) explains SWNTS in more detail. Crown Land that is currently leased to a third party is not included; hence, the anomalies relating to the Westcourt Road Reserve (that runs through Reserve 16076) can be progressed.

Section 58 (3) of the *Act* requires that a local government must not request to permanently close a road in its district until it has advertised its intent to do so for a period of 35 days in a newspaper that circulates within its district and then has considered any objections made to it within that period concerning the proposals set out in the notice. Utility providers and other government agencies must also be invited to make submissions regarding such proposals.

In the May 2019 item to Council regarding the Kojonup Golf Club lease, a future request to obtain a Crown Survey instruction from the Department to mark a new road reserve reflecting Westcourt Road's actual location was discussed. Subsequent correspondence with the licensed surveyor, who has since provided a drawing suitable for opening a case with the Department for the road re-alignment, has eventuated in the surveyor suggesting that it would be a tidier process to dedicate the whole of the formed road where it actually exists and close the whole of the existing road reserve, the former being the 'new' road reserve.

This would replace the usual practice of ‘opening’ the sections of actual road formation that require dedicating as road and, at a later date, closing and amalgamating those sections of the original road reserve that do not contain road formation. A Department representative has agreed that, in this instance, dedicating the existing road formation as a whole new road and closing the existing road reserve completely, simultaneously rather than as subsequent actions, may be a better (cleaner) option.

With regard to the tennis court area that encroaches the existing Westcourt Road Reserve, the licensed surveyor has confirmed that by amending the Westcourt Road Reserve to be slightly to the east of where it currently exists in this area, there will not be a requirement for any additional roadworks; that is, the intention is to fit the new road reserve around the existing carriageway. The section of tennis court encroaching the existing road reserve would come to be within Reserve 16076.

At this stage, Council is being requested to endorse a proposal that will correct issues with Westcourt Road’s placement within and outside of a dedicated road reserve as part of a longer term intention to correct this and other boundary issues throughout the Blackwood Road Recreation Precinct. The first step in this process is to advertise Council’s intention, by local public notice, and to consult with utility providers and relevant government agencies. When that process is complete, Council can, providing that submissions (if any) do not give reason for not continuing with the process, request that the Minister for Lands considers Council’s proposal to dedicate the existing road formation known as Westcourt Road as the new road reserve and close the existing Westcourt Road Reserve.

CONSULTATION

John Andrioff, Project Officer/Lynda Martin, Senior State Land Officer - Department of Planning, Lands, and Heritage
Mark Anderson, Licensed Surveyor – 35 Degrees South

STATUTORY REQUIREMENTS

Land Administration Act 1997 and Land Administration Regulations 1998:

- s. 56 - Dedication of land as road;
- s. 58 - Closing roads; and
- r. 9 – Local government request to close road permanently [Act s.58 (2)], requirements for

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Nil application fee to the Department to lodge this request.
- Advertising costs associated with section s.58 of the Act.
- Possibility of easement documentation (undertaken by the Department) costs and expenses associated with utility infrastructure removal or re-allocation if Council determines to progress with the re-alignment and utility providers require same.

- Estimated \$8,200 + GST (to survey the new road reserve boundary of Westcourt Road [including field works, survey posts etc., travel and accommodation, and drafting of at least one new Deposited Plan] and to survey existing road reserve requiring closure due to it not forming part of the actual road) if the Department issues a Crown Survey instruction to survey the road re-alignment.
- There is a \$9,700 budget provision in the 2019/2020 budget.

RISK MANAGEMENT IMPLICATIONS

Risk Profile 1: Asset Sustainability – Key Control: Asset Register (roads, buildings, playgrounds etc.) – the current dedicated road reserve does not accurately reflect Westcourt Road placement.

Risk Profile 3: Failure to Fulfill Compliance Requirements (Statutory, Regulatory) – Nil specific current controls or key actions. This matter stems from when the road was originally formed many years ago and represents part of a long term intention to correct boundary anomalies throughout the Blackwood Road Recreation Precinct as it becomes possible to do so in line with the SWNTS Claim.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

“That Council;

1. In accordance with sections 56 and 58 of the Land Administration Act 1997 (Act), gives local public notice of a proposal to:

- a) dedicate the existing road formation known as Westcourt Road as road;
- b) close the Westcourt Road Reserve in its current location;

recognising that sections of existing Westcourt Road formation currently located on Reserve 10676 will be excised from Reserve 16076 and become part of the new road reserve and sections of existing road reserve not containing any of the existing Westcourt Road formation will be amalgamated into Reserve 16076 as per the attached licensed surveyor’s drawing; and

2. Acknowledges that, following conclusion of the local public notice period and seeking of any submissions from utility providers and government agencies on the afore-mentioned proposal, a further report will be prepared for the Council that will recommend that the Minister for Lands be requested to consider the closing of the existing Westcourt Road Reserve and dedication of the existing Westcourt Road formation as a road, as above, subject to any submissions not giving cause to do otherwise. “

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.8 COMMUNITY MANAGEMENT OF HALLS – BUILDING ASSESSMENT FRAMEWORK

| | |
|----------------------|--|
| AUTHOR | Judy Stewart – Senior Administration Officer Anthony Middleton – Manager Corporate & Community Services |
| DATE | Monday, 15 July 2019 |
| FILE NO | RM.PRO.2; PR.RES.20845 |
| ATTACHMENT(S) | Nil. |

| 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. |
| | 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. 3.3.4 - Undertake an asset management planning process to review and rationalize Shire buildings to maximize their use and value to the community |
| | 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. 3.4.4. - Design a program of activities to imbed sound asset management practice its culture and activities at all levels of the organisation. |

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to address and mitigate the risk associated with a lack of written agreements between community groups and the Shire of Kojonup (Shire) for the management of community halls throughout the Shire.

BACKGROUND

In July 2017, the Council adopted its Building Assessment Framework (BAF), a comprehensive asset management process that assessed all of the Shire's 91 buildings and prioritized them on an established criteria. The BAF gave all buildings a score out of 100, and the Council requested an assessment be completed on all buildings with a score of less than 30. Twenty-five (25) buildings scored 30 or less and include:

- Ten (10) buildings located at the Showgrounds;
- Four (4) Community Halls; and
- Eleven (11) other miscellaneous buildings.

This report addresses the four (4) community halls.

Similarly, the Council's Community Strategic Plan (SMART Possibilities) and Corporate Business Plan (SMART Implementation) includes the following deliverable/outcome:

"Implement an asset rationalisation process based on the Building Assessment Framework"

Since March 2019 Shire staff and elected members have been involved in a major review of the Shire's Risk Management system, culminating in the adoption of a new Risk Management Framework at Council's May 2019 Ordinary Meeting. Shire staff and a number of Councillors were engaged in Risk Management workshops conducted by Local Government Insurance Services (LGIS) resulting in staff updating practices and documentation in line with current best practice principles.

Community groups were also invited to attend an Event Risk Management workshop held on 12 March 2019 outlining their responsibilities in managing risk from a committee perspective; that is, their responsibilities to their members and to the general public and also the reasoning behind community groups having public liability insurance. Following on from the community workshop, community groups were forwarded a copy of the slideshow presented at the workshop and other relevant information to assist them in meeting their risk management obligations.

For some years community groups/members in localities of the Shire have informally managed their local community halls with the Shire contributing financially towards major maintenance items in some instances. In other instances, there has been little or no Shire maintenance especially in the less utilised community halls.

COMMENT

The BAF has identified four community halls for rationalisation. They are as follows:

- Changerup Hall;
- Qualeup Hall (& toilets);
- Boscabel Hall (& toilets); and
- Old Scout Hall (South side of Toy Library/Playgroup).

This agenda item also addresses the operational management of the Muradup Hall, although the BAF did not identify the Muradup Hall for rationalisation as it scored 50 out of 100 and, therefore, above the 30 threshold.

A summary of the operational management of the above five (5) halls is as follows:

1. Changerup Hall

- Research undertaken in the preparation of this item has uncovered that the Changerup Hall is located on a reserve where the *Changerup District Recreation Centre Inc.* has the management order. As such, this building is not owned by the Shire and, therefore, the Shire has no responsibilities in relation to its maintenance or management.
- No further action is required.

2. Qualeup Hall (& toilets);

- There is no written agreement in place regarding management of the hall, although the hall is presently managed by individuals/community groups;
- Situated on Reserve 24632 (Purpose: Recreation and Hall Site) and the Shire has a Management Order over the Reserve with the power to lease for 21 years (no lease agreement in place);
- Managed by local Qualeup residents;
- Presence of asbestos containing materials (external walls above weatherboard & internal walls from floor to dado height);
- Quote for demolition, removal, and disposal fees (May 2019) - \$23,910;
- Shire does not pay power or water;
- Shire pays indemnity value and extinguishment insurance only (\$38,588) at a cost of \$49p.a. (includes toilet block); and
- 2019/2020 building maintenance budget \$3,000 including insurance (Expenditure 2017/2018 \$1,192 paint, 2018/2019 \$49 insurance).



3. Boscabel Hall (& Toilets)

- Situated on Reserve 15186 (Purpose: Agricultural Hall Site) and the Shire has a Management Order over the Reserve with the power to lease for 21 years;
- There is no written agreement in place regarding management of the hall, although the hall is presently managed by individuals/community groups;
- Managed by local Boscabel residents;
- Shire does not pay power or water;
- Shire pays indemnity value and extinguishment cost insurance only (\$29,768) at a cost of \$38 (toilet block is insured separately (\$7,718) at a cost of \$10);
- Quote for demolition, removal, and tip fees (May 2019) - \$16,750; and
- 2019/2020 building maintenance budget \$1,100 including insurance (Expenditure 2018/2019 \$737 – plumbing and insurance).



4. Muradup Hall

- Situated on Reserve 11487 (Purpose: Agricultural Hall Site) and the Shire has a Management Order over the Reserve with no power to lease;
- There is no written agreement in place regarding management of the hall, although the hall is presently managed by individuals/community groups;
- Managed by local Muradup residents;
- Shire pays building (\$900,000) and extinguishment insurance at a cost of \$1,145p.a. (includes toilets & seating);
- Shire does not pay power or water; and
- 2019/2020 building maintenance budget \$4,200 including insurance (Expenditure 2017/2018 \$4,800 plumbing, electrical (stove), fire check & insurance, 2018/2019 \$3,900 fire check, electrical, pest control, storm water drainage).





5. Old Scout Hall

- The Old Scout Hall has not had community use since the relocation of the Men's Shed to its Albany Highway premises in 2014;
- Presence of asbestos containing materials;
- Is considered surplus to Shire and Community requirements when considering other halls available for use (Memorial, Lessor, RSL, Sporting Complex and now Boniface Care – Lawrence House Centre); and
- It is recommended that it be offered for sale (building only) and removal.





Management Model Considerations:

Insurances

Following the community risk management workshop held in March 2019, the author contacted LGIS to ascertain if the group members/individuals who manage the Shire's community halls would be classified as volunteers (and, therefore, fall under the protection of the Shire's insurances). Unfortunately, this is not the case due to the independent nature of the groups including their management of finances associated with hiring and maintaining the halls.

With regard to public liability insurance, Local Community Insurance Services (LCIS), providers of insurance for community groups, has confirmed that non-incorporated community groups are able to access public liability and volunteer workers insurance (among other insurances dependent on the functions a particular community group undertakes).

Memorandum of Understanding (MOU)

The Department has advised that a local government may have a Memorandum of Understanding (MOU) with a community group involving Reserve land; however, this is quite different to a lease agreement and would only involve the local government and the community body rather than requiring the Minister for Lands' approval as with a more formal lease agreement.

The Shire (having management orders over the Reserves and as owner of the buildings) and the community hall management groups/individuals (as managers of the halls) are exposed to risk through the lack of written agreements defining the responsibilities of either party and the lack of public liability/volunteer worker insurance (where these are not held by the community groups).

Written agreements would normally make reference to the requirement of a community group to have the above mentioned insurances and for each party to be indemnified against any negligence of the other. A lease is a more formal arrangement (and only an option available for the Reserves where the Shire's Management Order allows the Shire the power to lease [subject to ministerial approval]; this option is not currently available for the Muradup Hall). The Council, if it so wished, could apply for the power to lease the Muradup Reserve (11487) in accordance with s. 46 (3) (a) of the *Lands Administration Act 1997*; however, an MOU is an option available to Council at this point in time.

It is anticipated that an inspection of the Halls from a risk, public liability and fit for purpose perspective, may find them lacking. That being the case, bringing the halls to a fit for purpose standard that would meet contemporary public building requirements when weighed up against utilisation of the halls, could be considered an unjustified use of the Council's limited financial resources and largely financially unachievable (the Shire having another 88 public buildings to maintain, improve, insure etc.).

Other factors to take into consideration include historical and local significance/value, tourism potential, and ongoing maintenance/structural expenditure into the future.

Options

There are several options available to the Council, including:

1. Enter into an MOU with a community management group:
If it is established that a community wishes to retain its hall for use, the formalising of a management arrangement with the local community group (meeting the Shire's Risk management obligations) is required. It is envisaged that minimum MOU requirements would include:
 - a. Outlining the responsibilities of each party;
 - b. The requirement to hold insurances applicable to each party's needs;
 - c. A clause that indemnifies each party against any negligence of the other;
 - d. The preparation by the community group of a risk management plan for its management of the community hall; and
 - e. Recognition that there may be a time when a hall is deemed unfit for public use and is required to close until it is made fit for purpose or another option is determined;
2. Hall Closed but Building Retained:
If it is established that a community doesn't wish to manage public use of its community hall, the Hall could be closed to the public but retained as a place of local historical significance/value/tourism interest if the community maintain the grounds and structure so that is not a threat to public safety (MOU required);

3. Hall Closed and Removed from Site:

If it is established that a community doesn't wish to manage the public use of its community hall and neither the community or the Shire wish to maintain/retain the hall and surrounds, the Shire:

- i) Disposes of the hall by sale (that includes its removal from the land); or
- ii) Demolishes and removes the materials from the land (A memorial plaque could be placed on site as a permanent record of the place); or

4. Shire Owns and Operates:

The Shire resumes management of the community halls, brings the hall up to community hire standards and makes available for hire.

To commence this process, it is recommended that the Community Groups that are currently managing the above halls be formally contacted to ascertain:

- a) If the local community wish for their hall to be retained for use; and
- b) Their willingness to enter into a formalised written agreement (MOU) that would include items (a) to (e) in point 1 above.

CONSULTATION

John Andrioff and Lynda Martin - Department of Lands, Planning and Heritage

Chief Executive Officer

Development Services Coordinator

Senior Finance Officer

Building Maintenance Coordinator

STATUTORY REQUIREMENTS

The *Lands Administration Act 1997*, section 46 (*Care, control and management of reserves*) states:

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*
- (3) *The Minister may —*
 - (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1);*

The *Local Government Act 1995* section 3.58 (Disposing of Property) may also apply depending on the outcomes of this report.

POLICY IMPLICATIONS

Policy 2.3.4 – Asset Management

Policy 2.3.5 – Risk Management

FINANCIAL IMPLICATIONS

Dependent on the outcome of consultation with locality communities and further consideration by Council. Nil financial implications at this stage.

RISK MANAGEMENT IMPLICATIONS

The BAF and sound asset management practices are primary tools to minimise risks across all areas of the Shire. Public access to facilities, buildings or infrastructure that is not maintained, is beyond the intervention levels for asset management and does not meet basic legal compliance represents an unacceptable risk to the organisation. This process is a very important step to address such issues.

This agenda item seeks to address an identified high risk area, being third party management and occupation of a public building without written agreement and minimum conditions.

Risk Profile 10 – Management of Facilities, Venues and Events: Key Control - Lease agreements for all Shire facilities

ASSET MANAGEMENT IMPLICATIONS

As part of the *Asset Management Plan 2017* review process, modelling was undertaken to demonstrate the impact of rationalising the 25 lowest scoring buildings, of which these halls form part. Hypothetically, if it is assumed that the Council disposed of these 25 buildings immediately, the results would be as follows:

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

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

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

"That:

1. The Council note the advice received in regards to the ownership of the Changerup Hall by the *Changerup District Recreation Centre Inc.* and, as such, the Shire has no responsibilities in relation to its ownership, maintenance or management;
2. The Community representatives currently managing the Qualeup, Boscabel and Muradup Halls be formally contacted to ascertain:
 - a. If the local community wish for their hall to be retained for use; and
 - b. Their willingness to enter into a formalised written agreement (Memorandum of Understanding) that would include as a minimum:
 - i. The responsibilities of each party;
 - ii. The requirement to hold insurances applicable to each party's needs;
 - iii. A clause that indemnifies each party against any negligence of the other;
 - iv. The preparation by the community group of a risk management plan for its management of the community hall; and
 - v. Recognition that there may be a time when a hall is deemed unfit for public use and is required to close until it is made fit for purpose or another option is determined;
3. The Old Scout Hall is considered surplus to both Shire and Community requirements and be offered for sale (building only) and removal by public tender."

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.9 INFORMATION STATEMENT 2019/2020

| | |
|----------------------|--|
| AUTHOR | Claire Servaas – Records Officer |
| DATE | Tuesday, 18 June 2018 |
| FILE NO | IM.FOI.4 |
| ATTACHMENT(S) | 12.9.1 - Information Statement 2019/2020 |

| 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 2019/2020 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 24 July 2018.

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 2019/2020 Information Statement as attached be adopted and published in accordance with the *Freedom of Information Act 1992*.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12.10 REGISTRATION OF THE WA LOCAL GOVERNMENT ASSOCIATION 2019 ANNUAL GENERAL MEETING VOTING DELEGATES

| | |
|----------------------|---|
| AUTHOR | Lorraine Wyatt – Executive Assistant |
| DATE | Wednesday, 17 July 2019 |
| FILE NO | CM.POL.2 |
| ATTACHMENT(S) | 12.10.1- 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, 7 August 2019 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, 7 August 2019 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 7 August 2019 at the Perth Convention Centre.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST

12 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

13 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15 NEW BUSINESS

16 CONFIDENTIAL REPORTS

16.1 GREAT SOUTHERN HOUSING INITIATIVE - GOVERNMENT REGIONAL OFFICERS HOUSING (GROH)

| | |
|---------------|--|
| AUTHOR | Anthony Middleton – Manager Corporate & Community Services |
| DATE | Wednesday, 17 July 2019 |
| FILE NO | CS.SVP.8 |
| ATTACHMENT(S) | 16.1.1 - GROH Agreement |

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.

PROCEDURAL MOTION OFFICER RECOMMENDATION

“That the meeting proceed behind closed doors.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

PROCEDURAL MOTION OFFICER RECOMMENDATION

“That the meeting be reopened to the public.”

COUNCIL DECISION

/19 Moved Cr , seconded Cr

CARRIED/LOST/

17 NEXT MEETING

Tuesday, 20 August 2019 commencing at 3:00pm.

18 CLOSURE

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

19 ATTACHMENTS (SEPARATE)

| | | |
|------------|---------|---|
| Item 7 | 7.1.1 | Minutes of the Ordinary Council Meeting held 21 May 2019 |
| Item 11.1 | 11.1.1 | Department of Health/The George Church Community Medical Centre Inc. - Community Health and Hospital Program: Schedule for Capital Works |
| | 11.1.2 | Copy of Public Notice (Proposal to Dispose of Property by Sale – 3 Spring Street, Kojonup) |
| Item 11.2 | 11.2.1 | Site Plan |
| Item 11.3 | 11.3.1 | Site Plan, Units Floor Plans & Elevations |
| Item 11.4 | 11.4.1 | New and Updated Springhaven Policies |
| Item 11.5 | 11.5.1 | 0190606 Treasures Minutes |
| Item 12.1 | 12.1.1 | June 2019 Monthly Financial Statements |
| Item 12.2 | 12.2.1 | Monthly Payments Listing 1/6/2019 to 30/6/2019 |
| Item 12.4 | 12.4.1 | Draft 2019/2020 List of Fees and Charges |
| Item 12.5 | 12.5.1 | Draft 2019/2020 Annual Budget |
| Item 12.6 | 12.6.1 | Commonwealth Standard Grant Agreement between the Commonwealth (Department of Industry, Innovation and Science) and Shire of Broomehill-Tambellup |
| | 12.6.2 | Deed of Agreement to facilitate Great Southern Housing Initiative' between the Shire of Broomehill-Tambellup and the Shire of Kojonup |
| Item 12.7 | 12.7.1 | Licensed surveyor drawing showing Westcourt Road (actual placement) and Westcourt Road Reserve; |
| | 12.7.2 | Landgate maps showing: <ul style="list-style-type: none"> • Westcourt Road within and outside of the dedicated Westcourt Road Reserve; • Tennis court encroachment on Westcourt Road Reserve; |
| | 12.7.3 | Reserve 16076 Management Order; and |
| | 12.7.4 | South West Native Title Settlement Noongar Land Estate Factsheet |
| Item 12.9 | 12.9.1 | Information Statement 2019/2020 |
| Item 12.10 | 12.10.1 | Policy 3.3 Councillor Induction and Training |