

SHIRE OF KOJONUP

Kojonup



AGENDA

Ordinary Council Meeting

19 May 2020

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, 19 May 2020 commencing at 3:00pm. **This meeting will be held via electronic communication in light of the current COVID-19 Pandemic. Social Distancing measures require that members of the public are NOT encouraged to attend.**

Please refer to item 4 in the agenda for details on public question time.

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.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

15 May 2020

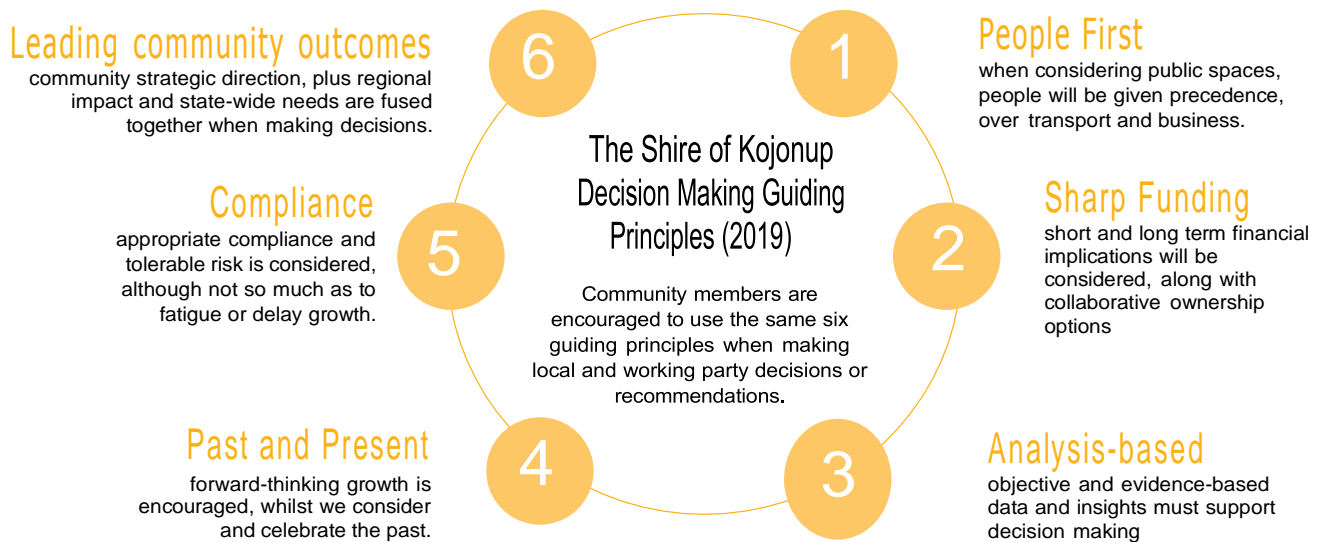
AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19 MAY 2020

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at 3.00pm 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 – Cr Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. 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

COUNCILLOR

Cr Benn	Shire President
Cr Radford	Deputy Shire President
Cr Fleay	
Cr Gale	
Cr Pedler	
Cr Singh	
Cr Webb	
Cr Wieringa	

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Robert Cowie	Payroll/Emergency Services Officer
Michelle Dennis	Development Services Coordinator
Emily Hills	Sport and Recreation Officer
Jane Kowald	Natural Resource Management Officer
Heather Marland	Senior Finance Officer
Phil Shephard	Planner
Elaine Venn	Community Development Officer
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

APOLOGIES

Anthony Middleton	Manager Corporate and Community Services
Judy Stewart	Senior Administration Officer

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

As this meeting is being held primarily by electronic means due to the COVID-19 Pandemic, members of the public are not encouraged to attend in person. Questions may be submitted using the special email address for **Council Meeting Public Question Time** being cmpgt@kojonup.wa.gov.au . Minutes and agenda for this meeting will be available on the Shire's website www.kojonup.wa.gov.au

The Manager Corporate and Community Services will table all correspondence received.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 21 APRIL 2020

Minutes of the Council Meeting which was held on 21 April 2020 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION

That the Minutes of the Council Meeting held on 21 April 2020 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 KEVIN O’HALLORAN MEMORIAL SWIMMING POOL SAFETY ASSESSMENT

AUTHOR	Emily Hills – Sport and Recreation Officer
DATE	Wednesday 29 April 2020
FILE NO	CP.MTC.29
ATTACHMENT(S)	10.1.1 – Safety Assessment and Safety Improvement Plan 2020 10.1.2 – Safety Assessment and Safety Improvement Plan 2016

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP1 – Place	1.2 - Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.2 - Implement and action a Sport, Recreation and Open Space Master Plan. 1.2.3 - Provide community infrastructure that attracts outsourced or privately run facilities and programs. 1.2.4 - Plan and develop appropriate passive recreation facilities (S2.2.3)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of the report is for Council to receive the Safety Assessment and Safety Improvement Plan 2020 for the Kevin O’Halloran Memorial Swimming Pool.

BACKGROUND

It is a requirement for all Group 1 Aquatic Facilities under the Department of Health – “Code of Practice for the Operation of Aquatic Facilities” to have a Safety Assessment completed every four (4) years. The Kevin O’Halloran Memorial Pool was last assessed 11 February 2016 by the Royal Life Saving Society of Western Australia with funding assistance from LGIS.

The Safety Assessment and Safety Improvement Plan was completed 3 February 2020 by the Royal Life Saving Society of Western Australia.

COMMENT

The completion of the four (4) yearly Safety Assessment and Safety Improvement Plan allows for the evaluation of the existing plans, policies and procedures in place at the Kevin O'Halloran Memorial Pool. This is a valuable assessment tool to ensure the highest level of public safety possible for swimming pool patrons and staff.

The Safety Assessment and Safety Improvement Plan 2020 shows an Overall Safety Rating of 98.7%, an increase of 9.44% from the 2016 assessment result of 89.26%. This is a clear indication of the improvements in managing patron and staff safety in the past four (4) years.

Improvement suggestions noted for management consideration over the next four years are as follows:

- Item 2.05: Installation of permanent backstroke flags for lap swimmers
- Item 2.11: Repainting of internal depth markers in toddler pool
- Item 2.13: Upgrading of "No Diving" signage
- Item 2.32: Use and placement of rescue equipment
- Item 2.37: Review set up of First Aid area
- Item 2.42: Review placement of GPO's in change rooms
- Item 2.43: Review earthing of all metal objects over 100mm in diameter
- Item 4.13: Review manual handling procedures for gas cylinders
- Item 4.42: Complete formal Chlorine Gas Risk Assessment documentation
- Item 6.04: Ensure staff complete updated chlorine gas training
- Item 7.06: Not currently endorsed as Watch Around Water facility
- Item 7.10: Document specific scanning strategy for the facility
- Item 7.23: Ensure all Learn to Swim and VACSwim instructors are adequately informed of the Emergency Action Plan when completing their site inductions
- Item 8.27: Complete Risk Assessment Procedure for Blitz Inflatable
- Item 8.32: Provision of non-slip matting at entry point for Blitz Inflatable

CONSULTATION

Council briefing session held 17 March 2020

Gavin Bunbury, Swimming Pool Manager

Michelle Dennis, Development Services Coordinator

STATUTORY REQUIREMENTS

The operation of public swimming pools is governed by the *Health (Aquatic Facilities) Regulations 2007*.

POLICY IMPLICATIONS

2.2.14 Occupational Safety and Health

Objective

The objectives of this policy are to:

- 1. Reduce, eliminate and control work place hazards;*
- 2. Provide employees with safety information, supervision, training and learning appropriate to the hazards they are likely to encounter;*
- 3. Ensure that Hazards, Incidents and Accidents are reported, investigated and remedied;*

4. *Ensure that Safety be priority in the mind of the Councillors, management and employees of the Council; and*
5. *Ensure that the financial viability of the Council is maintained by sound and ethical practices.*

Policy Statement

Council is adamant that Occupational Safety and Health shall not be sacrificed for expediency and that poor performance of safety and health responsibilities will not be tolerated.

All employees have a legal and moral responsibility to:

1. *Work with care and awareness for their own safety and the safety of others;*
2. *Report all Hazards, Incidents and Accidents;*
3. *Co-operate in operating a safe workplace and assist in any investigation;*
4. *Participate fully in training; and*
5. *Wear the appropriate PPE for the hazards they face.*

2.3.5 Risk Management

Objective

The objective of this Policy is to state the Shire of Kojonup’s (the ‘Shire’s’) intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

Policy Statement

It is the Shire’s Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk management – Guidelines) in the management of all risks that may affect the Shire meeting its objectives.

The Shire is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes. This will ensure compliance with the Integrated Planning requirements of the Local Government Act (1995) s. 5.56(2).

Risk management functions will be resourced appropriately to match the size and scale of the Shire’s operations and will form part of the Strategic, Operational, and Project responsibilities and be incorporated within the Shire’s Integrated Planning Framework.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Compliance	Ineffective policies and processes	External audits (compliance)	Nil
Document Management	Outdated record keeping practices	Electronic records management system	Nil
Employment Practices	Inconsistent application of policies	Human Resource Management	Nil

	Poor internal communications / relationships	(Policies and Procedures) Human Resource Management (Policies and Procedures)	
Environment Management	Fuel or chemical spills	Environmental management compliance	Nil
Facilities, Venues and Events	Inadequate oversight or provision of peripheral services (e.g.; cleaning/maintenance)	Chlorine gas / chemicals inspection by Dept Minerals & Energy (conducted during RLSSWA Audit)	Nil
Safety & Security Practices	Lack of appropriate PPE / equipment	Provision of PPE	Nil
	Inadequate signage, barriers or other exclusion techniques	Building and facility security	Nil
	Inadequate first aid supplies or trained first aiders	Trained first aiders	Nil
	Poor storage and use of dangerous goods	Hazardous substances and dangerous goods registers	Review and properly situate MSDS's
	Inadequate organizational Emergency Management requirements	Emergency management plan and evacuation diagrams	Conduct annual evacuation drill at all facilities
Risk rating - Moderate			
IMPLICATIONS			
<p>The Royal Life Saving Society of Western Australia provides suggestions and feedback regarding the management of risk across the entire Kevin O'Halloran Memorial Pool site. Royal Life are a recognised leader in swimming pool safety and their suggestions for improvement raised in the Safety Assessment and Safety Improvement Plan should be taken on notice and all endeavors made to ensure the site remains safe and compliant.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2020 Royal Life Saving Society of Western Australia Safety Assessment and Safety Improvement Plan for the Kevin O’Halloran Memorial Pool be received.

10.2 DISABILITY ACCESS AND INCLUSION PLAN 2020 - 2025

AUTHOR	Elaine Venn
DATE	Friday, 8 May 2020
FILE NO	CS.SVP.4
ATTACHMENT(S)	10.2.1 – Draft Disability Access and Inclusion Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.2 - Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.5 - Improve disability access to infrastructure and services

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to formally endorse the Disability Access and Inclusion Plan (DAIP) 2020-2025.

BACKGROUND

At its meeting held on 17 September 2019 the Council resolved as follows:

The first meeting of the Disability Access and Inclusion Committee (DAIC) was held on 3 December 2019 and the second on 25 February 2020.

At its meeting held on 3 December 2019, the DAIC resolved as follows:

- 1) **The Committee continue to work through the ten steps outlined by the Disability Services Commission to review the Shire of Kojonup Disability Access and Inclusion Plan 2020-2025 prior to 30 June 2020;**
- 2) **The suggested actions for steps 1 – 4 be endorsed, namely:**
 - a. **Step 1 - The *Disability Access and Inclusion Committee* under the guidance of Shire of Kojonup Community Development Officer will be responsible for overseeing the planning process;**
 - b. **Step 2 – The existing list of functions, facilities and services (both in-house and contracted) be updated and expanded by the Committee utilizing results of community consultation and the Committee’s own knowledge to ensure that the barriers to access and inclusion for people with a disability are identified;**
 - c. **Step 3 - Up-to-date information be obtained by Shire staff on:**
 - **people with disability in Western Australia**
 - **disability organisations and other relevant community groups**
 - **access issues identified by staff and Elected Members of Council**

- **completed and proposed access initiatives; and**
- d. Step 4 - that community consultation be focused on:**
 - **Providing comment and review on the current DAIP; and**
 - **Providing feedback about existing access barriers to shire services, facilities and information; and**
 - **The following channels:**
 - i. **Kojonup News**
 - ii. **Shire E-news**
 - iii. **Facebook**
 - iv. **Shire website**
 - v. **Shire Staff, Elected Members and DAIC members; and**
 - vi. **Direct letter to identified groups**
 - vii. **Both local schools.**

COMMENT

Community feedback was invited via the channels listed above in January and February 2020, including a letterbox drop to all addresses in the Shire of Kojonup.

Two community members, one business and one staff member replied to this request for feedback. Their feedback was collaborated and incorporated into the new DAIP.

Due to the meeting restrictions imposed by COVID-19, the scheduled DAIC meeting for 7 April did not proceed. Alternately, the draft plan (as attached) was circulated to all Committee Members for their feedback over a two week timeframe. At the conclusion of this two weeks, the draft plan was sent to the Department of Communities for their feedback. The Department's feedback has been incorporated into the attached draft plan.

CONSULTATION

Community feedback was invited via the following channels:

- Kojonup News
- Shire E-news
- Facebook
- Shire website
- Shire Staff, Elected Members and DAIC members; and
- Direct letter to identified groups
- Both local schools.

The Department of Communities has also provided feedback on the attached plan.

STATUTORY REQUIREMENTS

Disability Services Act 1993 (State)

Equal Opportunity Act 1984

Disability Discrimination Act 1991 (Commonwealth)

Section 28 (Disability access and inclusion plans) of the *Disability Services Act 1993* states:

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the

performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.

- (2) A disability access and inclusion plan must meet any prescribed standards.
- (3) A public authority must lodge its disability access and inclusion plan with the Commission —
 - (a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;
 - (b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.
- (4) A public authority may amend its disability access and inclusion plan at any time.
- (5) A public authority may review its disability access and inclusion plan at any time.
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
- (7) Not more than 5 years is to elapse —
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.
- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The administration of the DAIP and review and implementation process is contained within existing budget provisions, e.g. Staff Wages. Specific improvement projects, such as public toilet upgrades or footpath improvements, will be budgeted on a case-by-case basis in accordance with the Shire's Corporate Business Plan, *SMART Implementation*, and access to adequate funding.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to update internal and public domain legal documentation	Disability and Access Inclusion Plan	Re-establish Disability Access and Inclusion Committee (formed and meeting)
Risk rating - Adequate			
IMPLICATIONS			
Compliance with the Disability Services Act 1993 (Act) is the primary risk control method; a current Disability Access and Inclusion Plan complies with Act requirements. Beyond compliance, the goals of the DAIP are to create an accessible and inclusive community which in turn will assist in minimising risks caused by isolation or inaccessibility.			

ASSET MANAGEMENT IMPLICATIONS

The integration of the DAIP into the Shire’s other integrated planning processes will ensure that the DAIP objectives are considered for all upgrades or improvements to existing facilities and information provision.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council formally endorse the Disability Access and Inclusion Plan 2020-2025 and lodge with the Department of Communities.

10.3 PROPOSED AMALGAMATION OF RESERVES 24160, 24161, 22994, 21026 AND 1006 INTO NEW RESERVE FOR CONSERVATION AND RECREATION

AUTHORS	Jane Kowald – NRM/Landcare Officer Phil Shephard – Town Planner
DATE	Thursday, 30 April 2020
FILE NO	EM.PRG.1; PR.RES.26159
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 – Place	1.2 - Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.4 - Plan and develop appropriate passive recreation facilities.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider amalgamating Reserves 21460, 24161, 22994, 21026 and 1006 to create a new reserve for the purpose of Conservation and Recreation.

BACKGROUND

Nil

COMMENT

The reserves are located north of the urban area on Tunney/Mather Roads adjoining the Myrtle Benn Flora and Fauna Sanctuary (Reserve 26159) within the town boundary. A summary of the present reserves is set out in the table below:

Reserve No	Class	Size (ha)	Purpose	Responsible Agency	Management Order
21460	C	4.8562	Rubbish Depot	Department of Planning, Lands and Heritage	Shire of Kojonup
24161	C	20.2343	Quarry Gravel	Department of Planning, Lands and Heritage	Shire of Kojonup
22994	C	40.3649	Public Utility	Department of Planning, Lands and Heritage	Shire of Kojonup

Reserve No	Class	Size (ha)	Purpose	Responsible Agency	Management Order
21026	C	28.6113	Gravel	Department of Planning, Lands and Heritage	Shire of Kojonup
1006	C	10.8309	Common	Department of Planning, Lands and Heritage	Shire of Kojonup

The existing reserves are shown bordered in red (and do not form part of the Myrtle Benn Flora and Fauna Sanctuary) in the aerial image below:



All the reserves are Class C and controlled by the Shire of Kojonup in accordance with the Management Order for the reserve issued by the Minister for Lands/Department of Planning, Lands and Heritage.

These reserves total nearly 105 hectares in area and have good stands of native vegetation, with healthy upper, middle, and lower story vegetation which is supporting a wide range of native fauna. The area is frequented by visitors during wildflower season, attracted by the diverse range of orchids unique to Kojonup area found there.

The Friends of Myrtle Benn volunteer group have been working in the reserves to remove Eastern States Wattles (*Acacia pycnantha*, *Acacia decurrens* and *Acacia iteaphylla*) and

Tagasaste weed infestations to prevent their spread to the adjoining Myrtle Benn Flora and Fauna Sanctuary.

Reserve 21460 has an existing purpose of 'Rubbish Depot'. The rubbish tip has been closed for a number of years and rehabilitation works have been commenced in accordance with the Landfill Closure Plan. The rubbish tip footprint also impacted on Reserves 21460 and 1006 (existing purpose 'Common'). The area directly surrounding the old rubbish tip contains a high proportion of grass and garden weeds which is considered a threat to the integrity of the Myrtle Benn Flora and Fauna Sanctuary.

Reserves 24161 and 21026 have an existing purpose of 'Quarry – Gravel' and 'Gravel'. The gravel resource has been exhausted and these designations no longer suit the potential and/or future use of the reserves.

Reserve 22994 has an existing purpose of 'Utility'. These types of reserve are ordinarily set aside for water, power, or sewage or to support some other type of public infrastructure. These services have been developed within other areas of town and the use of the reserve for any utility purpose is not expected.

Reserves 22994, 24160 and 21026 are contained within the Shire's Town Planning Scheme No. 3 (TPS3) as Public Purposes Local Scheme Reserves whilst Reserves 1006 and 24161 are contained within the Recreation Local Scheme Reserves classification. There are no planning grounds that would prevent the proposal proceeding if Council wishes to support the proposal. If approved, the change in reserve status from Public Purposes to Recreation for Reserves 22994, 24160 and 21026 can be accommodated within the new planning scheme.

The purposes of these reserves should be changed to reflect their future potential to add to the conservation and recreation activities being undertaken within the Myrtle Benn Flora and Fauna Sanctuary (Reserve 26159) and surrounding reserves.

The proposed changes are supported by the Shire's Natural Resource Management Advisory Committee and it is recommended that Council support the amalgamation of the reserves to create a new reserve for the purposes of Conservation and Recreation.

As the reserves are Crown Land, the Council's decision will essentially form a recommendation to the State Government and the ultimate decision will be made by the Minister for Lands or their delegate at the Department of Planning, Lands and Heritage.

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

1 Not support the proposal

The Council can choose to not support the proposal. If this option was chosen, the reserves and their existing purpose would remain.

2 Support the proposal

The Council can choose to support the proposal, in part or whole. If this option was chosen, the Shire would formally request the Minister for Lands/Department of Planning, Lands and Heritage approve the creation of the new reserve to be managed by the Shire for conservation and recreation purposes.

3 *Defer the proposal*

The Council can choose to defer the matter and seek additional information or undertake consultation with the public, if deemed necessary, before proceeding to make a decision.

CONSULTATION

Natural Resource Management Advisory Committee

Craig McVee, Manager Works and Services

Paul Retallack, Senior Ranger/Building Maintenance Coordinator

STATUTORY REQUIREMENTS

Land Administration Act 1997 – The Act is the primary legislation dealing with the management of Crown land and is administered by the Minister for Lands/Department of Planning, Lands and Heritage. The Act provides for the creation, modification, administration, and management of reserves.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire holds the Management Orders for the reserves, and this requires the Shire to manage and maintain them. The proposed new reserve will not alter the existing Shire's requirement to budget and fund maintenance of the reserves into the future. Any works in the future are largely expected to be completed with volunteer labour input and grant funding for specific projects.

The proposal does not require payment of any application fee to the Minister for Lands/Department of Planning, Lands and Heritage. As the proposal is for an amalgamation of existing reserves, it is not expected there will be any survey costs associated with the request.

If public consultation is approved, any advertising costs would be met by the Shire through the advertising budget.

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:

- 1. Request the Minister for Lands/Department of Planning, Lands and Heritage amalgamate Reserves 21460, 24161, 22994, 21026 and 1006 to create a new reserve for the purposes of Conservation and Recreation with the Management Order in favour of the Shire of Kojonup.**
- 2. Include Reserves 22994, 24160 and 21026 as Recreation Local Scheme Reserves in the new draft local planning scheme.**

10.4 PROPOSED DRAINAGE WORKS WITHIN KOJONUP RETAIL CENTRE YARD - LOT 555 ALBANY HIGHWAY, KOJONUP

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer Phil Shephard – Town Planner
DATE	Monday, 4 May 2020
FILE NO	A7997
ATTACHMENT(S)	10.4.1 - Deposited Plan 10.4.2 - Kojonup Shire “Co-op” Drain Engineer’s Report 10.4.3 - Culvert Design

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP1 – Place	1.4 - Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.	1.4.1 - Work with retail outlets to build a people-friendly, active, vibrant and smart Main Street.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application for development approval from the Kojonup Retail Centre to ‘underground’ the existing open drain by placing culverts within the drainage easement at the rear of the yard and enable the area to be used by the Retail Centre for storage, parking and traffic movements through the site.

There is no delegation available to staff to deal with the application and it must be referred to Council for a decision.

BACKGROUND

Nil

COMMENT

The Kojonup Retail Centre have requested approval to ‘underground’ the existing open drain by placing culverts within a 30m long section of the drainage easement at the rear of the yard as shown in the attached Deposited Plan. The easement over the land is in favour of the Shire and supports one of the main stormwater drainage systems through this part of town.

The Retail Centre have previously used culverts in the southern section of the easement to enable the area to be used for storage, parking, and traffic movements through the Retail Centre site.

In July 2015, the Shire commissioned the attached report from Paul Robertson & Associates (Consulting Civil and Municipal Engineers) regarding the proposed 'undergrounding' of the open drain at the Kojonup Retail Centre site and the report recommendation supports the use of the proposed culverts. In addition, since the report has been prepared drainage works in part of the upper catchment has reduced overall flows in this system.

The rear yard and the 30m long section of the drainage easement to be covered is shown bordered in red in the aerial images below:





The drainage easement area and part of the Retail Centre yard are contained within the Shire's Town Planning Scheme No. 3 (TPS3) as Recreation Local Scheme Reserve classification. Given the drainage system is now supported by the drainage easement and will be covered with the yard, the land could be changed from scheme reserve to the Commercial zone to reflect its future use. This can be accommodated within the new planning scheme.

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

1 Not support the proposal

The Council can choose to not support the proposal. If this option were chosen, the works would not progress, and the open drain would remain.

2 Support the proposal

The Council can choose to support the proposal, in part or whole. If this option were chosen, the drainage function would be retained whilst the Retail Centre would gain use of the land as part of their site.

3 Defer the proposal

The Council can choose to defer the matter and seek additional information from the applicant or undertake consultation with the public, if deemed necessary, before proceeding to make a decision.

CONSULTATION

Craig McVee, Manager Works and Services

Michelle Dennis, Development Services Coordinator

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 - Town Planning Scheme No. 3 (TPS3) is an operative local planning scheme under the provisions of the Act/Regulations and the use of reserved land and the processing of the development application is required to comply with the requirements of TPS3.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Given the proposal is from the Retail Centre, they as the proponent, will be responsible to meet all costs associated with the installation of the drainage works.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Asset Sustainability Practices	Insufficient budget to maintain or replace assets	Routine Maintenance	Nil
Business & Community Disruption	Cyclone, storm, fire, earthquake; Climate Change	Infrastructure and buildings inspections - annual	Nil
Environment Management	Weather events/natural disasters; Climate Change	Nil	Nil
Risk rating - Adequate			
IMPLICATIONS			
This drainage channel is an integral part of the townsite drainage system, conveying much of the water from the north east of the townsite during rain fall events. The capacity and hydrological flow of the water course during storm events has been quantified by Dr Danny Burkett – WSP Australia Pty Ltd as part of the Quin Quin Drought Communities Program.			

ASSET MANAGEMENT IMPLICATIONS

The future maintenance, repair, or any upgrading of the drainage works will need to be negotiated between the landowners/Shire at that time.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Grant Development Approval for the ‘undergrounding’ of the existing open drain at the rear of the Kojonup Retail Centre on Lot 555 Albany Highway, Kojonup subject to the following conditions:**
 - a) The development to be carried out and fully implemented in accordance with the attached stamped approved plans unless a variation has been approved by the CEO in writing.**
 - b) The works shall be completed at the landowners cost to the specifications and satisfaction of the Shire of Kojonup.**

Advice Notes:

- i) This development approval does not constitute approval for any encroachment or use or works on any adjoining land.**
- 2. Include the rear Retail Centre yard as Commercial zoned land in the new draft local planning scheme.**

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 COVID-19 POLICY - SPRINGHAVEN

AUTHOR	Jody Stevens – Facility Coordinator
DATE	Monday, 4 May 2020
FILE NO	CM.POL.2 RM.PRO.1
ATTACHMENT(S)	11.1.1 - COVID -19 Policy

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 complaint with the following accreditation standards: Standard 3 – Personal Care & Clinical Care Standard 8 Organisational governance

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council of updated Springhaven Lodge policy relating to infection control in specific to the pandemic COVID – 19.

BACKGROUND

The pandemic outbreak was confirmed by WHO (World Health Organisation) on 16 March 2020, therefore a policy was created on how we are to manage this particular pandemic for residential aged care to be implemented by the Shire of Kojonup as part of our Infection Control Policy (SS1).

The policy contains:

- What is COVID-19,
- Legal Framework,
- Roles and Responsibilities,
- Recognising COVID- 19,
- Measures to eliminate and / or manage an outbreak; and
- Reporting requirements in the event of an outbreak.

The Policy also includes the Outbreak Management Plan.

COMMENT

The Shire of Kojonup and Springhaven Frail Aged Lodge will take all reasonable steps to eliminate and/or manage an outbreak of COVID – 19 in accordance with the Department of Health Guidelines and the Aged Care Quality and Safety Commission.

CONSULTATION

Aged Care Quality and Safety Commission
 Department of Health
 Senior Management Team
 COVID – 19 Working Group
 ACSA – Aged and Community Services Australia
 Springhaven Staff

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
Public Health Act 2016 (WA) Sections 157(1) (k) and 190 (1) (p)

POLICY IMPLICATIONS

This Policy is an operational policy. Therefore, there are nil Council policy implications.

FINANCIAL IMPLICATIONS

If we were to have an outbreak of COVID – 19 the financial implications would be from providing agency staffing and the cost of having to employ external advisors to assist with an outbreak.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 Business Disruption	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Business Continuity Framework (Policy, Procedures & Plans) Current internal Emergency Management Plan	Nil
	Epidemic/Pandemic	External Audits (compliance)	
3 Compliance	Failure to correctly identify, interpret, assess, respond	Industry Standards maintained (LIWA/Royal Life, AIBS)	Nil

	<p>and communicate laws and regulations as a result of an inadequate compliance framework.</p> <p>Ineffective policies & processes</p> <p>Impulsive decision making</p>	<p>Professional Accreditation/Certification maintained</p>	
<p>Risk rating – Adequate</p>			
<p>IMPLICATIONS</p>			
<p>Aged care facilities are legislated by three pieces of Legislation, Reporting Principles and Accreditation Standards (see Statutory Implications). Having an internal COVID-19 Policy provides the Shire and, in particular, it's aged care facility staff with information around preparedness for an epidemic/pandemic and stipulates procedures to follow (see Background relating to Policy content). This Policy is inclusive of an Outbreak Management Plan endorsed by Council at the 21 April 2020 Ordinary Council Meeting. Such a policy is an integral piece of documentation that will assist in minimising epidemic/pandemic risk to the Shire's clients, staff, community members, service personnel and others.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council endorse the new Infection Control Policy SS1 as attached

11.2 NATIONAL REDRESS SCHEME - ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

AUTHOR	Elaine Venn
DATE	Friday, 8 May 2020
FILE NO	CS.SVP.9
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 - Be providing a safe and secure environment by working with State and Federal authorities	2.3.2 - Support appropriate initiatives to improve safety and reduce crime (N2.4.2)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this item is to:

1. Note the background information and the WA Government’s decision in relation to the National Redress Scheme;
2. Note the key considerations and administrative arrangements for the Shire of Kojonup to participate in the National Redress Scheme;
3. Formally endorse the Shire of Kojonup’s participation as part of the WA Government’s declaration in the National Redress Scheme; and
4. Grant authority to an appropriate position/officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold:

- The first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution;

- The second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Kojonup) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments, many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019. Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*, local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

COMMENT

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local

government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Kojonup's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Kojonup formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government’s amended participation declaration.

The Shire of Kojonup will not be included in the State’s amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State’s amended declaration.

The option also exists for the Shire of Kojonup to formally decide not to participate in the Scheme (either individually or as part of the State’s declaration).

Should Council formally decide not to participate with the State or in the Scheme altogether, considerations include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector’s position on the Scheme (noting the Commonwealth’s preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State’s coverage of costs and administrative support, with the Shire of Kojonup having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire of Kojonup.

Considerations

Detailed below is a list of considerations to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if a Redress application will be received. A Service Agreement will only be executed if the Shire receives a Redress application.

If a Redress application is received, authority needs to be given to the CEO to execute a service agreement with the State. Timeframes for responding to a Request for Information (RFI) are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

Redress Decisions

The Shire should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire do not have any influence on the decision made and there is no right of appeal.

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and

- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

STATUTORY REQUIREMENTS

The Shire, in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The State’s decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR’s, which is on an ‘as requested’ basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor’s circumstances. All requested DPR’s will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State’s decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to update internal and public domain legal documentation	National Redress Scheme Royal Commission into Child Sexual Abuse	Agenda item 19 May 2020
Risk rating - Adequate			
IMPLICATIONS			
Endorsement provides Council and CEO clear direction on matters to be addressed should a Redress Application be received.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries regarding the National Redress Scheme and the participation of WA local governments;**
- 2) Notes that the Shire of Kojonup will be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage);**
- 3) Endorses the participation of the Shire of Kojonup in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4) Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 5) Notes that a confidential report will be provided if a Redress application is received.**

11.3 BUSHFIRE CONTROL OFFICER RECOMMENDATION 2020/21

AUTHOR	Rob Cowie – Payroll & Emergency Management Officer
DATE	Wednesday 8 April 2020
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.3.1 – Kojonup Bushfire Association Email

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the recommendations of the Kojonup Bushfire Association for the appointments of Officers for the 2020/2021 bushfire season.

BACKGROUND

Due to the meeting restrictions imposed by COVID-19, the regular AGM of the Kojonup Bushfire Association (KBA), was cancelled. An email was circulated to Brigade Office bearers requesting nominations to the Association office positions. This was circulated to KBA members and the responses were tallied by the Secretary and endorsed by the President as per attachment 11.3.1.

Due to the meeting restrictions imposed by COVID-19, the scheduled Bushfire Advisory Committee meeting for 8 April did not proceed. This will be rescheduled for July 2020

COMMENT

The Shire of Kojonup and the Kojonup Bushfire Association have utilised the same Operational structure for many years and it has found it to be the most effective structure to ensure the safety of the community.

The association made the following recommendations:

- a) Tony Fisher be recommended for the Chief Bushfire Control Officer for the 2020/2021 year
- b) Roger House be recommended for the Deputy Chief Bushfire Control Officer for the 2020/2021 year
- c) Ross Fryer-Smith and Myles Reid be recommended for the Senior Bushfire Control Officers for the 2020/2021 year
- d) The CBCO and the DCBCO are recommended for the Fire Weather Officer and Deputy Fire Weather Officer respectively for the 2020/2021 year

- e) The CBCO and the DCBCO are recommended to be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire for the 2020/2021 year
- f) The CBCO, DCBCO and the two Senior FCO's be authorised to advise the CEO of the Shire of Kojonup on the imposition of Harvest and Vehicle Movement Bans for the 2020/2021 year

CONSULTATION

Kojonup Volunteer Bushfire Association AGM – 14 April 2019

STATUTORY REQUIREMENTS

Section 38 of the *Bush Fires Act 1954*

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 Business Continuity	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Community fire and emergency education Maintain regular communications with agencies and support services	Nil
3 Compliance	Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed	External Audits (compliance)	Nil

	<p>regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.</p> <p>Ineffective policies & processes</p>		
Risk Rating - Adequate			
IMPLICATIONS			
<p>Appointment of these positions within the Kojonup Bushfire Association is legislated by the <i>Bushfires Act 1954 (Act)</i>; compliance with this <i>Act</i> demonstrates processes are followed at management and governance levels that will assist in minimising the risks of bushfire upon the greater community.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council appoint to the following positions for the 2020/2021 year:

- 1. Tony Fisher - Chief Bushfire Control Officer and Fire Weather Officer**
- 2. Roger House - Deputy Chief Bushfire Control Officer and Deputy Fire Weather Officer**
- 3. Ross Fryer-Smith and Myles Reid - Senior Bushfire Control Officers**
- 4. The Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire; and**
- 5. The Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer and the two Senior Bush Fire Control Officer’s be authorised to recommend to the Chief Executive Officer on the imposition of Harvest and Vehicle Movement Bans.**

11.4 FIRE BREAK ORDER 2020/2021

AUTHOR	Rob Cowie – Payroll & Emergency Management Officer
DATE	Wednesday 8 April 2020
FILE NO	LE.NOT.02
ATTACHMENT(S)	11.4.1 - Fire Break Order 2020/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

NIL

SUMMARY

The purpose of this report is to consider the content of the Fire Break Order 2020/2021.

BACKGROUND

Council issue a Fire Break Order each year, under section 33 of the *Bush Fires Act 1954* (the Act). The order requires certain things to be done with respect to fire hazard reduction/ fire prevention on land. The order is distributed with the rates notice and any other publication conducted as required by the Act.

COMMENT

The format of the Fire Break Order will be the same as previous years. The attached document will only show content; the final format will be a folded, flip chart type document approximately 10cm X 20cm with a magnet on the back page so that it can be placed on the fridge for easy reference as required.

Adoption of the Fire Break Order at this meeting will allow time for printing of the notices for inclusion with the Council annual Rate Notice mail out scheduled for July 2020.

CONSULTATION

Kojonup Volunteer Bushfire Association

STATUTORY REQUIREMENTS

Section 17 of the *Bush Fires Act 1954*

Section 33 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

The production of these notices are budgeted for each financial year.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 Business Disruption	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Community fire and emergency education	Nil
3 Compliance	Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation. Ineffective policies & processes	External Audits (compliance)	Nil
Risk Rating - Adequate			
IMPLICATIONS			

Advertising of the dates of the burning period is required as per the *Bushfires Act 1954*; compliance with this *Act* demonstrates processes are being followed at a governance level that will assist in minimising the risks of bushfire upon the greater community.

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the 2020/2021 Fire Break Order as presented at Attachment 11.4.1.

11.5 REVIEW OF SHIRE OF KOJONUP TOWN PLANNING SCHEME No. 3 REPORT

AUTHOR	Phil Shephard – Town Planner
DATE	Thursday, 6 May 2020
FILE NO	LP.PLN.16
ATTACHMENT(S)	11.5.1 - Review of Shire of Kojonup Town Planning Scheme No. 3 report

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.4 - Have enhanced and facilitated improved housing options through public and private partnerships.	2.4.1 - Adopt new Town Planning Scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level. 2.4.3 - Support the creation of additional residential lots.
KP 4 - Prosperity	4.3 - Be attracting support industries and diverse and new business sectors to the region.	4.3.1 - Whilst growing business, advocate and manage expected water efficiency, energy efficiency and waste management to support regional and state-wide environmental standards. 4.3.4 - Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.
	4.4 - Have collaborated to enhance and attract diverse retail to ensure a successful and renewed Main Street.	4.4.1 - Support Main Street urban renewal through in-kind support and policy development.

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the review report and submit it to the WA Planning Commission for approval as part of the requirements for the new Local Planning Scheme No 4.

The recommendation is to adopt the report and submit it to the WA Planning Commission for approval.

BACKGROUND

The Council at its 18 February 2020 meeting (Resolution 4/20) resolved to commence the preparation of a new Local Planning Scheme No. 4 to replace the existing Town Planning Scheme No. 3 that was originally gazetted in October 1998 and has been subject to 14 amendments since then.

COMMENT

In accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*, the resolution was advertised as follows:

- Placed the Form Notice in Public Notices section of the Great Southern Herald newspaper on Thursday 5 March 2020.
- Placed the Form Notice on the Public Notice Board and website.
- Referred the Form Notice to adjoining local governments Shire of Woodanilling, Shire of West Arthur, Shire of Cranbrook, Shire of Boyup Brook, Shire of Katanning and Shire of Broomehill-Tambellup.
- Referred the Form Notice to Water Corporation, Department of Biodiversity, Conservation and Attractions, Department of Communities, Department of Education, Department of Fire and Emergency Services, Great Southern Development Commission, Department of Health, Heritage Council of Western Australia, LandCorp, Department of Local Government, Sport and Cultural Industries, Main Roads Western Australia, Department of Mines, Industry Regulation and Safety, National Trust of Australia (WA), Department of Planning, Lands and Heritage, Department of Primary Industries and Regional Development, Public Transport Authority, Rural Business Development Corporation, Synergy, Department of Water and Environmental Regulation, Western Australian Tourism Commission, Western Power and the Environmental Protection Authority.

The Shire requested these agencies consider the Form Notice and accompanying information and provide within 21-days any comments/recommendations they have on the proposed new scheme. At the close of the 21-day submission period, a total of 28 submissions were received.

The attached Review of Shire of Kojonup Town Planning Scheme No. 3 report has been prepared using the WA Planning Commission/Department of Planning, Lands and Heritage template and concludes:

- That a new scheme should be prepared and the current one repealed upon the approval of the new scheme; and
- A Local Planning Strategy be prepared to support the new scheme.

The Council has a number of options available to it, in considering the attached report which are discussed below:

1 Not approve the report

The Council can choose to not approve the report. If this option were chosen, Council would need to provide reasons for the decision for staff to consider. The report would not be submitted to the WA Planning Commission for approval.

2 *Approve the report*

The Council can choose to approve the report, in part or whole and/or make changes to the recommendations contained in the report. If this option were chosen, the report would be finalised and submitted to the WA Planning Commission for approval.

3 *Defer the proposal*

The Council can choose to defer the matter and provide additional information or undertake further consultation with the public, if deemed necessary, before proceeding to make a decision.

CONSULTATION

The initiation of the new planning scheme was advertised/referred for comment to relevant local and state government agencies for a minimum period of 21-days as set out in the Act/Regulations.

The comments received are addressed in the attached report.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015* – Reg. 66 and 67 set out the review requirements for local planning schemes/strategies as follows:

66. Report of review

- (1) *The local government must, no later than 6 months after the requirement to carry out the review of a local planning scheme arises under regulation 65, or such longer period as the Commission allows -*
 - (a) *prepare a report of the review; and*
 - (b) *approve the report by resolution; and*
 - (c) *provide the approved report to the Commission.*
- (2) *The report must be prepared in the manner and form approved by the Commission and must include the following information -*
 - (a) *the date on which the local planning scheme was published in the Gazette in accordance with section 87(3) of the Act;*
 - (b) *the date on which each amendment made to the scheme was published in the Gazette in accordance with section 87(3) of the Act;*
 - (c) *the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;*
 - (d) *an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of -*
 - (i) *the date on which the scheme was published in the Gazette in accordance with section 87(3) of the Act; and*
 - (ii) *the date on which the scheme was last reviewed;*
 - (e) *an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.*
- (3) *The report must make recommendations as to -*
 - (a) *whether the scheme -*
 - (i) *is satisfactory in its existing form; or*

- (ii) *should be amended; or*
- (iii) *should be repealed and a new scheme prepared in its place;*
- and*
- (b) *whether the local planning strategy for the scheme -*
 - (i) *is satisfactory in its existing form; or*
 - (ii) *should be reviewed; or*
 - (iii) *should be repealed and a new strategy prepared in its place.*

67. Decision of Commission

- (1) *Within 90 days of receiving a report of a review of a local planning scheme, or such longer period as the Minister or an authorised person allows, the Commission must consider the report and -*
 - (a) *decide whether the Commission agrees or disagrees with the recommendations in the report; and*
 - (b) *notify the local government which prepared the report of the Commission’s decision.*
- (2) *After receiving notification of the Commission’s decision on a report of a review of a local planning scheme the local government must -*
 - (a) *publish the report and notice of the Commission’s decision on the website of the local government or in any other manner approved by the Commission; and*
 - (b) *make the report and notice of the Commission’s decision available for inspection at the office of the local government.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The advertising cost for the Form Notice was funded from Advertising Budget (No 5922)

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to Fulfil Compliance Requirements (Statutory, Regulatory); Ineffective policies & processes; Ineffective monitoring of changes to legislation	Councillor/Staff Induction Process and Training	Nil

7 Environment Management	Inadequate local laws/planning scheme	Nil	Nil
8 Errors, Omissions or Delays	Complex legislation	Planning Approval performance report	Nil
Risk rating - Adequate			
IMPLICATIONS			
<p>The initiation of the new Town Planning Scheme assists in meeting the Shire’s compliance requirements.</p> <p>A review report (on Town Planning Scheme No. 3) forms part of the requirements of preparing the new Local Planning Scheme No. 4 which Council resolved to commence the preparation of at its February 2020 Ordinary Meeting. Following due process and ensuring Council complies with the relevant legislative requirements (see Statutory Implications) mitigates the risk of errors, omissions or delays occurring in the formation of Local Planning Scheme No. 4.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the attached Review of Shire of Kojonup Town Planning Scheme No. 3 report and submit it to the WA Planning Commission as required by Regulation 66 of the *Planning and Development (local Planning Schemes) Regulations 2015* for their approval.

11.6 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES 20 APRIL AND 4 MAY 2020

AUTHOR	Rob Cowie – Payroll & Emergency Management Officer
DATE	Wednesday 13 May 2020
FILE NO	ES.MET.1
ATTACHMENT(S)	11.6.1 - LEMC Minutes 20 April 2020 11.6.2 - LEMC Meeting Minutes 4 May 2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Local Emergency Management Committee meetings held 20 April and 4 May 2020.

BACKGROUND

The Local Emergency Management Committee (LEMC) is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council’s decision making process. Minutes of these meetings are presented to Council to consider any recommendations made.

COMMENT

The Shire of Kojonup LEMC has been convened more frequently due to the COVID-19 Pandemic. There are no recommendations for Council to consider.

CONSULTATION

Various members of the Local Emergency Management Committee

STATUTORY REQUIREMENTS

Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
The Shire is legislated to establish and maintain a LEMC. The risk of not having a LEMC is that Staff, Councillors and relevant Community members need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the Local Emergency Management Committee Minutes dated 20 April 2020 and 4 May 2020 be received.

11.7 STAFF HOUSING POLICY REVIEW

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 6 May 2020
FILE NO	CS.SVP.8
ATTACHMENT(S)	<p>11.7.1 – Existing Council Policy 2.2.7</p> <p>11.7.2 - Proposed Council Policy 2.2.7</p> <p>11.7.3 – Proposed Council Policy 2.2.7 showing tracked changes</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.3 – Have systems in place to attract youth to the region, even in a transient manner.	1.3.2 - Account for long-term and forecasted social changes such as changing household types and density.
KP 2 – Connected	2.4 – Have enabled and facilitated improved housing options through public and private partnerships.	2.4.1 - Adopt new Town Planning Scheme to support infill residential growth and private subdivisions and advocate for change in the cost of development headworks at a state level
		2.4.3 - Support the creation of additional residential lots (E2.1.5)

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of the report is to consider proposed amendments to Council Policy 2.2.7 – Staff Housing, to take into account the additional four (4) staff dwellings being constructed under the Great Southern Housing Initiative.

BACKGROUND

The existing policy is attached at item 11.7.1. This policy makes no reference to senior managers being linked to individual dwellings, primarily due to the greater number of Managers than dwellings. It also has no guidance with regards to other specialist or technical positions at the Shire and the use of housing in the attraction and recruitment process.

COMMENT

Council Policy 2.2.7 – Staff Housing, is being proposed to be amended to incorporate the following changes:

- Allocate a dwelling to each senior manager;

- Identify the specialist and technical positions that other staff housing will be used to attract and retain suitable personnel; and
- Clarify bond and private rental arrangements.

CONSULTATION

Senior Management Team
Development Services Coordinator

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

This agenda item recommends amending a Council Policy.

Prior to the Great Southern Housing Initiative, Council Policy 2.2.7 (Staff Housing) defined that housing will be supplied to six (6) senior staff, however, the Council only owned four (4) houses.

With four (4) new dwellings currently under construction, the Council Policy can now be more specific.

FINANCIAL IMPLICATIONS

Nil, as this item only recommends changes to a Council Policy.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1. Asset Sustainability	1. Lack of trained staff - Lack of formal or appropriate scheduling (maintenance/ inspections) - Insufficient budget to maintain or replace assets	1. Routine maintenance schedule: buildings	1. Housing & rental availability (inability to attract and retain capable staff to support and deliver the agreed levels of service)
5. Employment Practices	5. Limited staff availability - labour market conditions	5. Human Resource Management (Policies and Procedures)	5. Housing/rental availability (inability to attract and retain capable staff to support & deliver agreed levels of service)

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
10. Facilities-Venues	Bond payments poorly managed	Key return/ bond system/check of facility - Lease agreements for Shire facilities	Annual tenancy inspections for staff and public housing - scheduled & notice in writing
Risk rating - Adequate			
IMPLICATIONS			
The construction of four (4) new staff housing dwellings addresses the current actions as contained within risk profile 1 and 5 above. The proposed amendments relating to bonds and lease agreements assists with risk profile 10 above.			

ASSET MANAGEMENT IMPLICATIONS

The Great Southern Housing Initiative represents a significant opportunity to fund a rapid increase to the quality and condition of the Shire’s housing assets, enabling disposal of older housing assets at a later date.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy 2.2.7 – Staff Housing be amended as attached.

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (APRIL 2020)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 11 May 2020
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – April 2020 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 April 2020.

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 2019 to 30 April 2020 represents ten (10) months, or 83% of the year.

The following items are worthy of noting:

- Closing surplus position of \$275,102;
- Operating results:
 - 66% of budgeted operating revenue has been received; and
 - 92% of budgeted operating expenditure spent;
- Capital expenditure achieved 58% of budgeted projects;
- The value of outstanding rates equates to 7.1% of 2019/2020 rates raised;
- Cash holdings of \$4.45m of which \$3.2m is held in cash backed reserve accounts and \$1.45m is a grant held for other parties; and

- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

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

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2019 to 30 April 2020, as attached, be noted.

12.2 MONTHLY PAYMENTS LISTING APRIL 2020

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Friday 08 May 2020
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/04/2020 to 30/04/2020

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 April 2020.

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

FROM – 1 April 2020		TO – 30 April 2020
Municipal Cheques	14228 - 14234	\$11,002.38
EFTs	25828 - 25991	\$1,157,294.62
Direct Debits		\$550,053.77
Total		\$1,718,350.77

be received.

12.3 POLICY 2.1.2 – PURCHASING AND CREDITOR CONTROL - AMENDMENT

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Thursday, 7 May 2020
FILE NO	CM.POL.2
ATTACHMENT(S)	<p>12.3.1 – Proposed Policy 2.1.2 - <i>Purchasing and Creditor Control showing changes</i></p> <p>12.3.2 – Proposed Policy 2.1.2 – <i>Purchasing and Creditor Control</i></p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.5 – Implement strategies to improve Councillors role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider amending Policy 2.1.2 *Purchasing and Creditor Control* in accordance with changes to legislation affecting the way local governments purchase goods and services.

BACKGROUND

In response to the COVID-19 pandemic and subsequent State of Emergency Declaration, the State Government has increased the tender threshold from \$150,000 to \$250,000.

COMMENT

Local Government (Functions and General) Regulations 1996 (Regulations) have previously required that a public tender process must be conducted for goods or services with an expected value of more than \$150,000.

In order to increase flexibility within the local government sector during and in the aftermath of the current State of Emergency, the Regulations have been amended to align with the State Government tender threshold of \$250,000, stipulating the lesser requirement of obtaining written quotation requests and offers for goods or services with an expected value of over \$150,000 up to a value of \$250,000.

To align with amended Regulation 11, Council's Policy 2.1.2 *Purchasing and Creditor Control* has been updated accordingly for Council endorsement.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Local Government (Functions and General) Regulations 1996:

Division 2 — Tenders for providing goods or services (s. 3.57)

[Heading inserted: Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

(1A) *In this regulation —*

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*

(a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*

(aa) *the supply of the goods or services is associated with a state of emergency; or*

(b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*

(ba) *deleted]*

(c) *within the last 6 months —*

(i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*

(ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

or

(d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*

(e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*

(ea) *the goods or services are to be supplied —*

(i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*

(ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

or

(f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*

(g) *the goods to be supplied under the contract are —*

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines;

or

(h) *the following apply —*

(i) the goods or services are to be supplied by —

(I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or

(II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;

and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money;

or

(i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*

(j) *the contract is a renewal or extension of the term of a contract (the original contract) where —*

(i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

(ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and

(iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(ja) *the contract is a renewal or extension of the term of a contract (the original **contract**) where —*

(i) the original contract is to expire within 3 months; and

(ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and

(iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;

or

(k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*

(3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —*

(a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*

- (b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.*

[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6; SL 2020/35 r. 8; SL 2020/55 r. 5.]

POLICY IMPLICATIONS

Whilst policies have no legal status, they provide guidance and direction for staff and assist them to act with consistency on various matters.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	<p>Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.</p> <p>Ineffective monitoring of changes to legislation.</p>	Tender and Procurement process	Nil

8 Errors, Omissions and Delays	Any advice that is not consistent with legislative requirements or local laws. Changes to legislation.	Policies and Procedures	Nil
Risk rating - Adequate			
IMPLICATIONS			
Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 2.1.2 *Purchasing and Creditor Control* be amended, as attached.

12.4 FEES AND CHARGES REVIEW 2020/2021

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Monday, 11 May 2020
FILE NO	FM.FEE.1
ATTACHMENT(S)	12.4.1 - Fees and Charges 2020/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
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 proposed Fees and Charges for 2020/2021 are presented to Council for consideration.

BACKGROUND

The Fees and Charges are usually workshopped in Council briefing sessions, but given the restrictions imposed by the response to COVID-19, the briefing sessions are now presented as information bulletins. The proposed Fees and Charges were included in the April 14 Information Bulletin.

The Fees and Charges 2020/2021 are presented for discussion only and not for adoption.

Council will be asked to adopt the Fees and Charges at the 28 July 2020 Budget Adoption Meeting.

COMMENT

As a result of the impact of COVID-19, it is recommended there will be no increase to our Fees and Charges. The only change will be in reduction of the maximum interest rate payable by all ratepayers, from a maximum of 11% to a maximum of 8%. This new limit aligns with the Australian Tax Office penalty for overdue payments.

Interest on instalments remains at 5.5% if the Shire of Kojonup does have a Hardship Policy, and to a maximum of 3% if a Local Government does not have a hardship policy. Refer to item 12.5 Proposed COVID-19 Hardship Policy.

CONSULTATION

All staff have been given the opportunity to provide input.

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

Nil

FINANCIAL IMPLICATIONS

The State government has requested a freezing of all fees and charges for the coming financial year. There will be a moderate impact on the 2020/2021 budget by our inability to increase our Fees and Charges in line with inflation. Though there is possibly a bigger gain to be made assisting the community moving forward after COVID-19.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Asset Sustainability	Insufficient budget to maintain or replace assets	Routine Maintenance Schedule - Buildings	Nil
Engagement	Relationship breakdown with community groups. Budget/Funding issues	Support local community volunteer groups. Community engagement/networking	Review and assess community engagement strategy / plan
Risk rating - Moderate			
IMPLICATIONS			
Not increasing income from Fees and Charges and Rent will affect the budget position regarding Building Maintenance. This will in turn affect the Shire's ability to continue with any planned maintenance or upgrades to the facilities the income would have supported. A negative response regarding community hardship during and after Covid 19 lock downs will have a detrimental effect between Council and community members.			

ASSET MANAGEMENT IMPLICATIONS

Not increasing income from fees, charges and rent will impact the Shire financially in its ability to progress with asset maintenance.

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

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the proposed Fees and Charges 2020/2021 be considered.

12.5 COVID-19 FINANCIAL HARDSHIP POLICY – PROPERTY RATES

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Monday, 11 May 2020
FILE NO	RV.RTP.4
ATTACHMENT(S)	12.5.1 - 2.1.12 Covid-19 Financial Hardship

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 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

Council is requested to consider a COVID-19 Financial Hardship Policy which will provide further guidance as to how the Shire will provide support to ratepayers suffering financial hardship

BACKGROUND

The State Government issued a Ministerial Order that Instalment Interest can only remain at 5.5% if the Local Government has a Hardship Policy. If a Local Government does not have a Hardship Policy then Instalment Interest rates are to reduce to a maximum of 3%.

COMMENT

The Shire recognises the unprecedented challenges arising from the COVID-19 pandemic and that these challenges may result in financial hardship to its ratepayers. The proposed policy is to assist our ratepayers facing financial hardship due to Covid-19 pandemic by offering cheaper installment options.

Interest on instalments is currently at 5.5% and will remain if the Shire of Kojonup adopts a Hardship Policy, but will decrease to a maximum of 3% if a hardship policy is not adopted. If you meet the criteria of the Hardship Policy, instalment interest will be waived.

CONSULTATION

Manager of Corporate and Community Services

STATUTORY REQUIREMENTS

Section 6.12 of the *Local Government Act 1995* (the Act) provides the power for local governments to defer, grant discounts, waive or write off debts.

Council has conditionally delegated this power to the Chief Executive Officer. This delegation (Delegation Fin003) provides for:

1. The Chief Executive Officer is delegated authority under Section 6.12 (1) (c) of the Local Government Act 1995 to write off an amount of money owed to the shire. This delegation is to the amount of two hundred and fifty dollars (\$250) per use.
2. The Chief Executive Officer is delegated authority under section 6.47 of the *Local Government Act 1995* to write off small rates balances owed to the shire less than five dollars (\$5.00)

Section 6.12(2) of the *Local Government Act 1995* does not allow money owed to the Shire in respect of rates and service charges, to be waived or for a concession in relation to such money to be granted.

It should be noted that this delegation in relation to rates charges only applies to the writing off of amounts owing (i.e. after the charges have been levied) and not waiving or providing concessions in relation to rates charges.

Section 6.49 of the Act allows a local government to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person (i.e. enter into a payment arrangement).

POLICY IMPLICATIONS

This policy is intended to ensure that the Shire offers fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time

FINANCIAL IMPLICATIONS

By implementing the policy there will be a small cost to council, however it is not envisioned that many rate payers will be so adversely affected that they will meet the eligibility criteria. The ability to make payment arrangements to cater for individual situations will also remain.

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 adopt 12.1.2 Covid-19 Financial Hardship Policy as presented.

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

13.1 PROPOSED PIGGERY - 163 (LOT 12) FULCHER ROAD, RYANSBROOK – CONSIDERATION UNDER SHIRE OF KOJONUP HEALTH LOCAL-LAWS 2000

AUTHOR	Michelle Dennis – Development Services Coordinator
DATE	Friday, 8 May 2020
FILE NO	A1834
ATTACHMENT(S)	13.1.1 - Development Approval Site Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 – Prosperity	4.2 – Have added value to the agricultural sectors to attract new people to the region. 4.3 – Be attracting support industries and diverse and new business sectors to the region.	4.2.2 – Enable and advocate for new industry to set up in and around Kojonup.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a proposed piggery to be developed at 163 (Lot 12) Fulcher Road, Ryansbrook with reference to the *Shire of Kojonup Health Local-Laws 2000*.

BACKGROUND

On 24 March 2020 a development application was received to establish an extensive outdoor, rotational piggery of less than 500 pigs at 163 (Lot 12) Fulcher Road, Ryansbrook. The application was considered under delegated authority by the Acting Chief Executive Officer and was conditionally approved 11 April 2020 with the following conditions and advice notes:

- 1) *The development to be fully implemented in accordance with the attached stamped approved plan and details submitted (dated 30/3/2020) unless a variation has been approved in writing by the Chief Executive Officer.*
- 2) *A maximum of 500 pigs on the premises is permitted.*
- 3) *The dams and remnant vegetation areas to be fenced off to exclude any piggery activity.*
- 4) *The loading and unloading of all stock and/or goods to and from the premises shall be carried out entirely within the site.*

Advice Notes:

- a) *In addition to this Development Approval, the piggery requires separate approval from the Shire of Kojonup under the provisions of the Shire of Kojonup Health Local-Laws 2000*

(local laws) prior to the commencement of operations. The Local Laws requires certain buffers to be achieved as set out in the table below:

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>
<i>Major watercourse and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor watercourses</i>	<i>100m</i>

Please submit an updated site plan that demonstrates how these buffers can be achieved for formal approval. Please note that where a proposal cannot achieve any of the buffers, the application must be submitted to Council for approval.

- b) It is an offence to clear native vegetation without the authority of a permit from the Department of Water and Environmental Regulation (DWER) unless the clearing is exempt from a permit. If any clearing is proposed, it is recommended to liaise with DWER in relation to whether a clearing permit or exemption applies.*
- c) Some piggeries require Environmental Licensing and/or Registration as well as Works Approvals from the Department of Water and Environmental Regulation (DWER) under the provisions of the Environmental Protection Act 1986. Shire of Kojonup Development Approval does not constitute approval under Environmental Protection legislation and the applicant is encouraged to seek confirmation from DWER of any other approvals necessary, prior to commencement of operations.*

In accordance with advice note (a) and the provisions of the Shire's local laws, a revised site plan was provided 23 April 2020 (refer to Figure 1). The current officer delegations under the local laws only permit approval where discretionary considerations do not apply. As the accompanying information and revised site plan did not demonstrate compliance with all of the required buffer distances as stipulated in the local laws, Council consideration of this application is required.

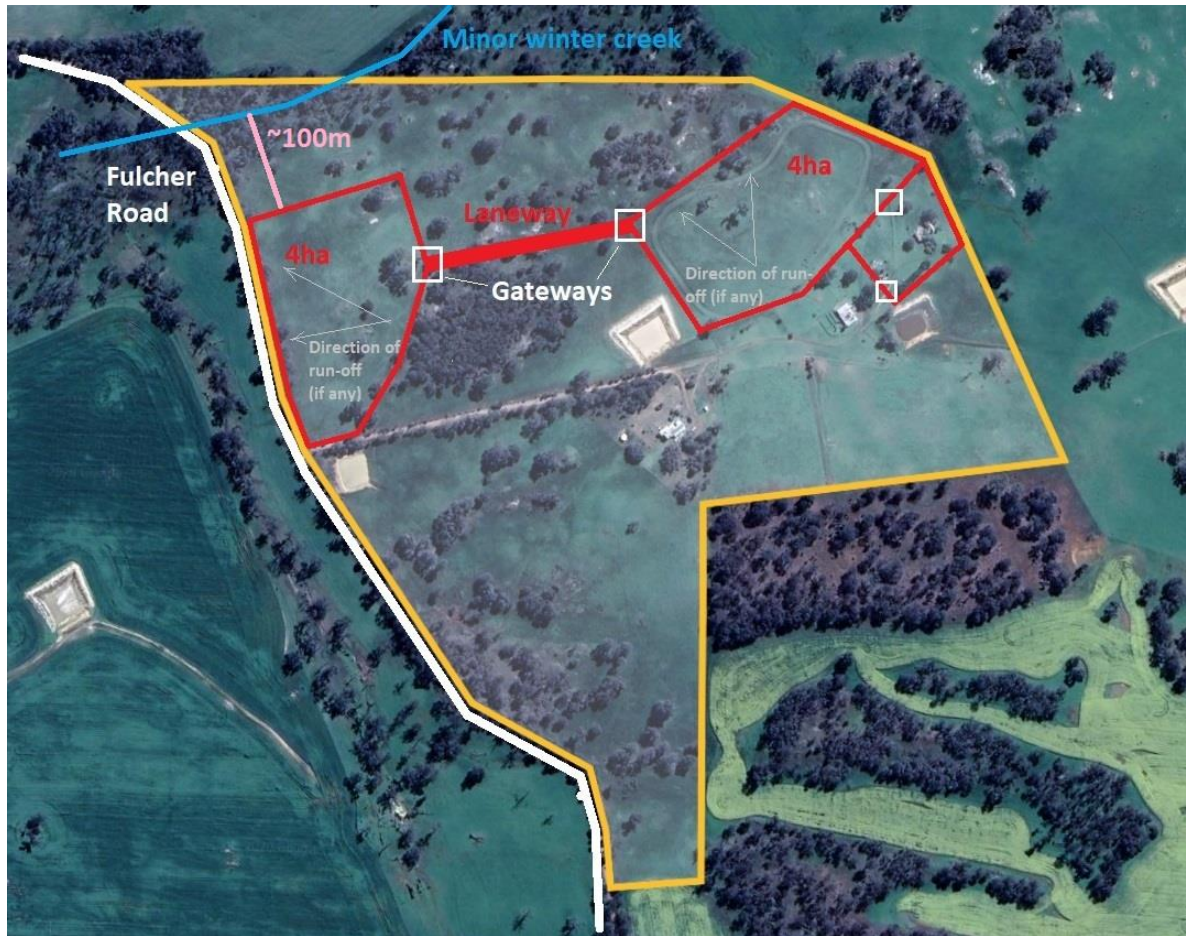


Figure 1 – Revised Site Plan
Proposed Piggery areas shown in red

COMMENT

Table 2 under Division 6 of the local laws require the following minimum separation distances from every portion of a piggery to be achieved.

Buffer	Distance	Comment
Townsite boundaries	5,000m	Piggery achieves buffer as it is located approximately 38km from the Kojonup townsite.
Isolated rural dwellings, dairies and industries	1,000m	Piggery achieves buffer; excluding houses located on the farm; with the nearest dwelling being 4.5km from the farm.
Public roads and recreation areas	100m	Piggery does not achieve buffer as the piggery is to have a nil setback to Fulcher Road.
Neighbouring rural property boundaries	50m	Piggery does not achieve buffer as the piggery is to have a nil setback to the neighbour.
Major water course and water impoundments	300m	Not applicable.
Bores, wells or soaks used for drinking, stock or irrigation	300m	Piggery does not achieve buffer to existing dams.
Minor water courses	100m	Piggery achieves buffer.

The above Table identifies that the piggery does not meet the minimum setback distance to public roads, neighbouring rural property boundaries and dams. Under section 5.6.2(3) of the local laws, Council is able to vary these separation distances provided it is satisfied that approval “will not give rise to a health nuisance”. Relevant health nuisances associated with this piggery are considered to be odour, noise, dust, pests and water safety.

Given the minor nature of Fulcher Road and that the dwelling associated with the neighbouring property is more than 1km from this boundary it is considered that the reduced setback distances are unlikely to give rise to a health nuisance and are therefore supported.

The applicant has indicated that the dams on site will be fenced off and water runoff, if it occurs, is away from the existing dam catchments. Owners are responsible for the safety of their own drinking water supplies. Given these dams do not link to major water courses, or are a significant distance to water courses, it is considered unlikely that there would be any off site impacts, the reduced setbacks to onsite dams is also supported.

Dams on neighbouring properties are also less than 300m from the piggery area. However, as the piggery topography is lower than the neighbouring property, and run off from the piggery is considered unlikely, the reduced setback to the neighbouring dams is also supported.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

The *Piggeries Regulations 1952* prescribe areas of local governments where piggeries are required to be registered, prior to operating. In the case of Kojonup, registration is required where piggeries are to be located:

1. Within the Kojonup townsite “...and all that land contained within a strip 4 kilometres wide surrounding and contiguous to the boundary of the Kojonup townsite”.
2. Townsite of Muradup

The *Piggeries Regulations 1952* are not considered to be applicable to this application as the piggery is located approximately 38 kilometres south west of the Kojonup townsite.

Shire of Kojonup Health Local-Laws 2000 - as outlined in body of the report.

Planning and Development Act 2005 – the development has obtained development approval as required under the Shire of Kojonup Town Planning Scheme No. 3.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3) Compliance	Failure to Fulfil Compliance Requirements (Statutory, Regulatory)	Councillor/Staff Induction Process and Training	Nil
7) Environment Management	Inadequate local laws/planning schemes		
Risk rating - Adequate			
IMPLICATIONS			
The separation distances contained within the <i>Shire of Kojonup Health Local-Laws 2000</i> aim to prevent off-site impacts from piggeries. While outdoor, rotational piggeries tend to create less off-site impacts than more intensive, indoor piggeries, there still exists the potential for odour, dust, noise and water quality issues.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the proposed extensive outdoor, rotational piggery of less than 500 pigs at 163 (Lot 12) Fulcher Road, Ryansbrook be approved under the provisions of the *Shire of Kojonup Health Local-Laws 2000* noting:

1. The reduced (i.e. nil) separation distance to Fulcher Road;
2. The reduced (i.e. nil) separation distance to the neighbouring property boundary; and;
3. The reduced (i.e. less than 300m) separation distance to onsite water storage and neighbouring property dams.

13.2 MINISTER FOR PLANNING – LOCAL PLANNING SCHEMES EXEMPTION NOTICE

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer Phil Shephard – Town Planner
DATE	Wednesday, 15 April 2020
FILE NO	DB.BDA.3
ATTACHMENT(S)	13.2.1 - 78H Notice of Exemption from Planning requirements during State of Emergency

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 – Prosperity	3.1 Be providing business assistance for growth in small local industry. 4.3 - Be attracting support industries and diverse and new business sectors to the region	4.1.1 Amend town planning scheme to encourage economic development and private investment 4.3.4 Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to ensure that Councillors are aware of the Notice of Exemption issued by the Minister for Planning and support staff implementing its directions.

BACKGROUND

The Minister for Planning has now issued a Notice of Exemption from certain planning requirements under local planning schemes during the current period of state of emergency with the COVID-19 emergency (Refer attachment).

COMMENT

The Department of Planning, Land and Heritage provides the following general information regarding the Notice of Exemption on their website:

A Notice of Exemption was issued on 8 April 2020 to provide specific guidance to both proponents and local government on a range of temporary exemptions for certain approvals and requirements within the local planning framework. The majority of these exemptions remain in effect until 90 days after the end of the State of Emergency.

The exemptions remove barriers within the planning system to ensure flexible and speedy responses to a changing crisis environment, support business and guarantee the provision of essential community services. They include:

- *medical or health-related facilities required in response to the COVID-19 pandemic*
- *truck and logistic companies needing to deliver goods but currently with restricted loading and unloading times*
- *businesses seeking to adapt by changing their current approved use*
- *restaurants and cafes required to sell takeaway in contravention of current planning conditions*
- *people operating their businesses from residential zones*
- *parking commercial vehicles on residential properties*
- *a blanket two-year extension for all current development approvals*
- *businesses needing to change signs*
- *temporary workers accommodation.*

The new Emergency provisions (clause 78H of the Deemed Provisions) allow the Minister to amend the Notice of Exemption to ensure the exemptions are achieving their intended purpose of facilitating a response to or recovery from a State of Emergency. Given the continually evolving nature of the current State of Emergency, a review of the practical implementation of the Notice has been undertaken and it has subsequently been amended to:

- *clarify the intent of conditions relating to exemptions for:*
 - *certain uses and temporary works associated with these uses*
 - *timeframes relating to substantial commencement*
- *clarify the intent and effect of the interpretation and guidance conditions*
- *specify who can use each exemption*
- *clarify requirements for local governments when utilising the exemptions relating to local planning policies*
- *provide an additional exemption for agricultural workers accommodation in the Shires of Manjimup and Harvey.*

The updated Notice of Exemption was signed by the Minister and came into effect on 30 April 2020.

It is important to note that the Notice of Exemption only relates to planning requirements pursuant to a local planning scheme and does not exempt any other requirement under any other law. Therefore whilst certain local planning requirements have been exempted, landowners will need to ensure they obtain any necessary approvals, permits or licenses under other Acts/Regulations such as the *Building Act 2011, Public Health Act 2016, Liquor Control Act 1988, Heritage Act 2018* or *Environmental Protection Act 1986* etc.

The Notice is not expected to greatly impact the present planning operations within the Shire, as we do not have the same regulatory planning burden as metropolitan Local Governments. Staff are committed to Council's goal of ensuring that we support the community and not prevent any changes required to businesses or their operations during the emergency. Staff will continue to monitor the situation and advise Council should any changes to our planning practices/procedures be considered necessary.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 – Clause 78H of Regulations enables the Minister to issue a notice of exemption from planning requirements if a state of emergency declaration is in force under the *Emergency Management Act 2005* in relation to the whole or any area or areas of the State.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to Fulfil Compliance Requirements (Statutory, Regulatory)	Councillor/Staff Induction Process and Training	Nil
7 Environment Management	Inadequate local laws/planning schemes		
Risk rating - Adequate			
IMPLICATIONS			
The Notice of Exemption allows for essential services to be provided for during the current State of Emergency and unprecedented operating conditions, in accordance with statutory requirements (see Statutory Implications). Ensuring Council complies with legislation eliminates the risk of fines for non-compliance and, in this instance, will assist our community in coping with the COVID-19 pandemic. There is potential for a positive effect on Council’s reputational risk.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The Minister’s exemption affects all local planning schemes in the State including the other members of the Southern Link VROC.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council note the Notice of Exemption from certain planning requirements under Town Planning Scheme No. 3 signed by the Minister for Planning on 8 April 2020 and authorise the Chief Executive Officer/Town Planner to implement the directions contained within the Notice until such time as the Notice of Exemption expires.

13.3 PROPOSED NEW LEAN -TO ADDITION TO SHED AT LOT 18 STOCK ROAD, KOJONUP

AUTHOR	Phil Shephard – Town Planner
DATE	Tuesday, 5 May 2020
FILE NO	A13185
ATTACHMENT(S)	13.3.1 - Plans

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 - Prosperity	4.3 - Be attracting support industries and diverse and new business sectors to the region	4.3.4 - Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application for development approval to construct a new 18m x 12m lean-to (open-fronted shed) adjoining the existing outbuilding on the above property as shown in the attached plans. The lean-to, if approved, would result in a cumulative outbuilding floor area of 378m² which exceeds the maximum floor area of 200m² permitted under Council’s adopted Town Planning Scheme Policy.

There is no delegation available to staff to deal with the application and it must be referred to Council for a decision.

BACKGROUND

Nil

COMMENT

The lot has been developed with a dwelling and detached 18m x 9m shed. The existing shed is 162m² in area and used for storage. The applicant is now seeking approval for a 12m x 18m lean-to addition to the shed.

The lean-to will be constructed of steel frames and clad with ‘Surfmist’ coloured metal sheeting. The applicants require the new lean-to for storage of personal items, vehicles, trailers etc.

The property and site of the proposed new lean-to are shown in the image below:



Lot 18 Stock Road bordered in red showing existing approved dwelling and outbuilding and site of proposed new lean-to (Image Landgate Map Viewer Plus)

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

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

Zoning and Land Use/Development

The lot is 2 hectares in area and zoned Special Rural under Town Planning Scheme No. 3 (TPS3). The new lean-to is consistent with the definition of warehouse/storage under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

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

The new lean-to exceeds the 15m minimum setback to all boundaries.

Bushfire Planning

The property is within the Department of Fire and Emergency Services bushfire prone area mapping. The lean-to is considered exempt from the requirements of the Western Australian

Planning Commission’s SPP3.7 Planning in Bushfire Prone Areas by virtue of Planning Bulletin 111/2016 and the deemed provisions for the following reasons:

- It will not be routinely occupied;
- It does not result in the intensification of development (or land use);
- It does not increase the number of residents or employees; or
- Increase the overall bushfire threat.

Bushfire construction requirements under the National Construction Code or AS 3959 may still apply to proposals that are exempt from the requirements of SPP 3.7 and the deemed provisions.

Town Planning Scheme Policy Implications

In discussing the proposal with the applicant/landowner, it was clear that if security concerns with the storage of items in the open lean-to occurred, he may seek approval from the Shire to enclose the front of the lean-to in the future. Given this information, the proposal has been treated the same as if the lean-to were fully enclosed as an outbuilding.

The new lean-to would create a cumulative floor area of 378m² for outbuildings on the site which exceeds the maximum floor area of 200m² in Council’s adopted Town Planning Scheme Policy No. 5 ‘Outbuildings in the Residential, Residential Development and Special Rural Zones’. The new lean-to uses a skillion roof design and achieves the maximum wall height and maximum ridge height standards in the Policy.

The applicant has received written support for the new lean-to from the adjoining neighbours to the north (Lot 19), south (Lot 17) and east (Lot 4).

Matters to be considered

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

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed development of the lean-to is considered consistent with the aims and provisions of TPS3 for the development of special rural zoned land.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed development is consistent with the orderly and proper planning of the area.

Matter to be Considered	Response
(c) any approved State planning policy;	The proposed development is exempt from the requirements of SPP3.7 Planning in Bushfire Prone Areas.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed lean-to is consistent with other approved outbuildings in the special rural zoned areas around Kojonup in terms of size, height, bulk, and scale. The Shire has previously approved outbuildings that exceed the maximum 200m ² outbuilding floor area (including 500m ²) on adjoining Lot 17 to the south. The lean-to and setbacks have written support from the affected neighbours.
(n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not expected to have a negative impact on the amenity of the locality.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No clearing of any trees/shrubs is required, and no additional landscaping is considered necessary in this instance.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The site is not known to be affected by any natural hazard including flood, subsidence, erosion etc. The property is within the DFES bushfire prone mapping and may need to incorporate measures to comply with AS3959.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	No changes to the existing access/egress are proposed in the application.
(w) the history of the site where the development is to be located;	The property has been developed with the main residence and outbuilding for many years.
<i>c.78E.(1) of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i> In considering an application for development approval for development to which this Part applies, the local	See (q) above.

Matter to be Considered	Response
government is to have regard to the bushfire resistant construction requirements of the Building Code.	

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

1 Not approve the proposal

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

2 Approve the proposal

The Council can choose to approve the proposal, in part or whole and with or without conditions. If this option were chosen, the lean-to (including the enclosure of the front of the lean-to) can proceed.

3 Defer the proposal

The Council can choose to defer the matter and seek additional information from the applicant or undertake consultation with the public, if deemed necessary, before proceeding to make a decision.

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

CONSULTATION

The applicant has provided a copy of the plans for the new lean-to signed ‘no objections’ from the adjoining neighbours.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

See comments in Town Planning Scheme Policy Implications above.

The proposed new lean-to would create a cumulative floor area of 378m² for outbuildings on the site which exceeds the maximum floor area of 200m² in Council’s adopted Town Planning Scheme Policy No. 5 ‘Outbuildings in the Residential, Residential Development and Special Rural Zones’.

The Policy states:

Objective

- a) *To set controls on the size of outbuildings permitted within the Residential, Residential Development and Special Rural zoned areas of the Shire.*

- b) *To achieve a balance between providing for the various legitimate needs of residents for outbuildings for storage and minimising any adverse impacts outbuildings may have on neighbours or a street/neighbourhood.*

Policy Requirements

Development Standards

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

<i>Zone</i>	<i>Max. Wall Height (m)</i>	<i>Max. Ridge Height (m)</i>	<i>Max. Floor Area (gross floor area of all outbuildings on lot)</i>
<i>Special Rural</i>	<i>4.5</i>	<i>6.0</i>	<i>200m²</i>

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

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

The new lean-to achieves the maximum wall height and maximum ridge height standards in the Policy.

The applicant has provided written support for the new lean-to from the adjoining neighbours to the north (Lot 19), south (Lot 17) and east (Lot 4).

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

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

FINANCIAL IMPLICATIONS

The applicant is required to pay the planning application fee of \$147 as set out in the adopted 2019/20 Schedule of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to Fulfil Compliance Requirements	Councillor/Staff Induction Process and Training	Nil

	(Statutory, Regulatory)		
7 Environment Management	Inadequate local laws/planning schemes		
Risk rating - Adequate			
IMPLICATIONS			
<p>The processing of building applications and seeking of development approval following appropriate process assists in minimising risk to all parties through compliance with the relevant legislation (see Statutory Implications).</p> <p>The author has confirmed support from adjoining neighbours for this proposed extension; however, it is not considered that there are any applicable risks associated with this application.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant Development Approval for the new 18m x 12m lean-to at Lot 18 Stock Road, Kojonup subject to the following conditions:

1. **The development to be carried out and fully implemented in accordance with the attached stamped approved plans unless a variation has been approved by the CEO in writing.**
2. **The lean-to to be clad in ‘Surfmist’ coloured metal sheeting.**
3. **This approval allows for the enclosing of the front wall of the lean-to.**

Advice Notes:

- i) You are required to obtain a Building Permit prior to any construction activity commencing.***
- ii) Your property is within a bush fire prone area designated by the Department of Fire and Emergency Services and certain construction requirements may apply to the construction of the lean-to.***
- iii) The total floor area for outbuildings approved on your property exceeds the maximum 200m² permitted under Council’s adopted Town Planning Scheme Policy No. 5 and it is unlikely that additional outbuildings would be approved without exceptional circumstances applying.***

13.4 DROUGHT COMMUNITIES PROGRAMME GRANT

AUTHOR	Emily Hills – Sport and Recreation Officer
DATE	Wednesday 6 May 2020
FILE NO	GS.PRG.12
ATTACHMENT(S)	13.4.1 – Plan - Stock Road to Turkey Nest Dam

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP4 – Prosperity	4.3 – Be attracting support industries and diverse and new business sectors to the region	4.3.1 - Whilst growing business, advocate and manage for expected water efficiency, energy efficiency and waste management to support regional and state-wide environmental standards.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the scope of the Drought Communities Programme Grant application.

BACKGROUND

The Commonwealth Department of Infrastructure, Transport, Cities and Regional Development announced the initial Drought Communities Programme in September 2018 for 81 eligible Councils. The extension of this Programme to a further 169 Councils over the period from March 2019 to November 2019 included the Shire of Kojonup in the final stage. The closing date for the grant application is 1 June 2021 with funds to be spent by 30 June 2021.

The Shire of Kojonup are eligible for \$1,000,000 in funding, based on our population.

COMMENT

Program Summary:

The extension of the Drought Communities Programme provides funding of \$301 million to eligible councils for drought-affected regions of Australia. The program supports local community infrastructure and other drought relief projects for communities impacted by drought.

Funding targets projects that:

- provide work for people whose employment has been impacted by drought;
- stimulate local community spending;
- use local resources, businesses and suppliers; and

- provide a long-lasting benefit to communities and the agricultural industries they depend on

To be eligible, the project must:

- be in an eligible council area
- meet project requirements
- include eligible activities and expenditure
- have at least \$25,000 per application in eligible expenditure

The project must be completed by 30 June 2021 (for eligible councils approved for funding in January 2020).

The proposed scope of the Drought Communities Programme is as follows:

Project	Estimated Cost	Proposed Grant
1. Quin Quin Reserve Retarding Basin & Landscaped Park	\$150,000	\$150,000
2. Blackwood Road Dam (Lot 162)	\$50,000	\$50,000
3. Apex Park Carpark and Drainage	\$300,000	\$300,000
4. Stock Road to Turkey Nest Dam System	\$300,000	\$300,000
5. Apex Park to RV (wool wagon) zone	\$50,000	\$50,000
6. Netball Court Roof Structure	\$900,000	\$150,000
	\$1,800,000	\$1,000,000

Project Detail:

Based on existing data from WSP (Dr Danny Burkett, Hydrologist) and Shire staff background knowledge, the following options are proposed:

1. Quin Quin Reserve Retarding Basin

Management of the stormwater runoff through this area to reduce the erosion and opportunistically capture stormwater runoff that could be transferred to the Rose Gardens tank/tanks. WSP will provide a scope of works including review of catchment areas, preparation of concept plans, preparation of conceptual technical advice and the preliminary engineering estimates.

Staff have approached 35 Degrees South to quote on Feature Surveys of this area, and from that can formulate a more detailed concept plan.

Whilst a series of ponds/dams in this area is estimated at \$50,000-\$70,000, it is envisaged that the area be landscaped with paths, grass, park benches, trees, etc. to create an attractive public open space. Whilst no design has been completed as yet, it is envisaged \$100,000 to \$120,000 for this component.

2. Blackwood Road Dam

The construction of a new dam on lot 162 Blackwood Road with pump to transfer stormwater to the Showgrounds Dam and Turkey Nest Dam.

Shire staff have liaised with Mr Klopper from Ron Wright Bulldozing to discuss this project. Mr Klopper has visited the site, and was in agreement with the location of the dam as shown on the following map:



It is estimated at \$2.00/cubic yard for a dam between 10,000 and 14,000 cubic yards. In addition if a contour drain is required that would add approximately another \$2,000. Plumbing and a pump to connect this dam into the existing storage network is also required.

3. Apex Park Carpark and Drainage

It is pertinent while the funding is available to consider the realignment of the Koji Brook, the connected drain system and the Apex Park carpark redevelopment. The project scope includes:

- Re-align creek
- Install and re-align culvert
- Construct carpark
- Land scaping
- Upgrade water tank and pump
- Footpaths
- Install 2 Pedestrian bridges

Estimated cost \$300,000

4. Stock Road to Turkey Nest Dam System

To be completed as per the plan prepared by Opus in March 2014 (attached). Connection of the Stock Road non-potable water system (from South Dam standpipe) through the Industrial area to the Turkey Nest Dam. WSP (who were previously called Opus) have advised that if there has been no change to the land and environmental conditions the plan as designed in 2014 would still be current.

5. Apex Park to RV (wool wagon) zone

Advice and design of piping system to allow reticulation of RV parking and Wool Wagon zone from tank at Apex Park (which will be replaced and relocated). WSP will provide a scope of works including review of catchment areas, preparation of concept plans, preparation of conceptual technical advice and the preliminary engineering estimates. Staff have approached 35 Degrees South to quote on feature surveys of this area, and from that can formulate a more detailed concept plan.

6. Netball Court Roof Structure

As outlined in Council agenda item 10.2 (Sporting Facilities Major Upgrade – Grant Funding Mix), constructing a roof over the netball courts creates a multi-user community facility and large roof catchment. The approximate cost for this structure will be \$900,000.

CONSULTATION

Danny Burkett, Hydrologist, WSP
Mark Anderson, 35Degrees South
Craig McVee, Manager Works and Services
Michelle Dennis, Development Services Coordinator
Marina Murray, Senior Horticulturalist
Anthony Middleton, Manager Corporate & Community Services

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy 2.1.2 Purchasing and Creditor Controls

Project requirements state that each project must meet at least one (1) of the following:

- 1. The project is expected to lead to the employment of locals**
- 2. The project is expected to contribute to the economic activity of communities/regions**
- 3. The project is expected to lead to the retention of businesses, services and facilities**

With these guidelines it may require the discretion of Council and Shire staff to manage the engagement of local suppliers in preference to “best price” options.

Policy 2.3.4 Asset Management

Capital Evaluation Framework item 6...“Assessment of the level of “project readiness” for each project

Implications

With the limited time frame for expending the grant funding, it may require progressing projects deemed eligible in preference to those that may meet the “project readiness” portion of the policy.

FINANCIAL IMPLICATIONS

The proposed scope of the Drought Communities Programme is as follows:

Project	Estimated Cost	Proposed Grant
1. Quin Quin Reserve Retarding Basin & Landscaped Park	\$150,000	\$150,000
2. Blackwood Road Dam (Lot 162)	\$50,000	\$50,000
3. Apex Park Carpark and Drainage	\$300,000	\$300,000
4. Stock Road to Turkey Nest Dam System	\$300,000	\$300,000
5. Apex Park to RV (wool wagon) zone	\$50,000	\$50,000
6. Netball Court Roof Structure	\$900,000	\$150,000
	\$1,800,000	\$1,000,000

The above project budget shows that project 1-5 will be fully funded by this grant programme. With regards to project 6, Council decision 22/20 at the 17 March 2020 Council Meeting resolved that:

- a) A loan for the majority of the Shire's contribution be included in the 2020/2021 draft annual budget;

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Asset Sustainability	Insufficient budget to maintain or replace assets	Routine Maintenance Schedule – Hard Infrastructure	Nil
Business Disruption	Cyclone, storm, fire, earthquake	Infrastructure and buildings inspections (annual)	Commence annual building inspections
Engagement	Short lead times	Community based committees, forums and workshops	Review and assess community engagement strategy and plan
Project/Change Management	Inadequate project planning Lack of communication and consultation	Project management procedures Clear/formal project ownership	Implement formal project management guidelines
Supplier Contract	Complexity and quantity of work Lack of planning and clarity of requirements	Tender/procurement process Contract management	Nil

Risk rating Moderate

IMPLICATIONS

The risks associated with this project fall mainly on the time frame allowance for the submission of the grant application and then the short period of time in which to have acquitted the grant funds.

There are risks associated with meeting the project guidelines in relation to Policy 2.1.2 which will need to be managed by Council on an individual basis.

The lack of time for a complex community engagement process may have an effect on the public perception of Council.

ASSET MANAGEMENT IMPLICATIONS

The creation of new assets in the form of the Netball Court roof structure, additional water storage facilities and water transfer systems will impact on the future asset management decisions of Council. There will need to be allowances made for asset inspections, maintenance and repairs in future budgets.

The modifications to existing drainage networks will alter the lifespan of the network currently listed in the Asset Management Plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

All members of the VROC are participants in this funding programme.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That:

1. The Drought Communities Programme grant funding application be progressed with the following proposed projects

Project	Estimated Cost	Proposed Grant
a. Quin Quin Reserve Retarding Basin & Landscaped Park	\$150,000	\$150,000
b. Blackwood Road Dam (Lot 162)	\$50,000	\$50,000
c. Apex Park Carpark and Drainage	\$300,000	\$300,000
d. Stock Road to Turkey Nest Dam System	\$300,000	\$300,000
e. Apex Park to RV (wool wagon) zone	\$50,000	\$50,000
f. Netball Court Roof Structure	\$900,000	\$150,000
	\$1,800,000	\$1,000,000

2. Budgeting allowances are made in the 2020/2021 budget to have the projects completed by 30 June 2021 to satisfy the Grant requirements

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

17.1 REQUEST FOR TENDER (RFT) 12/2019/20 – CARPARK & DRIVEWAY ACCESS – 73 SOLDIER ROAD, KOJONUP

AUTHOR	Michelle Dennis, Development Services Coordinator
DATE	Friday, 15 May 2020
FILE NO	FM.TND.3; CP.DAC.2

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

“That the meeting proceed behind closed doors in accordance with Section 5.23(2)(c) of the Local Government Act 1995 at _____pm”.

PROCEDURAL MOTION

“That the meeting be reopened to the public at _____pm.”

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 16 June 2020 commencing at 3.00pm

19 CLOSURE

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

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Minutes of the Ordinary Council Meeting held 21 April 2020
Item 10.1	10.1.1	Safety Assessment and Safety Improvement Plan 2020
	10.1.2	Safety Assessment and Safety Improvement Plan 2016
Item 10.2	10.2.1	Draft Disability Access and Inclusion Plan
Item 11.1	11.1.1	COVID -19 Policy
Item 11.3	11.3.1	Kojonup Bushfire Association Email
Item 11.4	11.4.1	Fire Break Notice 2020/2021
Item 11.5	11.5.1	Review of Shire of Kojonup Town Planning Scheme No. 3 report
Item 11.6	11.6.1	LEMC Minutes 20 April 2020
	11.6.2	LEMC Meeting Minutes 4 May 2020
Item 11.7	11.7.1	Existing Council Policy 2.2.7
	11.7.2	Proposed Council Policy 2.2.7
	11.7.3	Proposed Council Policy 2.2.7 showing tracked changes
Item 12.1	12.1.1	April 2020 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 1/04/2020 to 30/04/2020
Item 12.3	12.3.1	Policy 2.1.2 - Purchasing and Creditor Control showing changes
	12.3.2	Policy 2.1.2 – Purchasing and Creditor Control clean copy
Item 12.4	12.4.1	Fees and Charges 2020/2021
Item 13.1	13.1.1	Development Approval Site Plan
Item 13.2	13.2.1	78H Notice of Exemption from planning requirements during State of Emergency
Item 13.3	13.3.1	Plans
Item 13.4	13.4.1	Plan - Stock Road to Turkey Nest Dam