

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

28 July 2020

MINUTES FOR THE COUNCIL MEETING TO BE HELD ON 28 JULY 2020

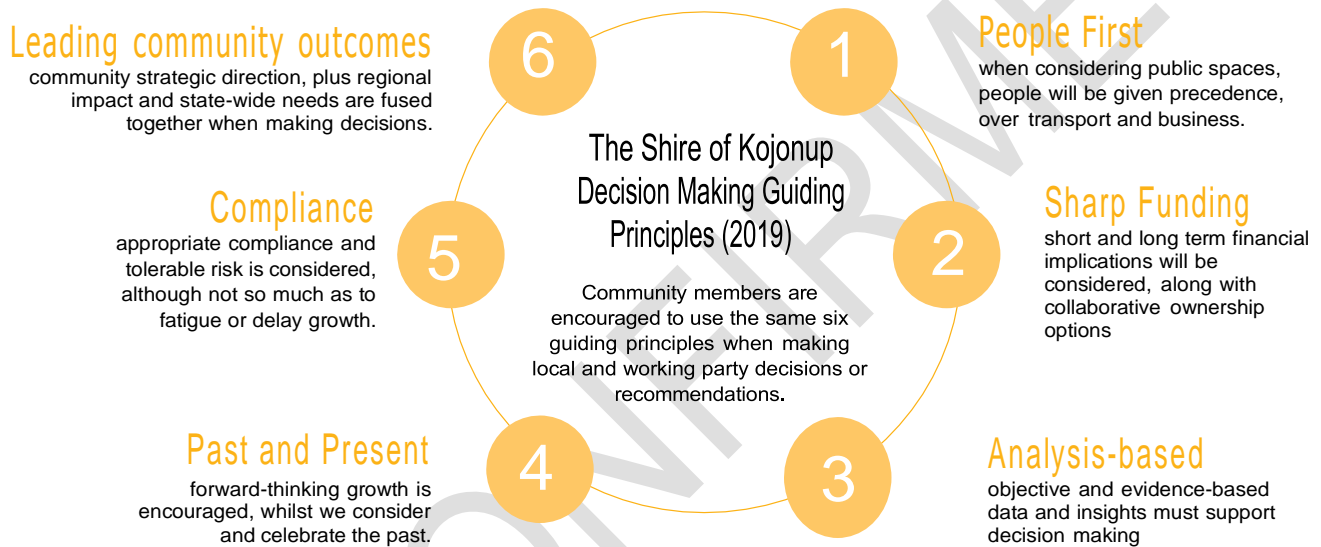
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UNCONFIRMED

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.



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared 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
Cr Radford
Cr Fleay
Cr Gale
Cr Pedler
Cr Singh
Cr Wieringa

Shire President
Deputy Shire President

STAFF

Rick Mitchell-Collins
Anthony Middleton
Robert Cowie
Emily Sleight
Jane Kowald
Heather Marland
Judy Stewart
Elaine Venn
Lorraine Wyatt
Phil Shephard
Ciara O'Regan

Chief Executive Officer
Manager Corporate and Community Services
Payroll/Emergency Management Officer
Sport and Recreation Officer
Natural Resource Management Officer
Senior Finance Officer
Senior Administration Officer
Community Development Officer
Executive Assistant
Town Planner
A/Manager of Springhaven (at 3.08pm)

LEAVE OF ABSENCE

Cr Webb

APOLOGIES

Nil

GALLERY

Tim Johnston
Denise Berryman
Robert Francis

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

**81/20 Moved Councillor Fleay, seconded Cr Wieringa
“That Councillor Gale be granted a leave of absence for the Council Meeting to be held 18 August 2020.”**

CARRIED 7/0

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 16 JUNE 2020

Minutes of the Council Meeting which was held on 16 June 2020 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

**82/20 Moved Cr Gale, seconded Cr Singh
“That the Minutes of the Council Meeting held on 16 June 2020 be confirmed as a true record.”**

CARRIED 7/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

12.9 Vehicle Logbooks and Cost of Private Use

- Heather Marland, Senior Finance Officer, declared a Financial Interest in this item due to having limited personal use of the administration “pool car”.

17.2 Confidential Item – Chief Executive Officer Contract

- Rick Mitchell-Collins declared a Direct Financial Interest in this item being the Chief Executive Officer and the subject of the item.

UNCONFIRMED

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 DISABILITY ACCESS & INCLUSION COMMITTEE MEETING MINUTES – 9 JUNE 2020

AUTHOR	Elaine Venn – Community Development Officer
DATE	Wednesday, 24 June 2020
FILE NO	CS.SVP.4
ATTACHMENT(S)	10.1.1 – Disability Access & Inclusion Committee Minutes – 9 June 2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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.	1.2.5 - Improve disability access to infrastructure and services

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the minutes of the Disability Access & Inclusion Committee meeting held on 9 June 2020.

BACKGROUND

The third meeting of this Committee was held on 9 June 2020 and a copy of the minutes are attached.

COMMENT

This item is to receive the Committee’s minutes and is for the information of Council only.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Section 5.8 to 5.25 of the *Local Government Act 1995* relates to the establishment of Committee’s and the conduct of their meetings.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

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

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

83/20 Moved Cr Fleay, seconded Cr Pedler

“That the minutes of the Disability Access & Inclusion Committee meeting held on 9 June 2020, as attached, be received.”

CARRIED 7/0

10.2 NATURAL RESOURCE MANAGEMENT COMMITTEE RECOMMENDATIONS AND MINUTES

AUTHOR	Jane Kowald, NRM/Landcare Officer
DATE	Tuesday, 30 th June 2020
FILE NO	GS.PRG.7
ATTACHMENT	<p>10.2.1 – Unconfirmed minutes for the Natural Resource Management Committee meeting 4 June 2020</p> <p>10.2.2 – RABBAIT Pindone Oat Material Safety Data Sheet</p> <p>10.2.3 – RABBAIT Pindone Oat Bait Booklet</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 – Place	1.2 Be happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.6 Develop environmental management plans for significant Shire Reserves (N1.2.2)

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the Natural Resource Management Advisory Committee held on 4 June 2020 and to review the motions recommended.

BACKGROUND

The Natural Resource Management Committee Meeting held 4 June presents its minutes to the Council.

The following motion was passed for Council consideration.

12/20 Moved Kath Mathwin, seconded Jennifer Edgerton-Warburton,

“That the Natural Resource Management Advisory Committee recommends that Council approves the baiting of rabbits in the townsite, on Council land, using RABBAIT by Mr Frank Pritchard’s discretion. Mr Pritchard will maintain records of areas baited, estimated uptake and time spent and present these at Natural Resource Management Advisory Committee meetings.”

CARRIED 7/0

COMMENT

Rabbits have been a continuing problem in the Kojonup Townsite and in August 2018 it was suggested to Council by the NRMAC to approve spreading of the rabbit haemorrhagic disease virus (RHDV1). Council did not support the NRMAC motion to spread RHDV1 in the townsite so rabbit control has been the responsibility of community members.

The following damage has been noted by NRMAC members due to rabbit activity:

- Undermining buildings (Railway buildings);
- Ringbarking planted trees/shrubs (Railway Reserve, Kojonup Park, Cemetery, Hillman Park);
- Eating planted gardens (Kojonup District High School and St Bernard's medium strips).

Mr Pritchard is an experienced rabbit baiter and has offered his services to bait rabbits in the townsite, using labelled best practice techniques and in a way to minimize the 'risk-off' target species being baited. Mr Pritchard if approval is granted, will use RABBAIT® Pindone Oat Bait (see attached) and will keep records of areas baited, estimated uptake and time spent, reporting to the NRMAC. While rabbit baiting is not recommended at this time of year due to the large quantities of green feed, the NRMAC would like Council to approve of the baiting for the upcoming baiting seasons.

Pindone is a weak anticoagulant agent which blocks the enzyme in the liver that recycles Vitamin K. Over time, a repeated low-level exposure of rabbits to pindone causes depletion of active Vitamin K reserves and the rabbit dies due to a failure of the blood clotting system. Pindone is preferred for rabbit control due to its short half-life in the animal and its relatively low potency in most other animals.

RABBAIT® Pindone Oat Bait is not classified as Hazardous according to the Globally Harmonised System of Classification and labelling of Chemicals (GHS) including Work, Health and Safety regulations, Australia, and is not classified as Dangerous Goods according to the Australian Code for the Transport of Dangerous Goods by Road and Rail. (7th edition). It can be hazardous to humans if swallowed in large single doses (over 1 teaspoon ingested) can cause acute poisoning. Pindone has a cumulative effect, causing anticoagulation poisoning with a long latent period between ingestion and symptoms. Anticoagulant effects may persist for days or weeks depending on the dose consumed. Patients with hepatic dysfunction, malnutrition or a bleeding diathesis are at greater risk. Symptoms include bleeding from nose, gums, blood in stool, blood in urine, anaemia, bruising, fatigue and shortness of breath during exertion.

CONSULTATION

Members of the Natural Resource Management Committee
Mr Frank Pritchard

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The overall loss caused by rabbits to Agriculture and horticulture in Australia was recently estimated to be about \$206 million per year.

Gong W, Sinden J, Braysher M and Jones R (2009). [The Economic Impacts of Vertebrate Pests in Australia](#). Invasive Animals Cooperative Research Centre, Canberra.

The Shire of Kojonup invests money to planting trees/shrubs and gardens in the townsite. Marina Murray, Horticultural Tradesperson, estimates a loss of \$2,000/annum in loss of plants and labour and materials to make wire mesh cages to protect plants from rabbit damage.

RISK MANAGEMENT IMPLICATIONS

There is a risk to the public as it can be poisonous if swallowed. The risk will be reduced by getting Mr Pritchard to use appropriate Personal Protective Equipment as per label instructions, restricting the area of baiting allowed to the old railway station building, covering the baited oats to prevent off-target species (including humans) accessing the bait. When not in use, the RABBAIT® will be stored in a locked cabinet. Uneaten bait oats will be collected and disposed of as per label instructions.

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

84/20 Moved Cr Singh, seconded Cr Gale

“That Council:

- 1. Receive the Natural Resource Management Committee unconfirmed minutes for the meeting held 4 June 2020; and**
- 2. Approve the use of RABBAIT® Pindone Oat Bait by Mr Pritchard as a trial at the Old Railway Station Building with the following conditions:**
 - a) RABBAIT® Pindone Oat Bait will be used only as per label instructions;**
 - b) When not in use, RABBAIT® is to be stored in a locked cabinet;**
 - c) Bait is to be covered all times;**
 - d) Baits are to be collected and disposed of as per label instructions if not taken;**
 - e) Records of when baits are put out and checked to be kept by Mr Pritchard and reported to the NRMAC;**
 - f) Personal Protective Equipment will be worn by Mr Pritchard as per label instructions; and**
 - g) Signage notifying public that baiting trials are being undertaken over a specified period”**

CARRIED 7/0

10.3 SPORTING FACILITIES MAJOR UPGRADE – FUNDING SOURCES

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Friday 17 July 2020
FILE NO	GS.PRG.16, CP.DAC.12
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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	1.2.2 -Implement and action a Sport, Recreation and Open Space Master Plan. 1.2.5 – Improve disability access to infrastructure and services. 1.2.11 – Sporting Infrastructure Upgrades – Sports Complex Building Defects/Building Compliance/Service Area for bins; Oval drainage/collection of storm water; West Access Upgrade
KP – 3 Performance	3.3 – Use a Building Assessment Framework and control our investment in building maintenance.	3.3.2 – Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to update the scope, timing and funding mix for major Sporting Facility upgrades based on grant funding outcomes

BACKGROUND

At its meeting held on 17 September 2019, the Council resolved as follows (motion 107/19):

“That Council:

- 1. Confirms approval of the preferred development option scope based on changes to the project indicative cost estimates:**
 - **Netball courts – 2 covered acrylic courts (metal roof) and 2 asphalt courts not covered:**
Indicative Cost Estimate = \$2,026,290 ex GST;
 - **Football oval lighting:**
Indicative Cost Estimate = \$406,350 ex GST;
 - **Playground and outdoor gym:**

- Indicative Cost Estimate = \$489,300 ex GST;*
 - *Toddler pool shade structure:
Indicative Cost Estimate = \$19,021 ex GST;*
 - *Kitchen upgrade:
Indicative Cost Estimate = +/- \$250,000 ex GST; and*
 - *Audio-visual equipment:
Indicative Cost Estimate = \$63,754.74 ex GST.*
2. *Rate the priority of the Kojonup Sports Precinct Upgrade Project as number one of one application received through the Department of Local Government, Sport and Cultural Industries 2020/21 CSRFF application process;*
 3. *Confirms project rating is 'well planned and needed by the municipality';*
 4. *Supports the project through financial contribution of up to \$1 million towards capital costs;*
 5. *Receives the Kojonup Sports Precinct Upgrade Project 'Needs Assessment';*
 6. *Receives the Kojonup Sports Precinct Upgrade Project 'Feasibility Study';*
 7. *Receives the Kojonup Sports Precinct Upgrade Project 'Operational Management Overview';*
 8. *Receives the Kojonup Sports Precinct Upgrade Project 'Project Management Plan'."*

Following multiple grant application processes, at its meeting 17 March 2020, the Council resolved as follows (motion 22/20):

"That the scope of the Kojonup Sports Precinct Upgrade Project be amended as follows:

1. *The kitchen upgrade be deferred pending future funding opportunities and possible individual components being funded through the normal annual budget process;*
2. *The installation of audio-visual equipment be deferred pending future funding opportunities and possible individual components being funded through the normal annual budget process;*
3. *The construction of a roof over two (2) netball courts remain and be funded through:*
 - a) *Requesting the Department of Local Government, Sport & Cultural Industries consider a request that the funding provided for new oval lights be reallocated to the installation of a roof over two (2) netball courts;*
 - b) *A loan for the majority of the Shire's contribution be included in the 2020/2021 draft annual budget;*
4. *The Upper Oval Lighting component be deferred and that an application be made in a future round of the CSRFF funding program."*

Following the decision by Council contained in motion 22/20, officers wrote to the Department of Local Government, Sport and Cultural Industries (DLGSC) 4 May 2020 requesting that the portion of funding provided through the CSRFF Grant allocated to the Oval Lighting be reallocated to the installation of a roof over two (2) netball courts.

DLGSC responded to this letter 11 May 2020 advising that the funding allocation had to remain as per the initial offer and no alterations would be accepted.

Officers were not satisfied with this response, given the verbal discussions had with Minister Mick Murray MLA at the February 23 morning tea to announce the grant indicated that an alteration would be acceptable. A letter was sent to Minister Murray to this effect 4 June 2020.

Following this initial response from DLGSC, Council made the decision at the 19 May 2020 meeting as follows (motion 66/20)

“That:

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

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

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

A response from Minister Murray to the letter sent 4 June 2020 was not received by the Shire until 16 July 2020, however we were provided with his response via DLGSC, 2 July 2020. The response was aligned with that of DLGSC on 11 May 2020, which led to the discussion regarding the funding mix at the Council Briefing Session 14 July 2020.

COMMENT

Although the CSRFF grant funding allocation has provided some issues in regards to the netball court facility upgrades, it is the Officers belief that to continue the Sports Facility Upgrades in their entirety is in the best interests of the community.

This would remove the hazard to community that exists currently due to the poor surface of the netball courts, as well as replacing the current oval lighting system which is at the end of its useable life.

Contractors who have previously serviced the oval lighting system are now extremely reluctant to do any further maintenance or repairs to the lighting towers as they feel they are no longer safe to access.

The installation of the roof structure over two of the new netball courts will also improve the useability of the facility for alternate community ventures. It will enable all year, all weather use of the facility by community groups, flexibility for the local schools to access an improved surface and structure for students, and open up the space for use by varying sports clubs and groups.

Financially this decision would be the highest risk for the Shire, however if we are to progress any part of the Netball Court upgrades it is pertinent to complete the entire upgrade in one project.

The budget implications for this decision are as below:

	Project Estimated Expenditure	Grant Received	Council Contribution
Netball courts			
- Reconstruct four (4) courts	\$739,090	\$180,995	\$558,095
- Roof Structure over two (2) courts	\$1,190,711	\$150,000	\$1,040,711
Football oval lighting	\$387,000	\$129,000	\$258,000
Playground and outdoor gym	\$466,000	\$425,117	\$40,883
Toddler pool shade structure	\$16,540	\$16,540	\$0
TOTAL	\$2,799,341	\$901,652	\$1,897,689
New Loan Budgeted (max)			\$1,890,000

CONSULTATION

Shire Officers

Councillor Briefing Session 14 July 2020

Department of Local Government, Sport and Cultural Industries (and Minister)

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Council Policy 2.3.4 “Asset Management” incorporates a Building Assessment Framework when considering new infrastructure or renewal and maintenance of existing infrastructure. This is a qualitative assessment that considers how a building meets the Community Strategic Plan commitments, level of efficiency with regards to operational and maintenance costs, how fit for purpose the building is and its historical and cultural value; applying a weighting and a score out of 100. In July 2017 the Sporting Complex was assessed and achieved a score of 79 out of 100 – the second highest score of all buildings.

Formalising the extent of remaining facility upgrades provides clear direction for staff and assists to manage community expectations of the overall precinct.

FINANCIAL IMPLICATIONS

As shown in the 'Comments' section of this agenda item, the project scope of this major facility upgrade is approximately \$2.8m, of which 32% will be funded by external sources.

This project addresses essential community infrastructure that is either non-existent, or is in a poor condition due to underspending in the past. Whilst a very significant level of investment is required to bring these facilities up to a suitable standard, this cost spread over their useful life is considered good value. The facilities proposed also have a very low operating cost which makes the total life cost appealing.

RISK MANAGEMENT IMPLICATIONS

In addition to improving the quality of facilities for the community, this project seeks to address two major identified risks in Kojonup's sporting facilities. They are:

- The netball court surface – The current surface requires constant remedial works to ensure a safe playing surface due to a failing foundation; and
- Lighting of the oval is sub-standard for existing training undertaken.

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Asset Sustainability</i>	<i>Insufficient budget to maintain or replace assets</i>	<i>Routine maintenance schedule</i>	<i>Nil</i>
<i>Compliance</i>	<i>Impulsive decision making</i>	<i>Financial management reviews</i>	<i>Annual budget review</i>
<i>Engagement</i>	<i>Budget/funding issues</i>	<i>Strategic Community Plan consultation</i>	<i>Review and assess Community Engagement Plan and Strategy</i>
<i>Errors, Omissions, Delays</i>	<i>Incorrect Information & Miscommunication</i>	<i>Segregation of duties</i>	<i>Nil</i>
<i>Project/Change Management</i>	<i>Excessive number of projects</i>	<i>Clear/formal project ownership</i>	<i>Implement formal project management guidelines</i>
<i>Supplier Contract</i>	<i>Complexity and quantity of work</i>	<i>Tender / Procurement process</i>	<i>Nil</i>
<i>Risk rating MODERATE</i>			

IMPLICATIONS

While the risks as listed above pose a moderate risk rating to the Shire, the detailed works already completed in the planning processes for all projects indicate sufficient forethought and management guidance to complete the projects on time and within budget. The ability for works to be managed in-house further mitigate the risk as management staff are fully informed of the scope of works.

ASSET MANAGEMENT IMPLICATIONS

The Council's Building Assessment Framework and indeed *Smart Implementation* has a heavy focus on rationalising assets of little value whilst maximising usage of other important community facilities. The recent assessment against the Building Assessment Framework ranks the Sporting Complex second of all ninety-one Shire buildings.

It is important to ensure where possible that funds are set aside for future maintenance and renewals at the Sports Complex in accordance with the Long Term Financial Plan projections so as not to place an unrealistic financial burden or unrealistic expectations on the community or Council.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Kojonup sporting facilities were ranked highest priority regionally in the CSRFF grant funding process.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

85/20 Moved Cr Fleay, seconded Cr Singh

"That:

- 1. Funding through the Community Sport and Recreation Facilities Fund be retained and allocated as per the original Grant Agreement from the Department of Local Government, Sport and Cultural Industries;**
- 2. Funding through the Drought Communities Funding Programme Extensions be retained and allocated with \$150,000 towards the Netball Court Roof structure; and**
- 3. The 2020/2021 budget include the provision for a new loan for the purpose of providing the balance of funds required to complete the Netball Court Surface reconstruction, the Netball Court Roof construction, the Football Oval Lighting and the Sports Complex Playground and Outdoor Gym."**

CARRIED 7/0

10.4 KOJONUP CHILD CARE CENTRE - MEMORANDUM OF UNDERSTANDING

AUTHOR	Elaine Venn – Community Development Officer
DATE	Tuesday, 14 July 2020
FILE NO	CS.SVP.2
ATTACHMENT(S)	10.4.1 – Proposed Memorandum of Understanding

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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	1.2.3 Provide community infrastructure that attracts outsourced or privately run facilities and programs

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider a Memorandum of Understanding (MOU) between the Shire of Kojonup and the Kojonup Child Care Centre (KCCC) for the purpose of defining cooperation activities in the operation of Kojonup’s only Child Care Centre.

BACKGROUND

The Kojonup Child Care Centre has approached the Shire seeking a formal MOU. This Memorandum will formally acknowledge the partnership between the Shire of Kojonup and the Kojonup Child Care Centre and is attached.

COMMENT

The proposed MOU seeks to formalise the existing relationship between the Shire and the KCCC to ensure it is ongoing, regardless of who holds key positions in each organisation. It is not viewed as additional tasks to that already operating.

The MOU will become effective immediately and be reviewed annually each July. The key components of the MOU are as follows:

The KCCC will be responsible for:

- Monitoring the overall management of the Centre and ensure the management body operates effectively;
- Developing policies for the Centre in conjunction with parents using the Centre and Centre staff;
- Ensuring that the Centre operates in line with its policies;

- Communicating information and decisions clearly both within the Management Committee and to parents and staff;
- Ensuring that the Centre abides by all relevant rules and regulations;
- Encouraging the involvement of parents not on the Management Committee;
- Managing the finances of the Centre; and
- Keeping up-to-date records in line with legal and financial requirements.

The Shire of Kojonup shall be responsible for:

- Supporting Kojonup Child Care Centre Committee with business support (including, but not limited to developing business plan and budget);
- Supporting Kojonup Child Care Centre Committee to employ, manage and support Centre staff in line with current industrial obligations, including completing a regular review of staff JDFs and contracts;
- Promoting Kojonup Child Care Centre positively within the community – verbally to Shire of Kojonup employees with children, via E-news and to be an advocate on behalf of Kojonup Child Care Centre;
- Informing Kojonup Child Care Centre Committee of grants/funding opportunities available;
- Supporting Kojonup Child Care Centre to keep up-to-date records in line with legal and financial requirements;
- Developing a “Maintenance Request” procedure whereby maintenance requests may be sent to the Shire’s Community Development Officer to ensure that the building (owned by Shire of Kojonup and tenanted by Kojonup Child Care Centre) is compliant with childcare regulations;
- Providing resources to Kojonup Child Care Centre that are surplus to requirement by Shire of Kojonup (including, but not limited to, whitegoods, furniture);
- Providing a physical space for archiving of children’s records which need to be kept indefinitely;
- Providing occasional use of Shire of Kojonup facilities for Kojonup Child Care Centre staff professional development and committee meetings; and
- Supporting the Kojonup Child Care Centre Management Committee by having a Shire of Kojonup representative on the Executive Committee and attending monthly Committee meetings.

Both Parties will:

- Agree to participate in a review 6 months after the signing of this MOU;
- Respond to any grievances in a timely manner;
- Notify the other party of any issues or concerns raised internally or externally in a timely manner; and
- Develop a communication strategy between the Shire Community Development Officer and the Kojonup Child Care Centre Committee Secretary via email.

CONSULTATION

Manager of Corporate and Community Services

KCCC Executive Committee

Council briefing session 14 July 2020.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

The Community Consultation and Communication Charter reflects Council's commitment to open and effective consultation and communication when progressing the aspirations contained within the Community Strategic Plan "SMART Possibilities" 2027+ and effective decision making.

FINANCIAL IMPLICATIONS

There are no financial implications for this report as Shire's obligations under the proposed MOU will be completed within existing Officer time.

RISK MANAGEMENT IMPLICATIONS

A written agreement ensures that each party is aware of its responsibilities and ensures a more stable child care business model for the Community, regardless of the personnel occupying positions at any particular time.

ASSET MANAGEMENT IMPLICATIONS

The proposed MOU assists to protect and maintain a significant Council building, being the Child Care Centre constructed in 2015 at a cost in excess of \$1m.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

86/20 Moved Cr Pedler, seconded Cr Radford

"That the Memorandum of Understanding between the Shire of Kojonup and the Kojonup Child Care Centre, as attached, be approved for execution."

CARRIED 7/0

10.5 RESERVE 17988 (BOSCABEL CEMETERY) – MANAGEMENT ORDER

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 17 July 2020
FILE NO	CP.MTC.7
ATTACHMENT(S)	<p>10.5.1 - Map showing Boscabel Cemetery</p> <p>10.5.2 - Appointment of previous Trustees of Boscabel Cemetery – Government Gazette 26 May 1922</p> <p>10.5.3 - 1922 Vesting for Reserve 17988</p> <p>10.5.4 - Appointment of Kojonup Shire Council as Trustees of Boscabel Cemetery - Government Gazette 26 March 1970</p> <p>10.5.5 - Department of Local Government email correspondence</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP1 - Place	Management of Kojonup, Muradup & Boscabel cemeteries to ensure provision of quality cemetery services.	Nil

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council to consider formal acknowledgement of its management of Reserve 17988 containing the Boscabel Cemetery.

BACKGROUND

Through Council’s recent local law review process it has come to light that Reserve 17988 (Boscabel Cemetery) is vested in three community members that made up the Boscabel Cemetery’s (Cemetery) 1922 appointed Board of Management. Whilst the Shire of Kojonup’s (Shire) appointment as Trustees of the Boscabel Cemetery took place in 1970, the vesting of the Reserve was not changed and, therefore, remains vested in the three people who made up the Cemetery’s previous Board of Management in 1922.

COMMENT

The author has been in contact with the Department of Planning, Lands and Heritage (DPLH) and the Department of Local Government and the DPLH is now in the process of rectifying the management order to reflect the Shire’s management of Reserve 17988. It has also been confirmed that the Shire’s appointment as Trustees of the Boscabel Cemetery carried over when the *Cemetery Act 1986* came into force.

CONSULTATION

Lynda Martin, Department of Planning, Lands and Heritage
Department of Local Government, Sport and Cultural Industries

STATUTORY REQUIREMENTS

Local Government Act 1995:

3.54. Reserves under control of local government

- (1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.*
- (2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

[Section 3.54 amended: No. 49 of 2004 s. 74(4).]

Land Administration Act 1997:

12. Powers and duties of Minister restricted in relation to managed reserves and mall reserves

The Minister must not exercise a power (other than a power conferred by section 50(1) or (2)) or perform a duty under section 10(1) in respect of the care, control or management of Crown land in a managed reserve or mall reserve without the consent of the relevant management body.

46. Care, control and management of reserves

- (1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>8 – Errors, Omissions and Delays</i>	<i>Any advice that is not consistent with legislative requirements or local laws.</i>	<i>Policies and Procedures</i>	<i>Nil</i>
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<i>Correcting the formal record of management of Reserve 17988 properly reflects the Shire’s responsibilities regarding this land and effectively mitigates the risk associated with operating a burial ground on land managed by other parties.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

87/20 Moved Cr Fleay, seconded Cr Gale

“That Council accepts the management order of Reserve 17988 (Boscabel Cemetery) as currently being effected by the Department of Planning, Lands and Heritage.”

CARRIED 7/0

11 **KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

11.1 ELECTRIC VEHICLE CHARGING STATION

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Monday 6 July 2020
FILE NO	ET.CON.1
ATTACHMENT(S)	<p>11.1.1 – EV Charging Station Letter Agreement – Kojonup 200629</p> <p>11.1.2 – Annual Servicing and ChargeFox Account Quote</p> <p>11.1.3 – Gemtek Service Level Agreement</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP2 - Connected	2.1 - Be growing our state-wide and local tourism and shopping capabilities through regional alliances.	2.1.2 – Promote and facilitate Kojonup as a short-term tourism destination to and from Albany

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider the proposed agreement from Synergy for the supply and installation of a 50kW Tritium VeeFill Electric Vehicle Charging Station to be situated in the Western carpark at The Kodja Place, including the ongoing costs associated with the provision of this service.

BACKGROUND

Contact was made with the Shire by Stuart McLagan, Community and External Stakeholder Manager of Synergy in January 2020 offering the donation of a 50kw electric vehicle charging station. Mr McLagan provided the Shire with a proposed agreement letter 29 June 2020 for consideration (Attachment 11.1.1). The donation and installation of this charging station is valued at approximately \$30,000.

Officers have contacted Gemtek, the authorised supplier and installer of the electric vehicle charging station, to ascertain future costs with regards to maintenance and data provision (Attachments 11.1.2 and 11.1.3)

COMMENT

The installation of an electric vehicle charging station at The Kodja Place car park would see an additional reason for travellers to stop in Kojonup, especially given the current and future driveable distances with electric vehicles. This aligns with our Key Pillar 2.1 – Be growing our state-wide and local tourism through regional alliances.

The increase in electric vehicles throughout the State has seen groups and clubs evolve, some of whom plan trips based solely around visiting charging stations. The provision of a charging station based at The Kodja Place would see Kojonup added to these trips, and an increase in visitor numbers throughout the town. A 50kW charging station will require users to charge their vehicle for anywhere between 40 minutes and 1 hour 30minutes. This would allow time for users to visit, shop and enjoy facilities to make the most of their time. The gifting of the 50kW charging station, including the initial branding, by Synergy to the Shire removes the upfront financial cost to the Shire of purchasing a unit, and the annual service fees could be covered with income generated from the sale of electricity from the unit.

Kojonup currently only has one electric vehicle charging station, which is specifically for Tesla vehicles only. The addition of a charging station that can accommodate other models of vehicles would be in the interests of the Shire as electric vehicles become more commonplace going forward.

CONSULTATION

Stuart McLagan	Synergy Community and External Stakeholder Manager
Beau Fettes	Gemtek
Anthony Middleton	Manager of Corporate and Community Services
Craig McVee	Manager of Works and Services
Rick Mitchell-Collins	Chief Executive Officer

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The ongoing costs of running and maintaining the electric vehicle charging station are contained in the quote from Gemtek (attachment 11.1.2), with total annual fees of \$3,603.24 ex GST.

Based on the current Electrical supply pricing from Synergy, the Shire could expect a cost of \$0.25 per kWh. Chargefox promotional data indicates that the average charge per kWh is \$0.40, giving the Shire the ability to work towards covering the annual fees with the sale of electricity. To cover the annual fees, if the retail price was as suggested of \$0.40/ kWh, a total of 26,423kWh would need to be sold. Anything over and above this would be profit on the unit.

Depending on the car, it takes an average of 18kWh to travel 100km. Based on this average, a 400km trip to Albany from Perth, where Kojonup is ideally located in that journey, would require 72kWh. As such, it would take 367 equivalent trips, or approximately one per day, to cover annual costs.

As an initial promotional device, consideration should be given to making use of the charging station free for an initial period. An amount of \$4,000 has been included in the 2020/2021 annual budget for the implementation of this donation.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Asset Sustainability</i>	<i>Insufficient budget to maintain or replace assets</i>	<i>Routine maintenance schedule</i> <i>Asset replacement schedule</i>	<i>Nil</i>
<i>IT & Communications</i>	<i>Power outage on site or at service provider</i>	<i>Maintenance program</i>	<i>Negotiate service level agreement with vendor</i>
	<i>Failure of vendor</i>	<i>Service level agreement with vendor</i>	<i>Negotiate service level agreement with vendor</i>
<i>Supplier and Contract Management</i>	<i>Limited availability of suppliers</i>	<i>Tender / procurement process</i>	<i>Nil</i>
<i>Risk rating - Low</i>			
IMPLICATIONS			
<p><i>Insufficient budget to maintain or replace assets can be mitigated with the sale of electricity to cover the annual service fees and charges associated with the electric vehicle charging station.</i></p> <p><i>The attached Service Level Agreement specifies the requirements of both the Shire and the vendor in regards to maintenance.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

Nothing exists currently in the Asset Management Plan in regards to electric vehicle charging facilities. The unit will require annual servicing, as specified in the Service Level Agreement, and reporting through the Chargefox system and replacement at the end of its useful life.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

Ciara O'Regan, Manager of Springhaven, entered the meeting at 3.09pm

OFFICER RECOMMENDATION/COUNCIL DECISION

88/20 Moved Cr Radford, seconded Cr Fleay

“That:

- 1. The offer of a donated Tritium 50kW Veefill station from Synergy including installation of the unit, to a total value of \$30,000, be accepted;**
- 2. The Service Level Agreement and quote for Annual Fees from Gemtek be accepted;**
- 3. Use of the charging station for electric vehicles be free for the 2020/2021 financial year as a trial and a tool to promote Kojonup, following which pricing will be set at a commercial level.”**

CARRIED 7/0

UNCONFIRMED

11.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES 29 JUNE 2020

AUTHOR	Rob Cowie – Payroll & Emergency Services Officer
DATE	Friday 17 July 2020
FILE NO	ES.MET.1
ATTACHMENT(S)	11.2.1 - LEMC Minutes 29 June 2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP2 - 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 meeting held 29 June 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 recent Covid-19 Pandemic.

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 all staff, Councilors 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

OFFICER RECOMMENDATION/COUNCIL DECISION

89/20 Moved Cr Fleay, seconded Cr Pedler

“That the Local Emergency Management Committee Meeting Minutes 29 June 2020 be received.”

CARRIED 7/0

11.3 PROPOSED REPEAL LOCAL LAW 2020 (FENCING)

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 17 July 2020
FILE NO	LE.LCL.1
ATTACHMENT(S)	<p>11.3.1 - Fencing By-law gazetted 23 December 1971</p> <p>11.3.2 - Fencing By-law amendment gazetted 31 August 1990</p> <p>11.3.3 - Fencing By-law amendment gazetted 20 March 1990</p> <p>11.3.4 - Draft Repeal Local Law 2020</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.3 – Be providing for 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 report is for the Council to consider the proposing of a Repeal Local Law to repeal a Fencing By-Law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992.

BACKGROUND

On 18 February 2020 the Council adopted a Fencing Local Law 2020 which has since been gazetted and has come into effect.

COMMENT

The Council may recall that the Department of Local Government, Sport and Cultural Industries (Department) was investigating a number of anomalies on its register of local laws for the Shire of Kojonup. These included a Fencing By-law, gazetted on 23 December 1971 (and two subsequent amendments) that were listed as repealed. On querying the unusual date of the repeal, it was discovered that there was no record of this by-law being repealed.

Given Council has recently adopted (and had gazetted) a new (model) Fencing Local Law 2020, it is imperative that this older by-law be repealed. Repealing of a local law requires the same process as the making of a local law and, therefore, this report requests the endorsement of a proposed Repeal Local Law 2020. Once Council endorses a *proposed* local law, the public is invited to make submissions regarding same. Submissions (if any) are brought back to Council for consideration prior to Council adopting and publishing a local law in the Western Australian Government Gazette, in accordance with s. 3.12 (5) of the *Local Government Act 1995*.

CONSULTATION

Steven Elliott, Senior Legislation Officer – Department of Local Government, Sport and Cultural Industries

Lyn Fogg, Governance Advisor, Sector Support and Advice - Western Australian Local Government Association

STATUTORY REQUIREMENTS

The specific head of power for making Local Laws is the *Local Government Act 1995* (s. 3.5 specifically):

3.5. Legislative power of local governments

(1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

(3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*

A Council may determine (by absolute majority) whether or not it considers that a Local Law should be repealed or amended.

Sections 3.12 to 3.16 of the *Local Government Act 1995* set out the procedures for making, advertising, changing, commencing, publishing and reviewing local laws:

3.12. Procedure for making local laws

(1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

(2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

(2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

(3) *The local government is to —*

(a) *give local public notice stating that —*

(i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

(ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

(iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

(b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

(c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

[(3a) deleted]

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice –

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section –

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5; No. 16 of 2019 s. 8.]

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

[Section 3.14 amended: No. 1 of 1998 s. 9.]

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

(a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and

(b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

[Regulation 3 inserted: Gazette 31 Mar 2005 p. 1057; amended: Gazette 27 Sep 2011 p. 3846.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising costs are associated with the repeal of a local law (public notice and future Government Gazette) for which there is provision within the budget at Chart of Account code 1922 - Advertising.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>3. Failure to Fulfil Compliance Requirements (Statutory/Regulatory)</i>	<i>Inadequate compliance framework</i>	<i>Nil; however, governance calendar reminder system is in place</i>	<i>Nil</i>
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The Southern Link VROC Strategic Directions 2015-2020 identifies at Goal Four (Increase capacity through collaboration) the following strategy:

Strategy 1 – ‘Share systems and processes between member LGAs’.

The recent local law review was initiated by the Southern Link VROC.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

90/20 Moved Cr Wieringa, seconded Cr Singh

“That a Repeal Local Law 2020, as attached and having the following purpose and effect, be endorsed for proposal and advertised for public comment in accordance with s. 3.12 (3) of the *Local Government Act 1995*:

- **Purpose: to repeal outdated legislation (being the Shire of Kojonup’s Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992) identified during the Shire of Kojonup’s review of its local laws.**
- **Effect: the repeal of the Shire of Kojonup’s obsolete Fencing By-law gazetted on 23 December 1971 and its subsequent amendments gazetted on 31 August 1990 and 20 March 1992**

prior to it being brought back to Council for consideration of submissions or amendments, if any, and subsequent adoption.”

CARRIED 7/0

UNCONFIRMED

11.4 CONSIDERATION OF SUBMISSIONS ON TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 14 TO CHANGE THE CLASSIFICATION OF LOT 2 SPRING STREET, KOJONUP FROM RECREATION TO PUBLIC PURPOSES LOCAL SCHEME RESERVE CLASSIFICATION

AUTHOR	Phil Shephard – Town Planner
DATE	Monday, 13 July 2020
FILE NO	A21448
ATTACHMENT(S)	11.4.1 - Schedule of Submissions 11.4.2 - Copy of Submissions

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.2 Have enhanced our aged care and health provisions by progressing our connections with regional and state-wide groups.	2.2.1 Work with regional, state and national health providers to develop innovative health services. 2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 Establish formal networks between all health providers within Kojonup.

DECLARATION OF INTEREST

Nil.

SUMMARY

The draft scheme amendment has now been referred and advertised for public submissions as required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At the close of the submission period on 3 July 2020, a total of 4 submissions were received. The Council must now consider the submissions received and resolve to seek final approval from the WA Planning Commission/Minister for Planning for either:

- the amendment without modification; or
- the amendment requires modifications to address issues raised in the submissions; or
- not to support the amendment.

BACKGROUND

The Council at its 5 November 2019 meeting (Resolution 122/19) resolved as part of issuing development approval for the George Church Community Medical Centre to initiate the scheme amendment for Lot 2 Spring Street, Kojonup as follows:

“That the following actions be undertaken to assist The George Church Community Medical Centre Inc. group progress the development of their proposed medical centre:

2. *In accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015, initiate Town Planning Scheme No. 3 – Amendment No. 14 to remove Lot 2 Spring Street from the Recreation local scheme reserve and include it in the Public Purposes local scheme reserve to match Lot 3.*

The amendment is considered a standard amendment on the basis that it is:

- a) *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b) *an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment;*
- c) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
- d) *an amendment that is not a complex or basic amendment;”.*

COMMENT

The draft scheme amendment was referred to the Environmental Protection Authority (EPA) as required under section 81 of the *Planning and Development Act 2005*. The EPA advised (Submission 1) that the scheme amendment was not required to be formally assessed and it is not necessary to provide any advice or recommendations on the amendment proposal.

Following receipt of the EPA’s advice, notice of the amendment was advertised for public comment through the Great Southern Herald newspaper, Council website and Public Notice Board for a period of 46-days (42-day minimum required) as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment was referred to relevant government agencies (Western Power, Water Corporation, Department of Health and Department of Fire and Emergency Services) and to adjoining landowners (Clarke and Battistessa).

The submissions are summarised with an officer comment and recommendation for each submission. None of the submissions received require modifications to the draft scheme amendment.

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

1 Seek final approval without modifications

The Council can choose to support the amendment without modification. This option would be consistent with Council’s November 2019 decision and the comments received in the submissions.

2 Seek final approval with modifications

The Council can choose to support the amendment with modifications required to the draft amendment. This option would not be consistent with the comments received in the submissions.

3 Not seek final approval

The Council can choose to not support the amendment. This option would not be consistent with Council’s November 2019 decision or the comments received in the submissions.

CONSULTATION

The draft scheme amendment has been advertised as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 45-day submission period concluding on 3 July 2020 which included:

- Publishing the amendment notice in the Great Southern Herald.
- Displaying the amendment notice on the Public Notice Board at the Council Office.
- Making the amendment document and amendment notice available for public inspection during office hours at the Shire Office.
- Referring the amendment document and amendment notice to relevant government agencies and adjoining landowners likely to be affected by the amendment proposal with invite to comment on the proposal.
- Displaying the amendment notice and amendment document on the Council’s website.

STATUTORY REQUIREMENTS

The scheme amendment process must be undertaken in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The scheme amendment costs have been estimated at \$2,760.41 as shown in the attached Schedule 3 Form from the *Planning and Development Regulations 2009* that sets out the fees that can be charged by local governments for undertaking scheme amendments.

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
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<i>The consideration of amendments to the Town Planning Scheme No. 3, following the required regulatory process, ensures Council mitigates compliance risks.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

91/20 Moved Cr Wieringa, seconded Cr Singh

“That Council in accordance with Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Planning and Development Act 2005* resolves to:

- 1. Adopt the attached Schedule of Submissions and recommendation on each submission and to support Amendment No. 14 to the Shire of Kojonup Town Planning Scheme No. 3 without modification, and**
- 2. Absorb the scheme amendment costs that would have applied to the proponent as per the Shire of Kojonup Fees and Charges Register.”**

CARRIED 7/0

Mr Phil Shephard, Shire Planner, left the meeting at 3.18pm

11.5 HOUSING ASSISTANCE– GEORGE CHURCH COMMUNITY MEDICAL CENTRE INC.

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Wednesday, 22 July 2020
FILE NO	CP.ACD.7; PH.SVP.1
ATTACHMENT	11.5.1 – Vacant Freehold Shire Land

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups.	2.2.1 Work with regional, state and national health providers to develop innovative health services. 2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 Establish formal networks between all health service providers within Kojonup. 2.2.5 Advocate for the Department of Health to maintain the presence of existing health services and promote their availability throughout the region.

DECLARATION OF INTEREST

Nil

SUMMARY

To report on an email request dated 20 July 2020 following a presentation at the 14 July 2020 Briefing Session from representatives of the George Church Community Medical Centre Inc. (GCCMC) to include in the 2020/21 Annual Budget an allocation to sell a freehold title lot to the GCCMC for \$1, together with a \$250,000 cash contribution towards housing for a doctor to live in Kojonup.

BACKGROUND

Email request – 20 July 2020:

“The GCCMC Inc. Board request that the Council include in the budget for 2020-2021 an allocation to sell a parcel of land suitable for housing to the GCCMC Inc for \$1, and add a cash contribution of \$250,000 towards housing for a doctor to live in Kojonup.

The reason for this proposition is that the Council has not had to spend at least \$210,000 during the financial year just ended in its proposal to develop further the Katanning Road

surgery; in addition, the Medical Centre development at Spring Street has provided two new carparks at a cost of \$250,000 that at the insistence of the Shire Council must be open for the unrestricted use of the public.

Having that assurance of assistance for doctor housing from the Council in this community project will be of great assistance in furthering negotiations with prospective health professionals to staff and operate the Centre.

We ask that this request is granted in your decisions on Tuesday 21st July 2020.

Kind regards

Pam McGregor

Secretary – The GCCMC Inc.”

COMMENT

The GCCMC proposition regarding Council having left over funds from 34 Katanning Road is incorrect as there were never ever any decisions or formal budget allocations made regarding building options for 34 Katanning Road.

Council conducted a Public Forum at the Sports Complex on 3 December 2018 to present concept designs for increasing the building footprint at 34 Katanning Road. An agenda item listing the comments from the forum and design options was tabled at the 11 December 2018 Council meeting resulting in the following decisions:

146/18 Moved Cr Radford, seconded Cr Mathwin that Council seek clarification from the Office of the Attorney General that the George Church bequest comes under the “Charitable Trusts Act”, or not, with an answer to be provided to the next Ordinary Council meeting.

CARRIED 7/1

Reason: It was felt that there was still some ambiguity around the legal status of the bequest which needed formal clarification.

PROCEDURAL MOTION

147/18 Moved Cr Radford, seconded Cr Mathwin that this matter now ‘Lay on the Table.’

CARRIED 7/1

Upon the procedural motion being approved no further discussion is permitted on this matter.

The concept options for 34 Katanning Road have never been formally addressed by Council given the above two resolutions and a spirited campaign followed to form the GCCMC after discussions at a Briefing Session with Council on 5 February 2019. It was not until the Council Meeting on 23 July 2019 that Council formally resolved to allocate any funds:

Decision 64/19 Council agreed to sell Walker Block for \$1 to GCCMC and transfer George Church Fund of \$500,000 plus interest of \$55,787.21

Decision 73/19 in adopting the 2019/20 Budget, Council donate \$140,000 to the GCCMC.

The George Church Community Medical Centre Inc. - Business Plan states:

"The Objects of the entity are:

- 1) *To build a Medical Centre in Kojonup Western Australia.*
- 2) *To do all things necessary to manage and maintain the facility to ensure that medical services can be provided to the community into the future."*

The above objects also form the basis of incorporation.

There is no mention made within the Business Plan or in prior discussions with Council regarding the Management Model for the Medical Centre or tenancy arrangements that will be applied when seeking Expressions of Interest, noting that such discussions may be 'Commercial in Confidence.' The main focus of GCCMC was to build a Medical Centre in Kojonup as that is what the late Mr George Church bequest required and the GCCMC would make this a reality.

The GCCMC Business Plan also states:

"The actions required to achieve object 2) will be:

This will be the responsibility of the incorporated association "The George Church Community Medical Centre Inc" to advance. Once the association is registered, the office bearers and committee will immediately start work on the plan to fulfil Object 2) of the incorporated association."

The email request dated 20 July 2020 from the GCCMC is seeking assistance other than for the specific purpose of building a new Medical Centre.

The Shire of Kojonup does have vacant land which it could sell to GCCMC for a \$1 but this land is situated away from the health precinct. (Refer attachment 11.5.1)

GCCMC have not indicated what process has been undertaken with private landowners or real estate agents to ascertain what existing housing stock is available for purchase or rent for 5+ years other than commenting at the 14 July 2020 briefing session that presently there are no housing options or rental properties suitable and a new build would take 12 months. The GCCMC would have equity in the Medical Centre that may also be leveraged for financing via a loan to secure an existing dwelling. The issue being is what type of dwelling, unit, or lifestyle property will be negotiated by GCCMC with prospective tenants? Is housing to suit one professional or more on a rotational basis to cover a 5 day roster and what are the equity aspects in relation to the existing medical practices presently operating in Kojonup? These are matters for GCCMC to progress not the Shire in accordance with Objective 2 of the GCCMC incorporation rules.

CONSULTATION

Briefing Session – 14 July 2020

Council Workshop – Capital Evaluation Framework 21 July 2020

STATUTORY REQUIREMENTS

Local Government Act 1995

POLICY IMPLICATIONS

Capital Evaluation Framework – Capital Evaluation Policy

Objective:

To ensure that Capital Projects are evaluated against an appropriate framework so that Council attains best value for money to meet the community's needs while complying with all other relevant Council policies and procedures. The most appropriate mix of projects will then be selected for delivery within the available budget while maximising external funding.

Policy:

The Shire shall develop and implement a 'Capital Evaluation Framework' to evaluate all capital projects. The framework will be documented within 'Capital Evaluation Procedures' and include:

- A logical, consistent process to allow all projects to be comparatively evaluated and decisions made;
- Assessment of the degree each project meets council objectives;
- Assessment of risk relating to the consequences of inaction for each project;
- Assessment of the financial viability of each project, including the level of external funding;
- Assessment of the degree of positive impact implementation of each project will have to the community and organisation; and
- Assessment of the level of 'project readiness' for each project.

Workshop outcome held 21 July 2020:

The proposal before Council does not add any new building assets to its list but is seeking a parcel of land for \$1 and \$250,000 cash contribution for housing which does not accord with the Shire's Capital Evaluation Framework or 'SMART' Possibilities 2027+.

FINANCIAL IMPLICATIONS

The Shire of Kojonup has transferred 2 lots to the GCCMC for \$2 and contributed by way of cash \$140,000 towards headwork charges for the specific purpose of constructing a Medical Centre. GCCMC representatives at the 14 July 2020 briefing session advised that community donations presently total \$68,000. COVID-19 State directives to not increase Rates, Fees and Charges above 2019/20 levels, closure of facilities, additional costs to clean public toilets, sanitize public facilities, etc., has severe implications on future budgets and meeting community strategic plan deliverables.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Compliance	<i>Failure to fulfil Compliance Requirements (Statutory Regulatory); Ineffective policies & processes; Ineffective</i>	Councillor/Staff Training	Adhere to Legislative requirements and undertake governance reviews

Document Management Processes	<i>monitoring of changes to legislation</i> <i>Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation.</i>	All incoming documents/communications are captured and allocated Inadequate access and/or security levels Lack of awareness of the <i>State Records Act 2000</i>	Formalise Records Management to adhere with <i>State Records Act 2000</i>
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<p><i>The intent of the late Mr George Church was always the building of a Medical Centre. "I wish to see the bequest used on a new Medical Centre for Kojonup. I could not think of a better way of serving more people of Kojonup."</i></p> <p>The same intent on which the GCCMC was formed. The new request does not align with this original intent.</p>			

ASSET MANAGEMENT IMPLICATIONS

Resources/Policies must focus on the 'core' business of Council.

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

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

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

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

Consolidates the provision of Health/Medical services for the Albany Highway in the Upper Great Southern Zone. It is also noted that the Federal Government has provided \$500,000 for a new Medical Centre to be established in the old shire admin building at Katanning.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the Chief Executive Officers report and advise the George Church Community Medical Centre Inc., that:

1. The request for a cash contribution of \$250,000 or any amount for Housing is not supported as the Shire of Kojonup's intent and that of the late Mr George Church has always been the construction of a new Medical Centre; and
2. Council does have vacant land available as per the attached plan which it would consider transferring one lot to the George Church Community Medical Centre Inc. for \$1, however the issue is what type of dwelling, unit or lifestyle property will be negotiated with prospective tenants, noting that this is a matter specifically for the George Church Community Medical Centre Inc., to progress 'Commercial in Confidence' via the Expression of Interest process the Committee is undertaking not the Shire of Kojonup.

COUNCIL DECISION

92/20 Moved Cr Singh, seconded Cr Fleay

“That Council receives the Chief Executive Officers report and advise the George Church Community Medical Centre Inc., that:

- 1. The request for a cash contribution of \$250,000 or any amount for Housing is not supported as the Shire of Kojonup’s intent and that of the late Mr George Church has always been the construction of a new Medical Centre;**
- 2. Council does have vacant land available as per the attached plan which it would consider transferring one lot to the George Church Community Medical Centre Inc. for \$1, however the issue is what type of dwelling, unit or lifestyle property will be negotiated with prospective tenants, noting that this is a matter specifically for the George Church Community Medical Centre Inc., to progress ‘Commercial in Confidence’ via the Expression of Interest process the Committee is undertaking not the Shire of Kojonup; and**
- 3. If the lots referred in point 2. above are unsuitable, Council is willing to explore with the George Church Community Medical Centre Inc., other lots on Shire of Kojonup owned land that may become available as part of future residential subdivision.”**

CARRIED 7/0

Reason for change: The Council would like to keep options open with the GCCMC Inc., regarding lots that may become available as Council progresses residential subdivisions on land it owns in the future.

11.6 COMMUNITY EMERGENCY SERVICES MANAGER

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Wednesday 22 July 2020
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.6.1 –Correspondence from President Kojonup Bushfire Association 11.6.2 – Reserve Management Paper by Robert Sexton

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – 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. 2.3.3 – 1. Commence planning and undertake test of documented incident plans. 2. Review document as a result of test and in preparation for Council. 3. Investigate and document the procedure to divert Shire land line phones to mobile phones. 4. Prepare Emergency Kits as identified in the plan. 5. Investigate contractual requirements for radio failure and alternative contingency plans for methods of communications for works staff.

DECLARATION OF INTEREST

Nil

SUMMARY

To table correspondence from the President of the Kojonup Bushfire Association following a meeting of the Association on 20 July 2020, expressing concerns regarding the CEO appointment of a Community Emergency Services Manager (CESM).

BACKGROUND

The appointment of a CESM was made by the CEO under a Resource Sharing arrangement with the Shire's of Gnowangerup and Cranbrook which is also funded by the Department of Fire and Emergency Services (DFES) via a Memorandum of Understanding (MOU). (Refer attachment 11.6.1)

The two motions below were unanimously carried at the Volunteer Bushfire Association meeting held 20 July 2020:

1. "That the Bushfire Association and Brigade Officers cease any negotiations with the Shire Council over the appointment of the Community Emergency Services Manager until the elected council has either confirmed or withdrawn the appointment."
2. "That this meeting demands that the Shire Council rescinds the motion 73/20 (16/6/2020) appointing a Community Emergency Services Manager"

This report is in addition to the agenda item tabled at the Council Meeting held 16 June 2020.

Decision 73/20 Moved Cr Fleay seconded Cr Radford

"That Council:

1. ***Endorse the Chief Executive Officer's actions of entering into a joint resource sharing agreement with the Department of Fire and Emergency Services (DFES), Shire of Cranbrook and Shire of Gnowangerup for the appointment of a Community Emergency Services Manager (CESM) for an initial 5 year term with the option of an additional 3 year term on a 60% (DFES), 13.33% Cranbrook, 13.33% Gnowangerup and 13.33% Kojonup allocation as per the attached MOU Agreement, and***
2. ***Allocate the appropriate funds into the Annual Budgets under the cost code of Fire Prevention commencing 1 July 2020."***

COMMENT

A Joint Meeting conducted on 9 July 2020 attended by the following representatives:

Cranbrook:

Shire President – Cr P Horrocks,
CEO – Peter Northover,
Frankland Captain – Peter Etteridge,
Tunney Fire Captain – Graeme (Baz) Marshall

Gnowangerup:

CEO – Bob Jarvis
CBFCO -Darren Baum

Kojonup:

Shire President – Cr J Benn
Cr K Gale
CEO – Rick Mitchell-Collins
President Kojonup Volunteer Bushfire Association – Digby Stretch
CBFCO – Tony Fisher
Zulu 2 – Roger House
Zulu 3 - Ross Fryer-Smith

Zulu 4 – Myles Reid

DFES:

District Superintendent – Wayne Green

Officers – Murray Hatton and Wes Bailye

was specifically called to address Volunteer Bushfire members concerns that the CESM MOU arrangement was a way of DFES encroaching into Kojonup's volunteer bushfire brigade structure. DFES District Superintendent (Mr Green) categorically denied the claim stating that he, his team and even the DFES Commissioner are very aware of the past relationships and concerns volunteer members had with DFES and his presence at the meeting indicates DFES willingness to rebuild trust and relationships with volunteer members as they are integral in bushfire management which is a high risk hazard for WA.

Discussion included the prescriptive wording of the MOU as it implied that the CESM could enter any fire ground without direction from the CBFCO or CEO.

Mr Green stated that the CESM is there to provide additional support but only if directed following consultation between the CBFCO and CEO (which presently occurs) as the CESM is a resource to each respective CEO and in turn CBFCO and FCO's. DFES officers do have wide ranging powers given the vast nature of the Departments portfolio in emergency services, however until such time as a shire officially requests that the fire emergency is beyond their capability, only then will Incident Control be transferred. Mr Green also stressed that even when transfer occurs the best people to liaise with are the local volunteer brigades as they know their own patch.

Until such a request is made by the Shire President or CEO after consultation with the CBFCO all fire management as it presently occurs will continue which includes requests for water bombers or use of plant such as dozers that is not part of the Shire plant and equipment fleet. The general consensus of attendees was that Kojonup at least trial the arrangement for 12 months.

CEO COMMENT:

The CEO of each respective Shire is the direct report for the CESM as operational and workforce matters are the legal responsibility of the CEO under the *Local Government Act 1995*. The CESM will become a Shire resource and therefore will not undermine the present volunteer bushfire structure as it will be 'Business as Usual' for the Volunteer Bushfire Brigades and Zulu's unless a specific request for this resource is received from the CBFCO to the CEO.

In respect to Kojonup, the emergency service resource enhances the CEO and Council's ability to undertake other responsibilities totally removed from the primary functions undertaken by Volunteer Bushfire Members in attending fires. The CESM forms part of Shire resources reporting directly to the CEO just as Managers for Works & Services, Regulatory Services and Corporate & Community Services do to ensure a coordinated allocation of Council resources when requested by Zulu's.

The main objectives of the MOU Agreement are to **establish and agree upon specific responsibilities with respect to the delivery of emergency services within the Shires.**

Council officers met with the CEO last week to establish specific responsibilities with respect to the delivery of emergency services within the Shire of Kojonup as indicated in the MOU.

Once completed the Position Description and Key Performance Indicators will be presented to the Bushfire Advisory Committee prior to being tabled to Council clearly outlining the reporting requirements and tasks to be undertaken further demonstrating that Volunteer Bushfire Members structure is not compromised.

The CEO as presently occurs is the only person authorised to approve overtime for Council employees and this will be the case for the CESM as part of fatigue/risk management/OSH requirements.

The Shire of Kojonup has relied on the CEO, Manager Regulatory Services, Ranger, Payroll/Emergency Management Officer and Zulu's to coordinate Bush Fire Emergency Management, however other competing demands particularly COVID-19 and declaration of a State of Emergency have not progressed other Emergency planning. The CESM resource will assist and mentor the Payroll/Emergency Management Officer to focus on broader emergency management such as the Local Emergency Management Committee, Local Disaster and Recovery Planning, Incident Management training, reviewing and testing Local Emergency Management Arrangements other than fire. For example Chemical incidents, Road Trauma, COVID-19, Chlorine Gas incidents, Reserve Management Plans, Fire Management Plans for Myrtle Benn, Farrar Reserve, Showground area, DWER Licence requirements for Fire Management Plans for Kojonup Transfer Station, Landfill and Tourist Railway line, review of Operations Centre, Fire Map review and Communications including new tower. The general consensus was that Kojonup trial the arrangement for 12 months

CONSULTATION

CEO VROC meeting 29 May 2020

Council Briefing Session 2 June 2020

Council Meeting 16 June 2020

Meeting with Zulu's and President Kojonup Bushfire Association 24 June 2020

Joint Meeting – Cranbrook, Gnowangerup, Kojonup and DFES consisting of Shire Presidents or BFAC Elected member representatives, CEO's, CBFCO, Zulu's, Captains, FCO's and DFES District Superintendent – Wayne Green, Officers Murray Hatton and Wes Bailye – 9 July 2020.

STATUTORY REQUIREMENTS

Bush Fires Act 1954

Emergency Management Act 2005.

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan will need to reflect the CESM Agreement and position objectives.

FINANCIAL IMPLICATIONS

Hon Francis Logan BA (Hons) MLA, Minister for Emergency Services; Corrective Services recent press release:

“Twenty-one local governments across Western Australia have been granted a total of \$6.05 million in State Government assistance to help reduce bushfire risks in their communities. Under the first round of the 2020-21 Mitigation Activity Fund (MAF) Grants Program, 612 mitigation activities will be carried out on Crown lands that are managed by local government and deemed to be at high risk of bushfire.

These mitigation activities will occur in areas from the Great Southern to the Goldfields-Midlands and metropolitan Perth.

They will include mechanical treatments to reduce fuel levels, the creation of firebreaks and planned burns.

Applications for the next round of the MAF Grants Program are expected to open next month for all local governments with a Department of Fire and Emergency Services-endorsed Bushfire Risk Management Plan.

For more information on future MAF Grant Program rounds and how to prepare a Bushfire Risk Management Plan, local governments should visit <https://www.dfes.wa.gov.au>”

The lack of Bushfire Risk Management Plans as identified by Mr R Sexton in 2016, has meant that the Shire of Kojonup has not accessed Mitigation Activity Funding. A situation the CEO wishes to address via the CESM.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Business & Community Disruption</i>	<i>Cyclone, storm, fire, earthquake</i>	<i>Current LEMA & Recovery Plans Local Emergency Management Committee Regular LEMC, DEMC meetings Business Continuity Framework (Policy, Procedures & Plans) Community fire and emergency education Current internal Emergency Management Plan Emergency resources and support budget Fire break/fuel load inspections and enforcement Fully trained fire Wardens Emergency Generator I.T. Disaster Recovery Plan</i>	<i>Assign ownership of responsibilities from within LEMA Plan and test Plan - 2020/21 budget Draft Bushfire Risk Management Plan – progressing Evacuation plans for Shire public buildings - following up with RRC, LGIS</i>

		<p><i>Infrastructure and buildings inspections - annual</i></p> <p><i>Maintain regular communications with agencies and support services</i></p> <p><i>Regular debriefing and reviewing of incidents</i></p> <p><i>Risk register (BRMP) Bushfire Risk Management Plan</i></p>	
<i>Risk rating Moderate</i>			
IMPLICATIONS			
<p>Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities. This could be a natural disaster, weather event, or an act carried out by an external party (e.g. sabotage/terrorism).</p> <p>This includes.</p> <ul style="list-style-type: none"> -Lack of (or inadequate) emergency response/business continuity plans. -Lack of training for specific individuals or availability of appropriate emergency response. -Failure in command and control functions as a result of incorrect initial assessment or untimely awareness of incident. -Inadequacies in environmental awareness and monitoring of fuel loads, curing rates etc. <p>This does not include disruptions due to IT Systems or infrastructure related failures.</p>			

ASSET MANAGEMENT IMPLICATIONS

The Shire of Cranbrook is the employment authority and services to Gnowangerup and Kojonup will be captured in a Resource Sharing agreement as has occurred with other personnel placements such as Building Surveyors and Environmental Health Officers.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

All members of the VROC will finally participate in the DFES funding program and have a dedicated CESM serving their respective shires under resource sharing arrangements and direct report to the CEO's.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

Moved Cr Fleay

That Council:

1. Notes the concerns raised by the Kojonup Bushfire Association and apologises for the lack of communication regarding the DFES funding and appointment of a Community Emergency Services Manager for the Shires of Cranbrook, Gnowangerup and Kojonup;
2. Re-affirms the CEO's appointment of the CESM as the position directly reports to the CEO;
3. Notes the CBFCO and Zulu's can liaise directly with the CEO should CESM assistance be required on the fire ground; and
4. Invite the DFES Commissioner to attend a meeting of the Kojonup Volunteer Bush Fire Association to address concerns regarding DFES relationship with Volunteer Brigades.

The motion lapsed for want of a seconder.

COUNCIL DECISION

93/20 Moved Cr Fleay, seconded Cr Gale

"That Council:

1. Notes the concerns raised by the Kojonup Bushfire Association and apologises for the lack of communication regarding the DFES funding and appointment of a Community Emergency Services Manager for the Shires of Cranbrook, Gnowangerup and Kojonup;
2. Re-affirms the CEO's appointment of the CESM as the position directly reports to the CEO;
3. Notes the CBFCO and Zulu's can liaise directly with the CEO should CESM assistance be required on the fire ground;
4. Invite the DFES Commissioner to attend a meeting of the Kojonup Volunteer Bush Fire Association to address concerns regarding DFES relationship with Volunteer Brigades;
5. The position description of the CESM be tabled at the next Bushfire Advisory Committee meeting to clearly identify the roles and functions required by the CEO and allay concerns raised by the Volunteer Bushfire Association; and
6. The Key Performance Indicators of the CESM be reviewed after 12 months."

CARRIED 7/0

Reason for Change: The Council wishes to ensure the roles and functions to be undertaken by the CESM under the direct report of the CEO allay the concerns raised by the Volunteer Bushfire Association that the Shire of Kojonup's Bushfire structure will be compromised by the position.

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

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

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 21 July 2020
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – June 2020 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 June 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 June 2020 represents twelve (12) months, or 100% of the year.

It is important to note that these financial statements do not represent an end of year audited financial position of the Shire of Kojonup. There remain some balance day adjustments, accrual provisions and other transactions to be completed which may amend the net financial position shown in these statements. The final 2019/2020 figures will be shown in the Annual Report for the Shire.

The following items are worthy of noting:

- Closing surplus position of \$225,751;

- Operating results:
 - 95% of budgeted operating revenue has been received; and
 - 108% of budgeted operating expenditure spent;
- Capital expenditure achieved 84% of budgeted projects;
- The value of outstanding rates equates to 6.1% of 2019/2020 rates raised;
- Cash holdings of \$4.27m of which \$3.49m is held in cash backed reserve accounts and \$702,000 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.

During the month of May, a pre-payment of the 2020/2021 Financial Assistance Grant \$832,170 was received. This payment has boosted the surplus position, somewhat artificially, hiding some concerns in the financial statements. The main concern is the expenditure of 108% of the budgeted operating expenditure spent. This over-expenditure can be summarised as follows:

1. Depreciation is 10%, or \$296,000, over year-to-date budget estimates. Depreciation is a non-cash expense and has no impact on the year end surplus or deficit;
2. Under-allocation of overheads - *Plant Operating Costs* overheads are under-allocated by \$85,000 due to under reporting of plant used on timesheets. *Public Works* overheads are \$90,000 under-allocated due to the over expenditure in this sub-program. Both of these under-allocations result in an under reporting of works maintenance and construction accounts;
3. Kojonup Park & the Sporting Complex are a combined \$90,000 over budget; and
4. Springhaven Lodge Operating Loss – The net result for Springhaven Lodge operations, excluding capital grants, is as follows:
 - a. Budgeted Net Loss at 30 June 2020 (\$205,468)
 - b. Actual Net Loss at 30 June 2020 (\$463,324)

This net loss at Springhaven Lodge is \$257,856 more than budget estimates.

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/COUNCIL DECISION

94/20 Moved Cr Radford, seconded Cr Singh

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

CARRIED 7/0

UNCONFIRMED

12.2 MONTHLY PAYMENTS LISTING JUNE 2020

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Monday 20 July 2020
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/06/2020 to 30/06/2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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

To receive the list of payments covering the month of June 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/COUNCIL DECISION

95/20 Moved Cr Singh, seconded Cr Radford

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

FROM – 1 June 2020		TO – 30 June 2020
Municipal Cheques	14243 - 14247	\$17,499.32
EFTs	26129 - 26302	\$1,509,342.36
Direct Debits		\$405,737.60
Journals		\$394,282.02
Total		\$2,326,861.30

be received.”

CARRIED 7/0

12.3 FINANCIAL MANAGEMENT - NATURAL RESOURCE MANAGEMENT FUNDING ARRANGEMENTS

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Friday, 24 July 2020
FILE NO	FM.FNR.2
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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.	1.2.16 to 1.2.18 (Various NRM initiatives at Myrtle Benn Reserve)
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

The purpose of this report is to consider funding option for the ongoing sustainability of the Shire’s Natural Resource Management (NRM) business unit.

BACKGROUND

The Shire’s NRM efforts have been ongoing since 2015/2016 whereby funds previously held by Land Care Management Committees (\$128,652) were obtained and placed into the Shire’s Natural Resource Management reserve account.

Since this time, the NRM Advisory Committee and Shire staff have been successful in obtaining grant funds to leverage this initial funding source. Unfortunately, grant funding will not cover all expenses and the reserve account balance is currently \$93,579.

To ensure that the Shire’s NRM efforts are sustainable into the future, alternative funding sources should be obtained.

COMMENT

This issue was workshopped with elected members as part of the 2020/2021 draft budget preparations. Consensus within these sessions were that discount given on property rates of 2.5% be removed and that these funds be transferred to the NRM reserve account. The 2020/2021 draft budget has been prepared on this basis.

This proposed change represents \$60,000 in 2020/2021 and will enable Council and the NRM Committee to expand its scope, goals and objectives.

Property rate discount given for the past four (4) financial years has been analysed and, on average, 1.4% of total rates raised is given in discount. To implement this decision, it is recommended that this be added to Council Policy to ensure that the proposal is formalised and NRM funding levels are maintained into the future. Council Policy 2.1.8 (Financial Governance) already details operating guidelines or funding goals of eight (8) existing reserve accounts and this issue can easily be added.

As such, it is recommended that Council Policy 2.1.8 (Financial Governance) be amended by adding the following immediately before the heading "Borrowing":

- "Natural Resource Management – In lieu of offering a discount on the early payment of property rates, 1.4% of total rates raised each year will be transferred to the Natural Resource Management reserve account for the achievement of the purpose that this reserve is established."

CONSULTATION

Council briefing session 16 June 2020 and 21 July 2020.
Chief Executive Officer.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item seeks to address the long term sustainability of expenditure on Natural Resource Management within the Shire by setting aside a pre-determined amount of money each year.

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/COUNCIL DECISION

96/20 Moved Cr Fleay, seconded Cr Radford

“That Council Policy 2.1.8 (Financial Governance) be amended by adding the following immediately before the heading “Borrowing”:

- **“Natural Resource Management – In lieu of offering a discount on the early payment of property rates, 1.4% of total rates raised each year will be transferred to the Natural Resource Management reserve account for the achievement of the purpose that this reserve is established.”**

CARRIED 7/0

UNCONFIRMED

12.4 BUDGET ADOPTION – 2020/2021 FEES & CHARGES

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Thursday, 16 July 2020
FILE NO	FM.FEE.1
ATTACHMENT(S)	12.4.1 – Draft 2020/2021 List of Fees & Charges

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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

The purpose of this report is to adopt the list of fees and charges for the 2020/2021 financial year.

BACKGROUND

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

The draft list of fees and charges has undergone a review from all staff, the Audit Committee and the 19 May 2020 Council Meeting.

COMMENT

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

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.

CONSULTATION

All staff have been given the opportunity to provide input. A review has also been conducted by the Audit Committee and the 19 May 2020 Council Meeting.

STATUTORY REQUIREMENTS

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

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

- *Dog Act 1976*
- *Health (Miscellaneous Provisions) Act 1911*
- *Cemeteries Act 1986*
- *Waste Avoidance and Resources Recovery Act 2007*
- *Building Act 2011*

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

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

The State government has requested a freezing of all fees and charges for the 2020/2021 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. As \$1.4m is raised by fees and charges each year, the loss of a CPI increase represents approximately \$35,000 in lost revenue.

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 and renewal as costs are continually increasing. 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 thorough and complete list of fees and charges assists with legislative compliance and ensures the generation of adequate revenue.

ASSET MANAGEMENT IMPLICATIONS

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

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

97/20 Moved Cr Wieringa, seconded Cr Gale

"That the 2020/2021 List of Fees and Charges, as attached, be adopted."

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.5 BUDGET ADOPTION – 2020/2021 PROPERTY RATES

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Thursday, 16 July 2020
FILE NO	FM.BUD.2
ATTACHMENT(S)	Nil.

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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

The purpose of this report is to set the property rates and associated conditions for the 2020/2021 financial year.

BACKGROUND

Property rates are the primary income source for local governments in WA. This agenda item sets the rating levels and associated parameters based on the *Local Government Act 1995* (‘the Act’) and the Shire’s previous procedures.

There are two changes recommended to the way in which the Shire raises its property rates for 2020/2021, which are:

- COVID-19 related changes imposed by the State Government (reduction in penalty interest rate) or adopted at the 19 May 2020 Council Meeting (Financial Hardship Policy); and
- The removal of the 2.5% early payment discount to fund natural resource management initiatives (see item 12.3 in this agenda).

At its meeting held 19 May 2020, the Council resolved as follows:

‘That Council adopt 2.1.12 Covid-19 Financial Hardship Policy as presented’.

COMMENT

Level of Rates/Calculation

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

- General – based on valuation type;

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

The Shire of Kojonup rates are based on the first dot point, general rates, and a rate in the dollar is set for both valuation types. In the 2019/2020 financial year, 23% of rates raised were from properties on a gross rental valuation (GRV) (predominately within the townsite), and 77% unimproved valuation (UV)(rural).

There is no proposed rate increase in the 2020/2021 draft budget as a result of COVID-19 recovery efforts. As a reference point, 1.0%, of rates represents an additional \$40,377 of revenue which is minimal when comparing the additional cost of doing business and therefore management have worked hard to find additional operating efficiencies elsewhere to balance the budget. For example:

- Springhaven Lodge operating loss has increased by \$259,123;
- Road Maintenance expenses have increased by \$18,688; and
- Enterprise Bargaining Agreement mandatory wage increase totaled \$51,000.

The above three examples alone represent a rate increase of 8.14% which will compound year on year.

All unimproved values (UV) have been revalued by the Valuer Generals Office in accordance with relevant statutory legislation and have increased approximately 7% in total. As always, individual UV properties are likely to receive a greater variance (both increased and decreased) than the 7% average, creating unavoidable inequities between properties. For example, the South-West of the Shire UV's have increased by approximately 20%. Unfortunately, this is beyond the Shire's control and anyone in this situation is encouraged to contact the Valuer General's Office by Shire staff.

It is proposed that the minimum rate of \$720 from last year remain at \$720 to assist COVID-19 recovery efforts.

Discount

Section 6.12 (1)(a) of the Act permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. The Council has historically offered a discount of 2.5% on property rates paid within 14 days from the date of issue of the rate notice. Following Council briefing session discussion's held on 16 June 2020, it is proposed to remove the early payment discount to fund natural resource management initiatives (see item 12.3 in this agenda).

Instalments

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

1. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice (this option defined by legislation); or
2. To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or
3. To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

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

Interest on Instalments

It is recommended that the maximum allowable interest rate of 5.5% per annum be applied to instalment payments, unless deemed to be suffering financial hardship in accordance with Council Policy 2.1.12. Again, this is consistent with the previous year's charges and statutory requirements with the exception of the newly adopted Financial Hardship Policy 2.1.12.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 8% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. This charge has been reduced from 11% in previous years due to changes to legislation reducing the maximum rate from 11% to 8%.

CONSULTATION

Setting the rating levels for 2020/2021 has been discussed at Council briefing sessions and senior management team meetings. All other rating parameters are as per previous years except where indicated above.

STATUTORY REQUIREMENTS

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

Clause 7-14 of the *Local Government (COVID-19 Response) Ministerial Order 2020* has modified sections 6.2, 6.13, 6.33, 6.34, 6.35, 6.36, 6.45 and 6.51 of the Act which relate to adopting the budget and/or setting rates.

POLICY IMPLICATIONS

Policy 2.1.12 Financial Hardship relates to the setting of instalment interest and was adopted as a result of the Shire’s COVID-19 recovery efforts.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget and in accordance with the goals set in *SMART Implementation* and the adopted Long Term Financial Plan of the Shire, albeit with a heavy emphasis placed COVID-19 recovery limiting revenue options.

RISK MANAGEMENT IMPLICATIONS

A control measure to raise rate revenue to offset budget expenditure as listed in the 2020/2021 budget, whilst ensuring compliance with applicable legislation.

ASSET MANAGEMENT IMPLICATIONS

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

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

UNCONFIRMED

OFFICER RECOMMENDATION/COUNCIL DECISION

98/20 Moved Cr Radford seconded Cr Fleay

“That:

- 1. The following rate levels be adopted for the 2020/2021 financial year:**
 - a) For all rateable properties where Gross Rental Valuations are applied a rate of 12.6476 cents in the dollar with a Minimum Rate of \$720 is to apply.**
 - b) For all rateable properties where Unimproved Valuations are applied, a rate of 0.8410 cents in the dollar with a Minimum Rate of \$720 is to apply.**
- 2. Where payments are received after the due date, penalty interest at a rate of eight percent (8%) per annum, to be calculated on a daily basis will be imposed on all outstanding rates and service charges. Pensioners who are registered in accordance with the *Rates Rebates and Deferments Act 1993* are to be exempt from this provision.**
- 3. The following rate instalment payment options be offered:**

Option 1 Payment in full
Total amount of rates and charges included on the rate notice to be paid in full by 3 September 2020.

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

First Instalment	3 September 2020
Second Instalment	8 January 2021

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

First Instalment	3 September 2020
Second Instalment	4 November 2020
Third Instalment	8 January 2021
Fourth Instalment	12 March 2021

- 4. Where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply. Interest on instalments shall be 5.5% p.a. calculated daily from the date the first installment is due until the date each subsequent installment is due, in accordance with the *Local Government Act 1995*. In accordance with clause 13 of the *Local Government (COVID-19 Response) Ministerial Order 2020* this administration charge and instalment interest cannot be applied to an excluded person that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy 2.1.12, Financial Hardship.**
- 5. Given the charitable nature of The George Church Community Medical Centre, the 2019/2020 property rates for Lot 3 Spring Street, Kojonup of \$720 be written off. This write off to be expensed to account 3364 ('Other Health' Operating Expenditure)."**

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.6 BUDGET ADOPTION – 2020/2021 ANNUAL BUDGET

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Friday, 24 July 2020
FILE NO	FM.BUD.2
ATTACHMENT(S)	12.6.1 – Draft 2020/2021 Annual Budget

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider adopting the 2020/2021 Annual Budget, with or without modification.

BACKGROUND

The *Local Government Act 1995*, requires each Local Government to prepare a budget each financial year. The form, manner and content of the budget are prescribed in the Act and the *Local Government (Financial Management) Regulations 1996*. The Council must adopt its budget by an Absolute Majority no later than 31 August in the budget year unless the Minister for Local Government has granted an extension.

The Council and its staff has been working on the components of the 2020/2021 Annual Budget since March, including the consideration of the plant replacement program, road construction program, fees and charges and property rating details. The Council briefing sessions have enabled a detailed analysis of the draft budget by staff and elected members.

The previous items in this agenda have dealt with the major items in the budget and have been adopted individually to simplify the requirements of the *Local Government Act 1995*. These included the List of Fees & Charges and Property Rates.

COMMENT

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

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

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

There was a clear direction and then **COVID-19 changed the world in an instant** resulting in State and National Emergency Measures including state border and regional lockdowns, self-isolation, business/public facility/ buildings/park, etc., closures, job losses, working from home and Zoom meetings becoming the norm not the exception, panic buying, extensive sanitation of facilities, social distancing, wearing of masks becoming compulsory in Victoria, and the real threat of a second wave in Australia not just the Eastern States.

Precautionary measures have and will affect our daily way of life as will the pressure on economic viability and social cohesion. ‘Business as Usual’ no longer applies and the national debt burden will be with us for at least the next 3 decades on present estimates by the Federal Treasurer.

The State Government required Local Government to freeze Rates, Fees and Charges to 2019/20 levels, offer assistance to clubs, etc., who could not conduct sporting or other events or keep facilities open, bring forward capital projects by increasing borrowings or using reserve funds in addition to Job Keeper, Job Seeker and other assistance packages being made available from the State and Federal Government. Small Rural Shires do not have the monetary flexibility of our metropolitan or regional counterparts who in some instances have made decisions to operate only 4 days per week.

COVID-19 will have short, medium and long term consequences and with it changes that will not necessarily be for the better. Community members still need to pay mortgages, service debt and provide for their families necessitating the extension of Job Keeper and Job Seeker albeit at reduced levels over the next 6 - 9 months. The Shire of Kojonup is still required to operate a 22 Bed Aged Care Facility, 365 days 24/7, undertake maintenance on road and other infrastructure, ensure licencing and operating regulations are met for essential services.

So, what does the 2020/21 Budget consist of in these unprecedented and uncertain times? The main features of the draft budget include:

- The second largest capital works programme ever budgeted by the Shire, totalling \$8.7m (largest on record was last years \$9.3m due to the Great Southern Housing Initiative). This expenditure is heavily focussed on infrastructure renewal, highlighting the Council’s focus of looking after its assets;
- \$3.59m is being invested into Sporting, Recreation and Cultural assets such as reconstruction of the four netball courts, including a new roof over two courts, new oval lighting, new playground and outdoor gym at the Sporting Complex, new Kojonup Park car park, Memorial Hall repairs and new public toilets at Harrison Place;

- \$2.07m road construction program, an increase from \$1.52m last year;
- The budget has been prepared in the shadows of the impact of the COVID-19 pandemic, specifically;
 - No property rate increases;
 - No increases to other fees and charges;
 - Loss of expected revenue to facility entry (e.g. The Kodja Place) of \$57,000; and
 - A continual increase in costs of doing business.
- Fees and charges have been reviewed by the Audit Committee and Council and are itemised in the draft budget – No changes have been made, although new charges have been added for new houses;
- An estimated surplus of \$225,785 is anticipated to be brought forward from 30 June 2020, however this is not audited and may change. Any change will be addressed as part of a future budget review.

Reserve Accounts

Reserve accounts are utilised to set aside funds for use in a future financial year. This year's budgeted movement in reserve accounts sees a decrease in reserves of \$350,000 as follows:

- Opening balance (1 July 2020) - \$3.49m
- Closing budgeted balance (30 June 2021) - \$3.13m

The figures above include \$2.08m of cash-backed bonds paid by residents of Springhaven Lodge. As such, 30 June 2021 reserve accounts available for future Shire projects and statutory obligations only totals \$1.05m.

Loans

The Council are currently taking advantage of exceptionally low interest rates by utilising loan funds as a financing tool. The outstanding loan balance at 30 June 2020 is \$2.88m and this budget includes the raising of new loans of \$2.05m as follows:

- Netball Court Reconstruction & Roof - \$1.595m;
- Oval Lighting - \$255,000; and
- Land Development - \$200,000.

Following the raising of these new loans, it is budgeted that the loan balance outstanding as at 30 June 2021 will be \$4,713,417. Further information on these loans can be seen at Note 6 of this budget.

So what is in the Budget?

Governance:

ICT Plan / Implementation - \$20,000

Office Building:

- Improve disabled access - \$20,000
- Improve Library access to toilets - \$13,000

Law, Order & Public Safety:

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

Housing:

Great Southern Housing Initiative (finalisations) – \$963,000

Bagg Street Units Fencing - \$12,000

Springhaven - WiFi, Furniture and Minor Building - \$35,000

Springhaven - Finalise Grant items - \$65,782

Springhaven - Rear Car Park - \$63,275

Jean Sullivan/Loton Close Building Renewal – \$23,100

Community Amenities:

Historical Buildings – Repairs to Barracks - \$33,000

Refuse Site - \$50,000

Town Furniture - \$59,604

Natural Resource Management Operations – fully funded from Reserves

Recreation & Culture:

Memorial Hall Repairs - \$137,500

Demolish existing and build new Public Toilets at Harrison Place - \$250,000

Reconstruction of four netball courts, including a roof over two courts - \$1.93m

New Oval Lighting - \$387,000

New Playground and Outdoor Gym at Sporting Complex - \$444,540

New Kojonup Park Car Park and drainage improvements - \$355,000

Swimming Pool - Toddler Shade Extension - \$38,000

Swimming Pool – New Eastern Fence - \$30,000

Trails Development - \$20,000 (One third contribution to regional grant for \$60,000 Kojonup trails development)

Commence planning 'Youth Precinct' - \$20,000

Transport:

Plant (as per 12 year plan)

- Net Cost \$550,000 – 12 year average
- Gross \$676,000 / Trade-In \$128,080 / Reserve Transfer \$2,080)

Signage Upgrades - \$10,000

Footpaths - \$30,000

Kerbing - \$63,000

Drainage & Floodways - \$90,000

Road Construction (As per 10 year Program)

- Kojonup-Frankland Rd - \$252,000
- Kojonup-Darken Rd - \$307,000
- Benn Parade - 320,000
- Shamrock Rd - \$300,000
- Boscabel Chittinup Rd - \$100,000
- Bitumen Reseal – Kojonup-Frankland Rd - \$90,000
- Newstead Rd - \$70,000
- Broomehill-Kojonup Rd - \$112,000

- Mather Rd - \$120,000
- Hillier Rd - \$300,000

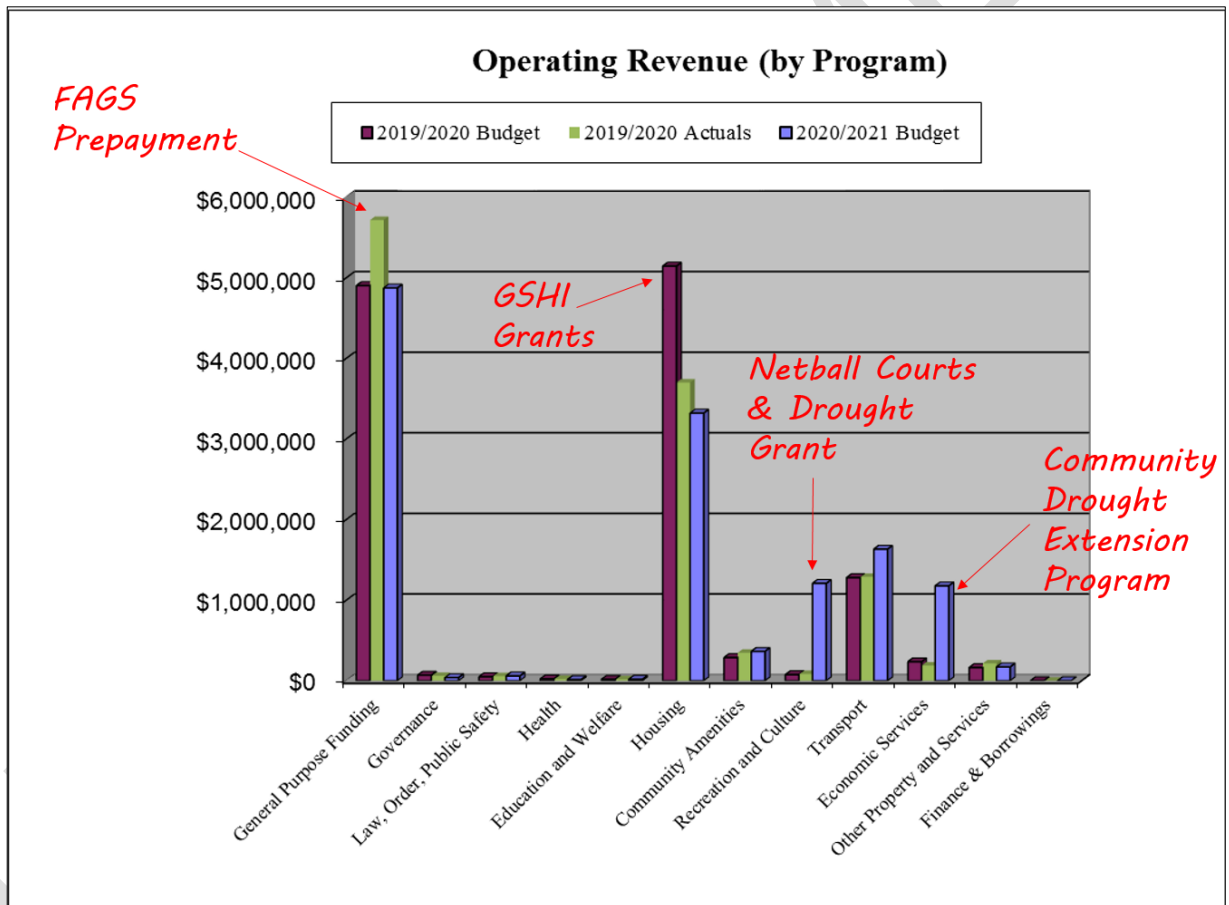
Economic Services:

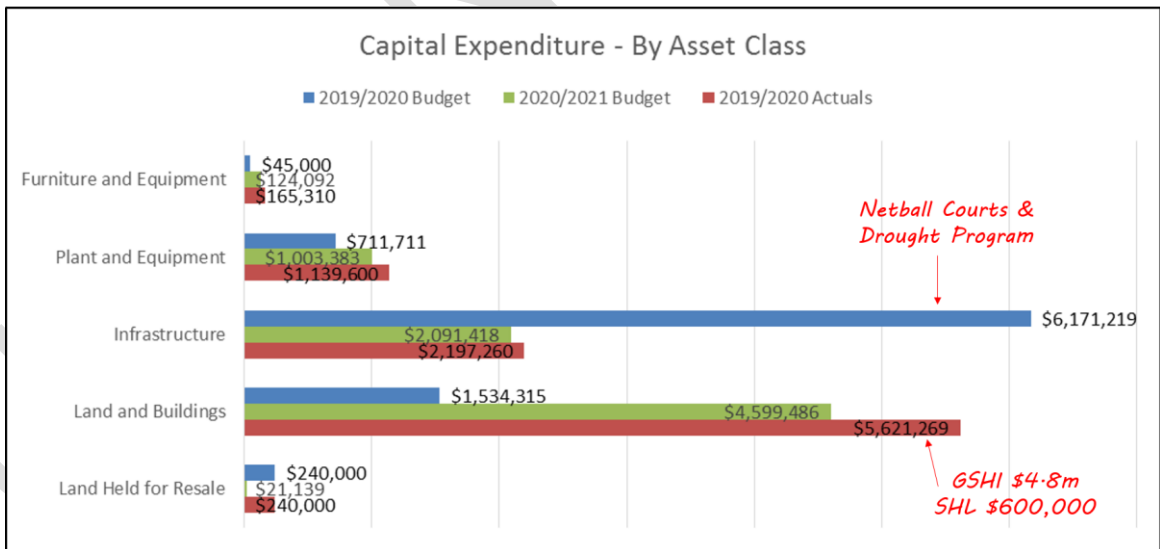
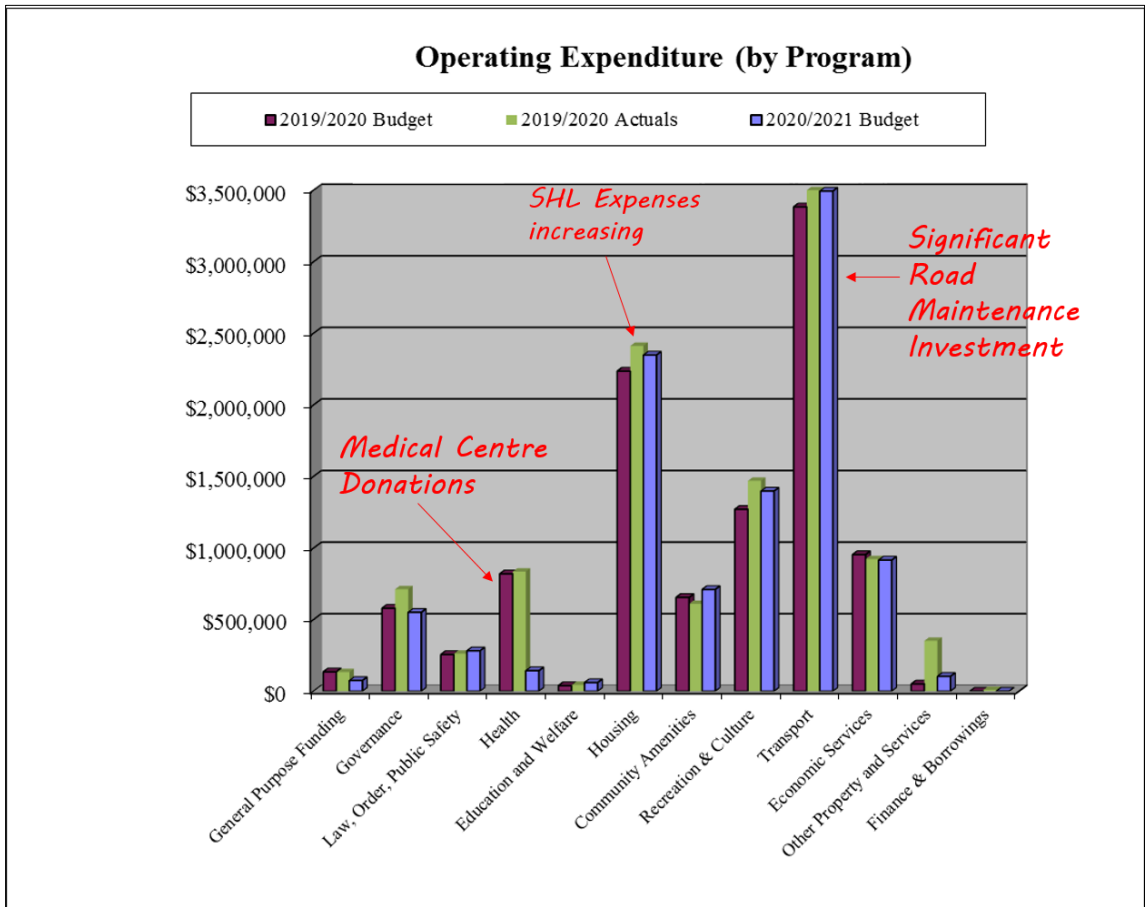
Water Harvesting & Re-use projects (new Dam Blackwood Rd, Quin Quin Reserve, Pipeline, etc. - \$495,000
 Saleyards - \$50,000
 Sub-division Katanning Road and Industrial Area - \$240,000

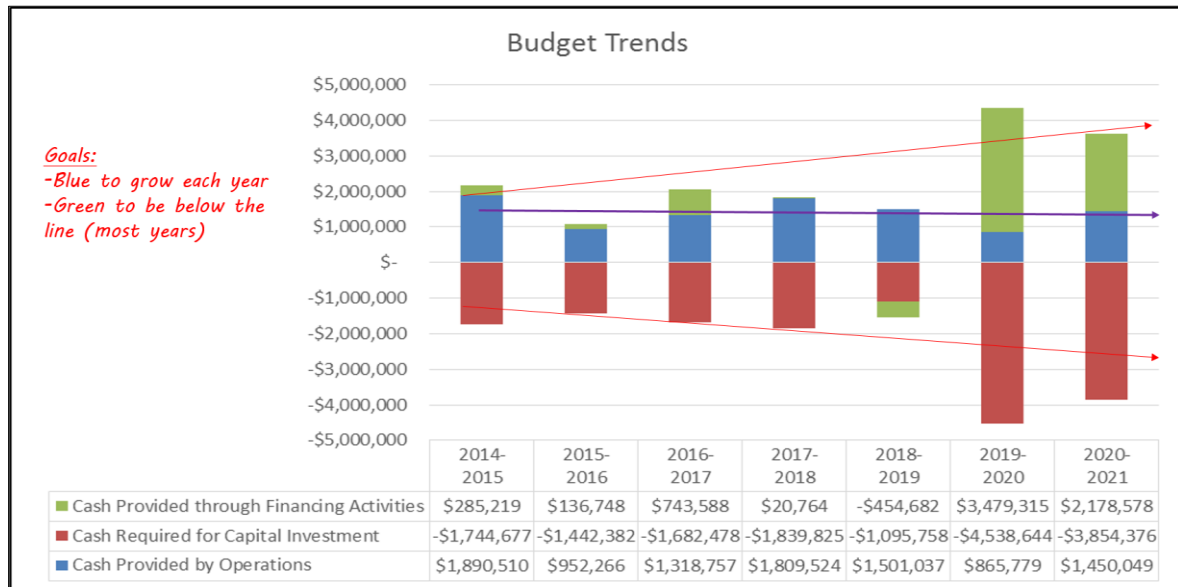
Other Property & Services:

Depot Solar Power - \$35,711
 Relocate Stockpile area - \$50,000

Budget & Financial Summary







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

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

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

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

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

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

I commend this budget to Council for adoption for the 2020/21 Financial Year despite the disruptions and uncertainties of COVID-19 now and in the future.

Rick Mitchell-Collins
Chief Executive Officer

CONSULTATION

All staff have had input into the components of the budget. The Council has been consulted during three (3) budget workshops to assess the priorities of proposed capital works, plant replacement, abnormal operating items, reserve transfers and property rate parameters. The Audit Committee have had input into the fees and charges.

STATUTORY REQUIREMENTS

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

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

The annual budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;
- b) detailed information relating to the rates and service charges which will apply to land within the district including:
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and such other matters as are prescribed.

This year additional legislation has affected the budget preparation, being the *Local Government (COVID-19 Response) Ministerial Order 2020*.

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

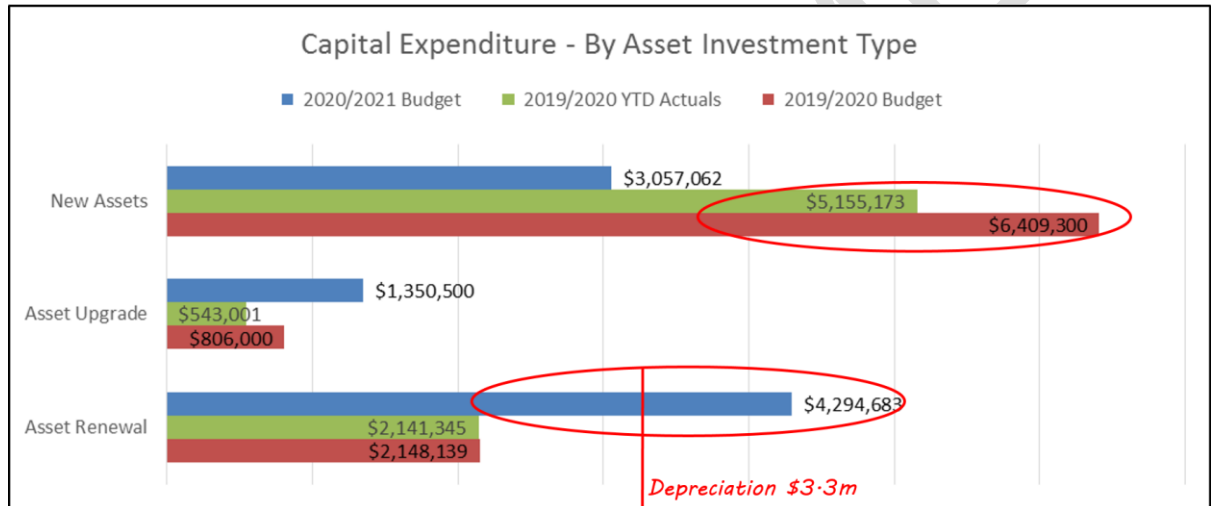
There are no risk management implications for the adoption of the budget, apart from minimizing exposure to risks (particularly financial) through a thoroughly prepared and legislative compliant annual budget process.

ASSET MANAGEMENT IMPLICATIONS

The 2020/2021 budget makes provision for numerous new asset purchases, asset renewal and upgrades and major maintenance items for the coming financial year.

Importantly, from an asset management point of view, the budget contains considerably more expenditure on asset renewal than will be incurred in depreciation expense. That is the Shire is renewing its assets faster than they depreciate.

This move from new assets in 2019/2020 to asset renewal in 2020/2021 is shown as follows:



SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

99/20 Moved Cr Wieringa, seconded Cr Fleay

“That the 2020/2021 Annual Budget, as attached, be adopted.”

CARRIED BY AN ABSOLUTE MAJORITY 7/0

12.7 INFORMATION STATEMENT 2020/2021

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Thursday, 16 July 2020
FILE NO	IM.FOI.4
ATTACHMENT(S)	12.6.1 - Information Statement 2020/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.3 – Develop and implement a formal media two-way communications strategy. 3.2.7 – Develop and adopt a communications strategy.

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

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

Section 94 of the *Freedom of Information Act 1992* states that the Information Statement must set out:

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

COMMENT

The Shire of Kojonup’s Information Statement 2020/2021 is attached. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above.

A copy of the Information Statement will be forwarded to the Information Commissioner as required. The previous version was adopted by the Council at its ordinary meeting held 23 July 2019.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

This item is required under the *Freedom of Information Act 1992*. Section 94 states:

94. Term used: information statement

A reference in this Act to an *information statement*, in relation to an agency, is a reference to a statement that contains—

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - i. which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - ii. which kinds of documents can be purchased; and
 - iii. which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - i. the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - ii. the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - i. the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - ii. the address or addresses at which applications for amendment of personal information can be lodged.

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the *Freedom of Information Act 1992*, and is linked to the Records Management Policy and Recordkeeping Plan 2015.

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

100/20Moved Cr Radford, seconded Cr Wieringa

“That the 2020/2021 Information Statement as attached be adopted and published in accordance with the Freedom of Information Act 1992.”

CARRIED 7/0

12.8 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 16 JUNE 2020

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Friday 17 JULY 2020
FILE NO	GO.CNM.96
ATTACHMENT(S)	12.8.1 – Unconfirmed Minutes from the Audit and Risk Committee Meeting held 16 June 2020.

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money

DECLARATION OF INTEREST

Nil

SUMMARY

The minutes of the Audit and Risk Committee meeting held 16 June 2020 are presented for Council consideration.

BACKGROUND

The Audit and Risk Committee is established under Section 71A of the *Local Government Act 1995* ensuring transparency in Councils financial management and decision making process. In accordance with Section 71.A of the *Local Government Act 1995*, the Audit and Risk Committee was established with defined terms of reference and a membership consisting of six (6) committee members being four (4) Councillors and two (2) Community Members. A decision of the Audit and Risk Committee is to be made by a simple majority.

COMMENT

The Audit and Risk Committee typically meets at least quarterly, or as required, and has held three meetings since the commencement of the calendar year being 17 March, 2 June 2020 and a Special Meeting 16 June 2020.

CONSULTATION

Members of the Audit and Risk Committee.

STATUTORY REQUIREMENTS

Sections 7.1A to 7.1C of the *Local Government Act 1995*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Compliance	Local Government Act 1995	Audit and Risk Committee	Nil
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<i>Under 7.1A of the Local Government Act A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it. By not holding the meetings the shire would be in breach of the Act.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

101/20 Moved Cr Gale, seconded Cr Wieringa

“That Council receive the minutes from the Audit and Risk Committee meeting held 16 June 2020.”

CARRIED 7/0

12.9 VEHICLE LOGBOOKS AND COST OF PRIVATE USE

AUTHOR	Heather Marland – Senior Finance Officer
DATE	Friday 17 JULY 2020
FILE NO	GO.CNM.96
ATTACHMENT(S)	12.9.1 - Policy 2.2.8 Motor Vehicles – Officers and Policy 3.20 Motor Vehicle Use – Shire President

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money

DECLARATION OF INTEREST

The writer of this agenda has limited personal use of the administration “pool car”.

SUMMARY

The purpose of this report is to consider the recommendation from the Audit and Risk Committee, regarding the cost of fuel for private use of Shire owned vehicles including both vehicles driven by staff and the Shire President. And a review of the policy for Councillor travel.

BACKGROUND

The Audit and Risk Committee met on 16 June 2020, and with regards item 12 on the Audit & Risk agenda - Other Items for Discussion of Further Research as Raised by Members. After discussion regarding the cost of fuel to council for private use of Shire owned vehicles the Audit and Risk Committee resolved as follows:

That it be recommended to Council:

1. the information of each vehicle with private use with regards to cost of fuel be requested, and
2. that a review of all log books for those with private use of shire vehicles and also the policies for the use of the Shire Presidents vehicle and Councillor travel.

COMMENT

Private vehicle use is negotiated with the CEO as part of employment packages, with some officers offsetting the cost of housing for higher travel costs. These are all individual contracts and are therefore private in nature.

CONSULTATION

Members of the Audit and Risk Committee.

Anthony Middleton – Manager of Corporate and Community

STATUTORY REQUIREMENTS

Sections 7.1A to 7.1C of the *Local Government Act 1995*

POLICY IMPLICATIONS

Policy 2.2.8 Motor Vehicles – Officers

Policy 3.20 Motor Vehicle Use – Shire President

FINANCIAL IMPLICATIONS

Unknown

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5. Employment Practices	Failure to effectively manage and lead human resources.	Human Resource Management (Policies and Procedures)	Nil
Risk rating - Adequate			
IMPLICATIONS			
Discussion of private use of vehicles which form part an employee's remuneration package would result in a breach of confidentiality.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

That it be recommended to Council:

1. the information of each vehicle with private use with regards to cost of fuel be requested, and
2. that a review of all log books for those with private use of shire vehicles and also the policies for the use of the Shire Presidents vehicle and Councillor travel.

CEO RECOMMENDATION/COUNCIL DECISION

102/20 Moved Cr Singh, seconded Cr Fleay

“That the CEO meet with the Audit and Risk Committee at its meeting to be held 18 August 2020 to clarify committee’s recommendations and purpose for such request, for example the cost of fuel represents only one component of vehicle use and all individual contracts are private in nature.”

CARRIED 7/0

UNCONFIRMED

13 **KEY PILLAR 4 – ‘PROSPERITY’ REPORTS**

Nil

UNCONFIRMED

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

Nil

UNCONFIRMED

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

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

103/20 Moved Cr Fleay Seconded Cr Gale

That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a) of the Local Government Act 1995 at 3.59pm.

CARRIED 7/0

All members of the public and the following staff left the meeting at 3.59pm:

Robert Cowie	Payroll/Emergency Management Officer
Emily Sleight	Sport and Recreation Officer
Jane Kowald	Natural Resource Management Officer
Heather Marland	Senior Finance Officer
Elaine Venn	Community Development Officer
Ciara O'Regan	A/Manager of Springhaven

17.1 CONFIDENTIAL – COMMERCIAL LEASE AGREEMENT – 34 KATANNING ROAD, KOJONUP

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 17 July 2020
FILE NO	CP.LEA.1

OFFICER RECOMMENDATION/COUNCIL DECISION

104/20 Moved Cr Fleay, seconded Cr Gale

“That the current lease agreement for 34 Katanning Road, Kojonup, be amended, as attached.”

CARRIED 7/0

17.2 CONFIDENTIAL ITEM – CHIEF EXECUTIVE OFFICER CONTRACT

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Friday, 17 July 2020
FILE NO	Personnel

All remaining staff left the meeting at 4.02pm:

COUNCIL DECISION

105/20Moved Cr Wieringa, seconded Cr Pedler

“That Council ‘lay this matter on the table’ and it be considered at a special meeting when all Councillors are available.”

CARRIED 7/0

PROCEDURAL MOTION

106/20Moved Cr Fleay, seconded Cr Gale

“That the meeting be reopened to the public at 4.27pm.”

CARRIED 7/0

CEO and E/HR Coordinator re-entered the meeting at 4.27pm.

18 **NEXT MEETING**

Ordinary Council Meeting Tuesday, 18 August 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 4.27pm.

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	Disability Access & Inclusion Committee Minutes – 9 June 2020
Item 10.2	10.2.1	Unconfirmed minutes for the Natural Resource Management Committee meeting 4 June 2020
	10.2.2	RABBAIT Pindone Oat Material Safety Data Sheet
	10.2.3	RABBAIT Pindone Oat Bait Booklet
Item 10.4	10.4.1	Proposed Memorandum of Understanding
Item 10.5	10.5.1	Map showing Boscabel Cemetery
	10.5.2	Appointment of previous Trustees of Boscabel Cemetery – Government Gazette 26 May 1922
	10.5.3	1922 Vesting for Reserve 17988
	10.5.4	Appointment of Kojonup Shire Council as Trustees of Boscabel Cemetery - Government Gazette 26 March 1970
	10.5.5	Department of Local Government email correspondence
Item 11.1	11.1.1	EV Charging Station Letter Agreement – Kojonup 200629
	11.1.2	Annual Servicing and ChargeFox Account Quote
	11.1.3	Gemtek Service Level Agreement
Item 11.2	11.2.1	LEMC Minutes 29 June 2020
Item 11.3	11.3.1	Fencing By-law gazetted 23 December 1971
	11.3.2	Fencing By-law amendment gazetted 31 August 1990
	11.3.3	Fencing By-law amendment gazetted 20 March 1990
	11.3.4	Draft Repeal Local Law 2020
Item 11.4	11.4.1	Schedule of Submissions
	11.4.2	Copy of Submissions
Item 11.5	11.5.1	Vacant Freehold Shire Land
Item 11.6	11.6.1	Correspondence from President Kojonup Volunteer Bushfire Assoc.
	11.6.2	Reserve Management Paper by Robert Sexton
Item 12.1	12.1.1	June 2020 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 1/06/2020 to 30/06/2020
Item 12.4	12.4.1	Draft 2020/2021 List of Fees & Charges
Item 12.6	12.6.1	Draft 2020/2021 Annual Budget
Item 12.7	12.7.1	Information Statement 2020/2021
Item 12.8	12.8.1	Unconfirmed Minutes from the Audit and Risk Committee Meeting held 16 June 2020.
Item 12.9	12.9.1	Policy 2.2.8 Motor Vehicles – Officers and Policy 3.20 Motor Vehicle Use – Shire President