

SHIRE OF KOJONUP

Kojonup



# MINUTES

Ordinary Council Meeting

14 December 2021

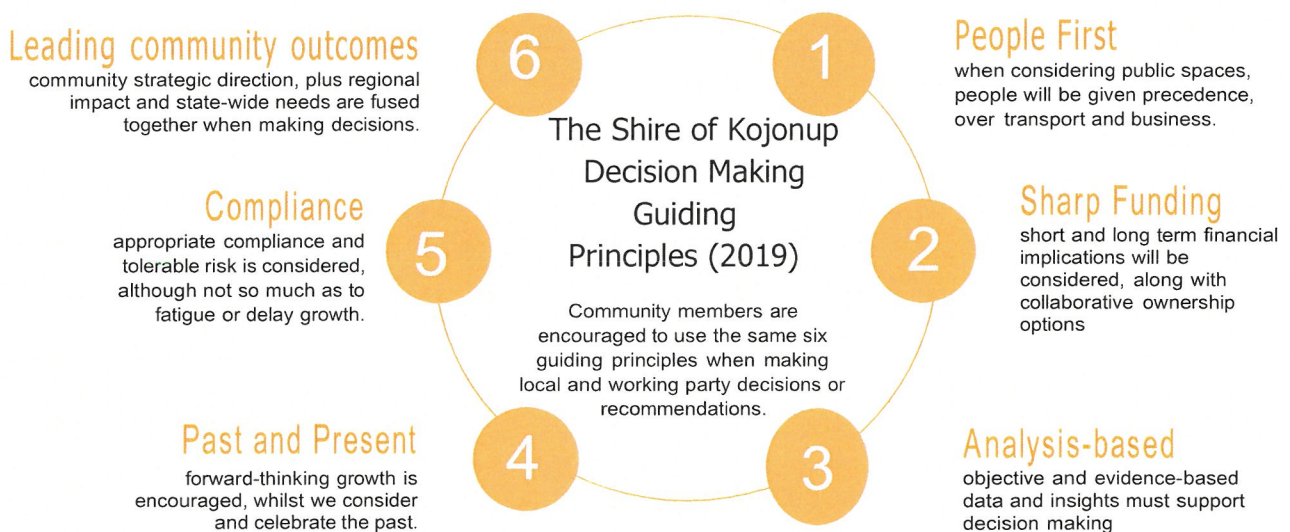
MINUTES OF THE COUNCIL MEETING HELD ON 14 DECEMBER 2021

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



## MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.00pm and drew 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 Gale**

*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**

**COUNCILLORS**

Cr Radford	Shire President
Cr P Webb	Deputy Shire President
Cr F Webb	
Cr Wieringa	
Cr Gale	
Cr Singh	
Cr R Bilney	
Cr A Egerton-Warburton	

**STAFF**

Grant Thompson	Chief Executive Officer
Anthony Middleton	Manager Corporate and Community Services
Ciara O'Regan	Manager Springhaven
Robert Jehu	Manager Regulatory Services
Judy Stewart	Senior Administration Officer
Emily Sleight	Sport and Recreation Officer

**LEAVE OF ABSENCE**

Nil

**APOLOGIES**

Nil

**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**

Nil

7 **CONFIRMATION OF MINUTES**

7.1 COUNCIL MEETING 16 NOVEMBER 2021

Minutes of the Council Meeting held on 16 November 2021 are at Attachment 7.1.1.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

144/21 Moved Cr Gale Seconded Cr Singh

That the Minutes of the Council Meeting held on 16 November 2021 be confirmed as a true record.

**CARRIED 8/0**

8 **ANNOUNCEMENTS** by the Presiding Member without discussion  
Nil

9 **DECLARATIONS OF INTEREST**

Cr Singh – Financial Interest – Item 17.1 – Lease of 143 Albany Highway, Kojonup



10 **KEY PILLAR 1 – ‘PLACE’ REPORTS**

10.1 SPENCER STREET YOUTH PRECINCT - CONCEPT PLAN

<b>AUTHOR</b>	Emily Sleight – Sport and Recreation Officer
<b>DATE</b>	Wednesday, 8 December 2021
<b>FILE NO</b>	CS.SVP.9
<b>ATTACHMENT(S)</b>	10.1.1 – Spencer Street Youth Precinct Concept Plan 10.1.2 – Spencer Street Youth Precinct Alternate Layout

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 – Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment.	1.1.21 – Re-alignment of Skate Park to Albany Highway 1.1.21 – Development of a Youth Centre in the old CWA building
	1.3 – Have systems in place to attract youth to the region, even in a transient manner	1.3.7 – Re-alignment of Skate Park to Albany Highway 1.3.7 – Development of a Youth Centre in the old CWA building

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for the Council to consider the Kojonup Youth Precinct Concept Plan for Stage One of the project, being the development of a youth activity space.

**BACKGROUND**

As part of the Great Southern Regional Sport and Recreation Plan 2018, the need for an upgraded youth activity space in Kojonup was identified. The 2021 MARKYT Community Survey reinforced this, with youth spaces and services in the top three (3) priorities identified by the community for the Shire to address.

**COMMENT**

With both the Shire and the Kojonup Community Men’s Shed Inc. progressing towards the construction of a purpose built Men’s Shed facility in the Benn Parade railway precinct, initial community engagement has begun for the repurposing of the Spencer St/Albany Highway site.

Quotes were sought from design companies to prepare a scope of works and pricing structure for the initial concept design for the Spencer Street Youth Precinct. 'Skate Sculpture' were chosen to complete this component of the project. They have a significant presence throughout WA, working for Shire's in both the design and project management/construction of skate park and pump track facilities.

Initial engagement sessions were held with students from St Bernard's Primary School and Kojonup District High School on 8 September 2021. In total 56 students participated in these first two sessions, where they were encouraged to think about how a new Youth Precinct could look and the various elements to include to ensure it is successful. These sessions were run by the Author and Skate Sculpture staff Tim Yuen and Matt DeKonig. The sessions were energetic, full of questions and grand ideas. A survey was completed by each participant, and designs of their ideal space in small groups.

Skate Sculpture combined the most popular elements from the surveys and designs provided by the children into a draft plan. This was presented back to the same participating children at a follow up session 3 November 2021. This session was to encourage another round of feedback, ensuring the design met the needs of the youth while being conscious of space allowances and an estimated budget. The feedback from this session was overwhelmingly positive. Participants were given the opportunity to suggest alterations in the design, and other than a few unrealistic suggestions (like a flying fox over Albany Highway) the design was given the tick of approval.

An open community session was held at the Spencer St/Albany Highway site from 3.30pm to 5pm on 3 November 2021, allowing any interested members of the community to view the design, discuss the process of getting to the design and engage with Skate Sculpture team members. More surveys were completed by those attending this session, and the results from these confirmed the need for a youth activity space. This design is encapsulated in Attachment 10.1.1.

#### Alternate Design

Following the concept plan being circulated through the Senior Management Team, a request was made for an alteration in the design. It was suggested that a relocation of the hard court playing surface was necessary to minimise the possibility of balls entering the traffic areas on Albany Highway. This alternative design is also attached to this item (Attachment 10.1.2).

An assessment of both designs, analyzing the advantages and disadvantages of both is as follows:

<b>CONCEPT PLAN</b>	
<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
Designed by the users	Possibility of balls entering traffic
Fits the natural slope of the site	
Main activities further from Albany Highway	
Organic plan that flows from one area to another	
Major components away from existing infrastructure	
<b>ALTERNATE PLAN</b>	
<b>ADVANTAGES</b>	<b>DISADVANTAGES</b>
Ball sports further from traffic	Dismisses original design by professionals
	Ignores the wishes of the user group
	Doesn't work with the natural slope of the site
	Creates segregated spaces that don't flow

Noting the list above, the original design is best suited to the space, the needs of the youth and the economic development opportunities gained by having a linked space from the Kojonup Apex Park site through to the main shopping precinct. The installation of a portion of fence adjacent to the hardcourt, if deemed necessary, would mitigate the risk of balls entering traffic. The original design already has soft landscaping, plantings, a walkway/raised steps and a parkour space between the hardcourt and the main road. The layout of the skate park zone and pump track on the original design has also taken into account drainage requirements, with the intention of minimising the costs of ground works.

#### **CONSULTATION**

St Bernard's Primary School and Kojonup District High School – Engagement sessions:

- 8 September; and
- 3 November 2021

Community Engagement session – 3 November 2021

Kojonup Community Men's Shed Inc.

#### **STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Policy 3.16 - Community Consultation Charter

*“WHEN WE WILL CONSULT*

*The decision to undertake community consultation will only be made where there are a number of possible options or directions that could be taken by Council and Council has the flexibility/ability to consider same within statutory, budgetary and other limitations.*

*The Shire of Kojonup (Staff and Councillors) will consider the need for, and type of, consultation required for each situation where Council is required to make an important decision about a matter that is likely to have a significant impact on the lives, homes or localities of residents, businesses, groups and organisations.*

*This assessment will be made in the context of the scale, importance, likelihood and expected onset of impact of the decision being made or action being taken by Council and the expected level of community interest and concern. It will also be made in the context of the level of risk or security.”*

Based on the above section of Policy 3.16, the policy has been adhered to.

**FINANCIAL IMPLICATIONS**

Budget allowance has been made in the 2021/2022 budget for the completion of the concept plan, including cost estimates.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6 - Engagement	Leadership inattention to current issues  Miscommunication /poor communication	Community engagement/ networking	Review and assess Community Engagement Strategy
13 - Project - Change Management	Lack of communication/ consultation	Project management procedures	Implement formal project management guidelines
Risk rating: Moderate			
IMPLICATIONS			
Given the extensive consultation and engagement with prospective users of the proposed space and with the wider community, the risks can be deemed as mitigated.			

Project management has been thorough with a detailed scope of works prior to the community engagement, and the plan coming before Council for endorsement.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

145/21 Moved Cr Singh

Seconded Cr Gale

That the Spencer Street Youth Precinct Concept Plan, as per attachment 10.1.1, be adopted.

CARRIED 8/0

## 11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

### 11.1 PARKING LOCAL LAW 2022 AND CATS LOCAL LAW 2022

<b>AUTHOR</b>	Robert Jehu - Manager Regulatory Services
<b>DATE</b>	Friday, 10 December 2021
<b>FILE NO</b>	LE. LCL.1
<b>ATTACHMENT(S)</b>	<p>11.1.1 – Draft Parking Local Law 2022</p> <p>11.1.2 – Draft Cat Local Law 2022</p> <p>11.1.3 – Local Government Act 1995 (s. 3.5 and s. 3.10 specifically)</p> <p>11.1.4 – Cat Act 2011 (s.79 specifically)</p>

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

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is for Council to consider adopting and implementing a Parking Local Law 2022 and a Cat Local Law 2022 based on Western Australian Local Government Association (WALGA) model local laws.

#### BACKGROUND

At its Ordinary Meeting held on 17 March 2015, Council resolved:

*‘That Council endorse a collaborative approach to a review of Local Laws of each Southern Link Voluntary Regional Organisation of Councils (VROC) member Council.’*

Following the 2015 decision to endorse a collaborative approach to the review of the VROC members’ local laws, the Shire of Broomehill-Tambellup then Chief Executive Officer (CEO), Keith Williams, compiled a Local Law Review report. This report included a brief description of each member Council’s local laws, a comparison of each member’s local laws with the

other members' local laws (and, in some instances, those of other local governments), and made recommendations based on those findings.

At its Ordinary Meeting held on 17 April 2018 Council, after receiving the Shire of Broomehill-Tambellup Chief Executive Officer's Local Law Review report, resolved as follows:

*'That the Chief Executive Officer be requested to review, via further detailed agenda items to the Council, the Shire of Kojonup Local Laws as follows:*

1. *Update existing local laws in accordance with the Model Local Law:*
  - *Activities in Thoroughfares and Trading in Thoroughfares and Public Places;*
  - *Cemeteries;*
  - *Health;*
  - *Local Government Property; and*
  - *Standing Orders.*
2. *Adopt new local laws in accordance with the Model Local Law:*
  - *Bushfire Brigades Local Law*
  - *Dogs Local Law*
  - *Fencing Local Law*
  - *Urban Environment and Nuisance Local Law*
3. *Not pursue the following proposed local laws as identified in the Southern Link VROC Local Law Review:*
  - *Landfill and Transfer Station Local Law*
  - *Parking and Parking Facilities Local Law*
  - *Pest Plants Local Law*
  - *Waste Services Local Law*
  - *Cats Local Law*
4. *Further investigation into the pros and cons around having an Extractive Industries Local Law.'*

#### **COMMENT**

##### Shire of Kojonup Parking Local Law

Regulatory Services of the Shire of Kojonup (Shire) have proposed a Parking Local Law 2022 be adopted by Council.

Currently, the Shire of Kojonup does not have a parking local law. A parking local law will assist Regulatory Services in providing a safer community and give the Authorised Officers the ability to respond to current parking complaints and issues.

The Shire has recently received various complaints of parking issues that are currently unable to be addressed. These include but are not limited to:

1. Parking on the verge contraflow or without occupier consent;
2. Parking across footpaths;

3. Parking facilities along Albany Highway being utilised by residents all day, disrupting commercial business in the area;
4. Parking outside the Post Office for an extended period of time; and
5. Large vehicles (Excess of GVM 4.5T or longer than 7.5m) being parked in a residential area.

The advantages of introducing a parking local law will include the ability for an authorised officer to show discretion when dealing with parking complaints. This can include requesting the removal of vehicles in contravention, issuing of cautions or issuing of infringements. Currently, the Regulatory Staff are unable to assist the community with complaints in these areas.

Should the Parking Local Law 2022 be introduced, the Shire would have the ability to introduce such measures as it deems fit. This may include the introduction of timed parking, limited parking hours, 'no stopping' areas, prohibited parking zones and the option of introducing disability parking in the Shire.

#### Shire of Kojonup Cat Local Law

Regulatory Services of the Shire of Kojonup have proposed a Cat Local Law 2022 be adopted by Council.

For local governments who enforce the *Cat Act 2011 (Act)*, it is useful that a local law is developed alongside this legislation to support the areas which are not outlined in the *Act*. This includes limitation to numbers, the regulation of approved cat breeders, nuisance cats, specifying places where cats are prohibited absolutely, and specified areas (a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats thus eliminating cat roaming).

Currently, the Shire accepts the registration of cats; however, does not hold a local law to support the number of cats being kept on a premise. This outlines various concerns around potential cat hoarding and associated health issues and nuisance/feral complaints that would surround such issues.

The Shire has noticed an increase of nuisance feral cat complaints in residential areas in recent months. This may be due to roaming cats not being under effective control and breeding/increasing the feral population. An example of this is a complaint recently made from a resident on Schorer Place who advised the Shire that cats are running rampant on the street with an estimated 10-12 cats creating nuisance in the area by climbing into cars, digging up gardens and fighting. There have been numerous incidents involving these specific cats including kittens being inside an engine bay of a vehicle and, unfortunately, dying as a result, and a cat being run over in the street. In the last four weeks, the Shire's Ranger has seized five trapped feral cats from an address on Albany Highway due to nuisance complaints also.



With the introduction of a cat local law, the Shire’s Ranger will have the authority to limit the number of cats allowed on a premise, eliminate cat roaming and impose penalties to those who fail to comply. This, in turn, will assist Regulatory Services in controlling the feral population and reduce the amount of domestic cats wandering. The introduction of a cat local law is prudent to achieving community compliance with State legislation (*Cat Act 2011*), responsible pet ownership and wildlife preservation from roaming cats. The Cat Local Law 2022 that has been drafted is based on the Shire of Narrogin Cat Local Law 2016.

The local law will also facilitate future business opportunities for a cattery to be operated within the district by outlining the requirements and permit processes.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

The specific head of power for making local laws is the *Local Government Act 1995* (s. 3.5 and s. 3.10 specifically); please see Attachment 11.1.3.

The Shire has the ability to create a Cat Local Law under s.79 of the *Cat Act 2011*; please see Attachment 11.1.4.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Advertising costs are associated with the advertising of local laws and their gazettal 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
3 - Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Inadequate compliance framework	Nil; however, a governance calendar reminder system is in place	Nil
Risk rating - Adequate			
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.

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

146/21 Moved Cr Gale Seconded Cr Singh

That the following local laws be endorsed for proposal, as presented, and advertised for public comment in accordance with s. 3.12 (3) of the Local Government Act 1995 prior to them being brought back to Council for consideration of submissions or amendments, if any, and subsequent adoption:

- **Parking Local Law 2022**  
Purpose: To enable better parking practices and to remedy parking anomalies in the Shire of Kojonup.  
Effect: Effective and consistent parking practices within the Shire of Kojonup.
- **Cat Local Law 2022**  
Purpose: To address the impounding of cats, requirements and limitations on the keeping of cats, and the requirements of approved kennel establishments within the Shire of Kojonup.  
Effect: To provide for consistent and effective management of the cat population within the Shire of Kojonup.

CARRIED 8/0

11.2 SPRINGHAVEN POLICY UPDATE – LEGISLATIVE CHANGES

<b>AUTHOR</b>	Ciara O’Regan – Manager Springhaven
<b>DATE</b>	Thursday, 9 December 2021
<b>FILE NO</b>	ES.CIR.2
<b>ATTACHMENT(S)</b>	11.2.1 – Draft Policy - Reportable Incidents and Serious Incident Response Scheme 11.2.2 – Draft Policy – Restrictive Practices

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 – Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups	2.2.6 – Aged care services will remain compliant with the accreditation standards

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider the adoption of two new Springhaven Lodge policies ‘Reportable Incidents and the Serious Incident Response Scheme Policy’ and ‘Restrictive Practices Policy’ which directly affect the residents at Springhaven Lodge and staff procedures.

**BACKGROUND**

On 1 April 2021, relevant parts of the *Aged Care Legislation Amendment (Serious Incident Response Scheme and Other Measures) Act 2021* were added to the *Aged Care Act 1997* and the *Quality of Care Principles 2014*.

On 1 July 2021, the *Aged Care Act 1997* and the *Quality of Care Principles 2014* (Principles) were updated to clarify and strengthen the requirements for providers in relation to the use of restrictive practices.

Current Springhaven policies *RC 4 - 4.7 Compulsory Reporting of Reportable Offences* and *RC 11 – 11.4 Restraint* are now out of date and no longer in accordance with legislation. To ensure Springhaven Lodge continues to operate according to the legislative requirements, an update to policies is required.

Springhaven Lodge was audited as part of the Aged Care Quality and Safety Commission's accreditation process in November 2021. One item of note as part of this audit was to look at the updating of policies throughout the existing Policy Manual to ensure that they are compliant with the new standards.

#### COMMENT

The current Springhaven Lodge policy manual contains basic information that was relevant to the previous legislative requirements in Aged Care. With the considerable work completed nationally following the Royal Commission into Aged Care Quality and Safety, it is important that changes in legislative requirements flow through into the updating of the relevant policies and procedures.

The *Reportable Incidents and Serious Incident Response Scheme* Policy (Attachment 11.2.1) covers the identification, reporting and management of specific incidents, which are listed below:

- 4.2 Unreasonable use of force against the residential care recipient - ranging from deliberate and violent physical attacks on consumers, to the use of unwarranted physical force including hitting, pushing, shoving, or rough handling of a resident.
- 4.3 Unlawful sexual contact, or inappropriate sexual conduct, inflicted on the residential care recipient or in their presence.  
\*It is important to note that consumers of aged care services have the right to sexual freedom and to give and receive affection. In the Charter of Aged Care Rights, consumers have the right to: "have control over and make choice about my care and personal and social life, including where the choices involve personal risk". This category of serious incidents does not include consenting sexual relations between aged care consumers, or between an aged care consumer and a partner that is not a resident at the service (e.g. that may visit or volunteer at the service).
- 4.4 Psychological or emotional abuse of the residential care recipient - Verbal or non-verbal acts that cause significant emotional or psychological anguish, pain or distress including verbal taunts, threats of maltreatment, harassment, humiliation or intimidation, or a failure to interact with a person or acknowledge the person's presence. In addition to single event incidents such as a staff member yelling at an aged care consumer, this category includes incidents that are part of a pattern of abuse. While the behaviour may not cause significant harm or suffering to the individual in each instance, the repetitive nature of the behaviour (over time) has a cumulative effect which intensifies the level of harm to the individual or in some circumstances individuals. Approved providers' incident management systems must be able to record incidents in a way that allows for repeated minor instances of these types of behaviour to be identified easily so that any pattern of abuse can be identified and reported as a single reportable incident.

- 4.5 Unexpected death of the residential care recipient - Death that is unexpected, where reasonable steps were not taken by the provider to prevent the death, the death is the result of care or services provided by the provider or a failure by the provider to provide care and services, including suicide.
- 4.6 Stealing from, or financial coercion of, the residential care recipient by a staff member of the provider - or behaviour that is coercive, deceptive, or unreasonably controls the finances of an aged care consumer by a staff member. This definition has been adapted from the definition in Section 6 of the *Victorian Family Violence Protection Act 2008*.
- 4.7 Neglect of the residential care recipient - intentional or reckless failure in the duty of care for an aged care consumer that may also be a gross breach of professional standards resulting in significant harm or the potential to result in death or significant harm. Neglect may be as a result of systemic issues within an aged care home; for example, lack of appropriate policies, procedures and/or practice resulting in poor quality care for aged care consumers. Neglect may also be the deliberate and negligent conduct of one individual either as a one off incident or repeated incidents. Noting consumers have the right to have control over and make choices about their care. \*This category of serious incident is not intended to capture situations where a consumer chooses not to shower, or a consumer with diabetes refuses to eat a diabetic diet and as a result have a wound with poor healing prognosis.
- 4.8 Use of physical restraint or chemical restraint in relation to the residential care recipient (other than in circumstances set out in the Principles) - the use of physical or chemical restraint that does not meet the requirements of Quality of Care Principles. Only when providers have explored alternatives to restraint, and satisfied a number of conditions, can either form of restraint be used.
- 4.9 Unexplained absence of the residential care recipient from the residential care services of the approved provider and the absence has been reported to the police.

This policy has been developed to ensure the safety of both residents and staff, and to ensure that the requirements in relation to incidents classified as reportable are extremely clear.

The *Restrictive Practices* Policy (Attachment 11.2.2) provides staff, residents and management with clear directions regarding any use of restrictive practices within Springhaven Lodge. Restrictive practices are defined in the *Aged Care Act 1997* as “any practice or intervention that has the effect of restricting the rights or freedom of movement of a residential care recipient”.

The previous policy item relating to restrictive practices no longer meets the legislative requirements, and from a management perspective needed to be updated regardless. Both updated policies are now consistent with the alterations required by the *Aged Care Legislation Amendments Act 2021*.

**CONSULTATION**

Springhaven Lodge staff  
Chief Executive Officer

**STATUTORY REQUIREMENTS**

*Aged Care Act 1997*  
*Aged Care Legislation Amendments Act 2021*

**POLICY IMPLICATIONS**

As per Council Policy 5.2, the Springhaven Policy Manual in its entirety is adopted by Council. All changes to the Springhaven Policy Manual are presented to Council for adoption based on policy 5.2.

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Ineffective policies and procedures	External Audits  Industry standards maintained  Three year Legislative review of compliance	Nil
8 - Errors, Omissions and Delays	Changes to legislation	Policies and procedures	Nil
14 - Safety and Security Practices	Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants	Workplace inspections/audits	Nil
Risk rating: Medium			
IMPLICATIONS			

Given Springhaven Lodge’s responsibility levels for both staff and residents, it is imperative that policies and procedures maintain legislative compliance and are useable practically by all staff. The *Aged Care Legislation Amendments Act 2021* and the amended *Aged Care Act 1997* provide safeguards for residents and staff, and the incorporation of these into policies and procedures ensure risks are reduced as much as is practicable.

#### ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

147/21 Moved Cr Wieringa    Seconded Cr Singh

That Council endorse the following changes to the Springhaven Policy Manual:

1. The *Reportable Incidents and Serious Incident Response Scheme Policy* as per Attachment 11.2.1 replaces RC4 – 4.7 Compulsory Reporting of Reportable Offences; and
2. The *Restrictive Practices Policy* as per Attachment 11.2.2 replaces RC11 – 11.4 Restraint.

CARRIED 8/0

## 12    KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (NOVEMBER 2021)

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Thursday, 9 December 2021
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<a href="#">12.1.1 – November 2021 Monthly Financial Statements</a>

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

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 November 2021.

**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 2021 to 30 November 2021 represents five (5) months, or 42% of the year.



The following items are worthy of noting:

- Closing surplus position of \$1.45m;
- Operating results:
  - 51% of budgeted operating revenue has been received; and
  - 47% of budgeted operating expenditure spent;
- Capital expenditure achieved 22% of budgeted projects;
- Cash holdings of \$4.64m of which \$3.52m is held in cash backed reserve accounts and \$237,239 is a grant held for other parties;
- Rates debtors outstanding equate to 19% of total rates raised for 2021/2022; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6 – concern has been raised regarding the ‘Animal Control’ and ‘Road Maintenance’ sub-program over expenditure when compared to year-to-date (YTD) budgets.

#### **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 of Kojonup. The recommendation does not in itself have a financial implication.

#### **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

148/21 Moved Cr GaleSeconded Cr Singh

That the monthly financial statements for the period ending 30 November 2021, as attached, be noted.

CARRIED 8/0

12.2 MONTHLY PAYMENTS LISTING NOVEMBER 2021

<b>AUTHOR</b>	Vivicka Kahn - Finance Officer
<b>DATE</b>	Wednesday, 8 December 2021
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">12.2.1 – Monthly Payments Listing 1 – 30 November 2021</a>

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**

To receive the list of payments covering the month of November 2021.

**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 are 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

149/21 Moved Cr Singh          Seconded Cr F Webb

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

FROM – 1 November 2021		TO – 30 November 2021
Municipal Cheques	14314 - 14317	\$18,884.54
EFTs	29097 - 29254	\$1,031,438.38
Direct Debits		\$582,038.95
Total		\$1,632,361.87

be received.

CARRIED 8/0

12.3 ORDINARY COUNCIL MEETING DATES FOR 2022

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>ATE</b>	Monday, 8 November 2021
<b>FILE NO</b>	GO.CNM.6
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council to consider its Ordinary Meeting schedule for the 2022 calendar year.

**BACKGROUND**

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, local governments are required to give local public notice and publish on their websites the date, time and place of ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

**COMMENT**

In October 2005 it was resolved that Council’s ordinary meetings would be held on the third Tuesday of each month commencing at 3:00pm except where dates clash with a public holiday or internal staffing management.

There is no ordinary meeting of Council held during the month of January.

The 2022 Easter period falls 15 - 19 April 2022. As the third Tuesday in April 2022 (19 April) falls on Easter Tuesday, it is recommended that the April 2022 Ordinary Meeting of Council be brought forward to the second Tuesday in April, being 12 April 2022.

The July ordinary meeting of Council includes budget adoption. To ensure the end of financial year processes are completed, the July ordinary meeting of Council has historically

been held on the fourth Tuesday of the month rather than the third; it is recommended that this practice continues.

Local Government ordinary elections are held on the third Saturday in October every biennial, uneven year meaning there will be no ordinary elections in 2022 and, therefore, the 2022 October ordinary meeting date, under the current arrangement (third Tuesday of the month), will not be affected.

The December ordinary meeting date has typically been held on the second Tuesday of December and it is recommended that this practice continues.

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires that Council's scheduled ordinary meetings, which will be open to the public, are published on the local government's official website before the beginning of the year in which the meetings are to be held and that the notice should include the date, time and location of the meetings.

Given the above information, the proposed 2022 ordinary meeting schedule for Council is as follows:

15 February 2022  
15 March 2022  
12 April 2022  
17 May 2022  
21 June 2022  
26 July 2022  
16 August 2022  
20 September 2022  
18 October 2022  
15 November 2022  
13 December 2022

#### CONSULTATION

Nil

#### STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995* –

##### ***5.25. Regulations about council and committee meetings and committees***

(1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*

- (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996* –

**12. Publication of meeting details [Act s. 5.25(1) (g)]**

(1) In this regulation –

*meeting details*, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government’s official website as soon as practicable after the change is made.

(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.	Councillor/Staff Induction Process  Councillor/Staff training	Nil



6 - Engagement Practices	Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Policies and Procedures	Nil
Risk rating - Adequate			
IMPLICATIONS			
Allows compliance with s. 5.25 (1) (g) of the <i>Local Government Act 1995</i> and r. 12 – <i>Local Government (Administration) Regulations 1996</i> - publication of meeting details.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

150/21 Moved Cr Bilney      Seconded Cr Gale

That:

1. Ordinary Meetings of Council be scheduled to be held in the Shire of Kojonup (Shire) Council Chambers the third Tuesday of each month in 2022 commencing at 3:00pm with the following exceptions:
  - No scheduled meeting to be held in January;
  - The April meeting be brought forward to avoid Easter public holiday limitations;
  - The July meeting be held on the fourth Tuesday to make allowance for the Annual Budget adoption; and
  - The December meeting be held on the second Tuesday given timing to the Christmas break period.
2. The following dates be approved for the 2022 calendar year for Ordinary Meetings of Council:
  - 15 February 2022
  - 15 March 2022
  - 12 April 2022
  - 17 May 2022
  - 21 June 2022
  - 26 July 2022
  - 16 August 2022
  - 20 September 2022
  - 18 October 2022
  - 15 November 2022
  - 13 December 2022
3. That Council's approved Ordinary Meeting schedule for 2022, as above, be published on the Shire website and local public notice given.

CARRIED 8/0

12.4 COMMITTEES OF COUNCIL - MEETING DATES FOR 2022

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>ATE</b>	Monday, 8 November 2021
<b>FILE NO</b>	GO.CNM.6
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council to adopt a schedule of meeting place, dates and times for Committees of Council for the 2022 calendar year.

**BACKGROUND**

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, local governments are required to give local public notice and publish on their websites the date, time and place of meetings of Council committees which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

**COMMENT**

Regulation 12 of the *Local Government (Administration) Regulations* states that the Chief Executive Officer of a local government must publish, on the local government’s official website, the meeting place, dates and times of Committee meetings that are required under the *Local Government Act 1995* to be open, or proposed to be open, to members of the public, before the beginning of the year in which the meetings are to be held.

Committee meetings required to be open to the public include:

- Audit and Risk Committee (required to meet quarterly)
- Kojonup Natural Resource Management (NRM) Advisory Committee (required to meet at least half yearly)
- Bush Fire Advisory Committee (required to meet biannually).

It is proposed that the Audit and Risk Committee continues to schedule its meetings to be held on the first Tuesday of February, May, August and November for the 2022 calendar year.

It is proposed that the NRM meetings be held on the third Thursday of February and August for the 2022 calendar year.

It is proposed that the Bush Fire Advisory Committee (BFAC) schedule its meetings to be held on the second Wednesday in February (as scheduled at the 14 October 2021 BFAC meeting) and August for the 2022 calendar year.

#### **CONSULTATION**

Manager Corporate and Community Services  
Manager Regulatory Services

#### **STATUTORY REQUIREMENTS**

Section 5.25 (1) (g) - *Local Government Act 1995* –

##### ***5.25. Regulations about council and committee meetings and committees***

- (1) *Without limiting the generality of s. 9.59, regulations may make provision in relation to—*
- (g) *the giving of public notice of the date and agenda for council or committee meetings;*

Regulation 12 - *Local Government (Administration) Regulations 1996* –

##### ***12. Publication of meeting details [Act s. 5.25(1) (g)]***

- (1) *In this regulation —*
- meeting details***, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) *The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—*
- (a) *ordinary council meetings;*
- (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*
- (3) *Any change to the meeting details for a meeting referred to in sub-regulation(2) must be published on the local government’s official website as soon as practicable after the change is made.*
- (4) *If a local government decides that a special meeting of the council is to be*

*open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 – Business Disruption	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.	Maintain regular communications with agencies and support services.	Draft Bushfire Risk Management Plan
3 – Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes.	Audit & Risk Committee	Nil
6 – Engagement Practices	Failure to maintain effective working relationships with the Community (including Local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Advisory committees/groups	Nil

7 - Environment	Inadequate prevention, identification, enforcement and management of environmental issues.	Support and work with environmental & land care groups.	Nil
Risk rating – Moderate/Low/Moderate/Low			
IMPLICATIONS			
Scheduled meetings with Advisory Committees of Council lessens risk by meeting legislative requirements and maintaining regular communication that may assist in preventing disconnect with community members and groups who perform vital roles within the Shire of Kojonup.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

151/21 Moved Cr Bilney                      Seconded Cr F Webb

That:

1. Meetings of advisory committees of Council be scheduled to be held in the Shire of Kojonup Administration Reception Lounge in 2022 as follows:
  - Audit and Risk Committee – first Tuesday of February, May, August and November 2022 commencing at 9.00am;
  - Kojonup Natural Resource Management Advisory Committee (NRM) – third Thursday of February and August 2022 commencing at 2.00pm; and
  - Bush Fire Advisory Committee – second Wednesday in February and August – commencing at 7.30pm.

**Audit and Risk Committee:**

- 1 February 2022
- 3 May 2022
- 2 August 2022
- 1 November 2022

**NRM Committee (commencing at 2.00pm):**

- 17 February 2022
- 18 August 2022

**Bush Fire Advisory Committee:**

- 9 February 2022
- 10 August 2022

3. The approved meeting schedule for advisory committees of Council for 2022, as above, be published on the Shire website, local public notice given and each advisory committee chairperson be advised.

CARRIED 8/0

12.5 POLICY 2.2.11 – SHIRE UNIFORMS – ADDITION OF PERSONAL PROTECTIVE EQUIPMENT CLAUSE

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Thursday, 2 December 2021
<b>FILE NO</b>	CM.POL.2
<b>ATTACHMENT(S)</b>	12.5.1 - Existing Policy 2.2.11 – Shire Uniforms - showing changes 12.5.2 - Policy 2.2.11 – Shire Uniforms - clean copy

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.  3.4 – Be organised and transparent with our financial management.	3.1.5 – Implement strategies to improve Councillors’ role as community leaders and asset custodians.  3.4. 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 for Council to consider amending Policy 2.2.11 – Staff Uniforms to include an employer contribution of up to \$200 every two years towards prescription safety glasses for permanent full time employees as part of its provision of Personal Protective Equipment (PPE).

**BACKGROUND**

The Shire of Kojonup (Shire), as an employer, is required by the *Occupational Safety and Health Act 1984* (*Work Health and Safety Act 2020* being effective from the beginning of 2022) to provide appropriate PPE to its employees undertaking a work based task that requires PPE to eliminate or minimise risk of injury. As part of the PPE provided, safety glasses are an important item for employees performing tasks where eye protection is required (e.g.; chemical spraying, tree branch removal, chainsaw use, working in



dusty/windy environments where flying debris may be present). Non-prescription safety glasses are currently provided; however, prescription safety glasses are not.

#### **COMMENT**

The Work Health and Safety Committee (Committee), at its 11 November 2021 meeting, discussed a request for the cost of prescription safety glasses to be covered by the Shire of Kojonup for those employees who are required to wear safety glasses to undertake their role.

After researching the cost of prescription safety glasses (somewhat dependent on style of frame, brand etc.), the Committee is requesting that the Shire contribute up to \$200 biennially (standard scheduled timeframe for eyesight checks) to employees who require prescription safety glasses. This would be subject to provision by the employee of an optometrist's prescription/quotation which will in turn effect a purchase order to the optometrist or on provision of an optometrist's receipt demonstrating payment by the employee for prescription safety glasses. The Chief Executive Officer will assess each request.

#### **CONSULTATION**

Chief Executive Officer  
Work Health and Safety Committee  
Works Administration Officer (costing)

#### **STATUTORY REQUIREMENTS**

While policies have no legal status, it is considered best practice for local governments to have a set of policies that provide guidance to staff, effectively negating the need for staff to constantly refer to Council. Council may adopt, amend or waive policies under Section 2.7 (2) of the *Local Government Act 1995*.

#### **POLICY IMPLICATIONS**

This item recommends an addition to *Policy 2.2.11 – Shire Uniforms* being the provision of a financial contribution to permanent full time employees whose role requires them to use safety glasses and where those employees require prescription lenses.

#### **FINANCIAL IMPLICATIONS**

The cost of PPE for depot employees is covered under Chart of Account 9202 – *Safety Equipment and PPE*.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 - Errors, Omissions and Delays	Changes to legislation	Policies and Procedures	Nil
14 – Safety and Security	Lack of appropriate PPE/Equipment	Provision of PPE	Nil
Risk rating - Adequate			
IMPLICATIONS			
<p>Robust systems and controls, including guidance documents such as Council’s Policy Manual, reduce inconsistencies and risks associated with Shire operations. A lack of effective policies and processes can contribute to impulsive decision making (causes of compliance risk).</p> <p>Updating of the Shire’s policy dealing with employee clothing and PPE, by way of ensuring employees who require prescription safety glasses for work purposes are sufficiently financially compensated, reduces risk to both the employee (safety) and the employer (liability, reputation and lost time injury).</p>			

#### ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION

That the addition of a clause to the Council’s *Policy 2.2.11 – Shire Uniforms*, allowing for a financial contribution towards the cost of prescription safety glasses for permanent full time employees requiring safety glasses for work purposes, as attached, be adopted.

COUNCIL DECISION

Moved Cr Wieringa

Seconded Cr Singh

That the addition of a clause to the Council's *Policy 2.2.11 – Shire Uniforms*, allowing for a financial contribution towards the cost of prescription safety glasses for permanent full time employees requiring safety glasses for work purposes, as attached, be adopted.

AMENDMENT TO THE MOTION

152/21 Moved Cr Gale

Seconded Cr P Webb

That the following be added:

In the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their prescription safety glasses.

CARRIED 8/0

THE AMENDMENT BECAME PART OF THE MOTION AND WAS PUT

153/21 Moved Cr Wieringa Seconded Cr Singh

1) That the addition of a clause to the Council's *Policy 2.2.11 – Shire Uniforms*, allowing for a financial contribution towards the cost of prescription safety glasses for permanent full time employees requiring safety glasses for work purposes, as attached, be adopted; and  
2) That, in the event that an employee terminates their employment with the Shire within 6 months of their initial engagement, the employee will be required to refund the full contribution made by the Shire to the purchase of their prescription safety glasses.

CARRIED 8/0

Reason for change to Officer Recommendation:

Council wished to specify refund of any contribution towards prescription safety glasses where an employee terminates their employment with the Shire within 6 months of their initial engagement.

*The Sport and Recreation Officer left the meeting at 3.30pm.*

12.6 RESERVE ACCOUNT APPROPRIATENESS REVIEW – 2021/2022

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Thursday, 2 December 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	Nil

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

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of this report is to undertake an annual review of the appropriateness of each reserve account in accordance with Council Policy.

**BACKGROUND**

Council Policy 2.1.8 – ‘Financial Governance’ has a section relating to reserve accounts, which states as follows:

*‘In addition to grant funding, the Shire’s reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.*

*Cash reserves are to be established and maintained to accumulate funds for the following purposes:*

- 1. To smooth funding allocations over future years;*
- 2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;*
- 3. To meet statutory obligations;*
- 4. To fund renewal of existing physical/built assets;*
- 5. To fund future strategic initiatives and the provision of new services and facilities to future residents;*

6. *To buffer against unpredictable events;*
7. *To hold unspent grants and contributions; and*
8. *Other purposes as determined by the Council from time to time.*

*When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.*

*The Manager of Corporate and Community Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.*

*Specifically, the following goals are set for individual reserve account balances:*

- *Employee Leave – As a minimum, the level of this reserve should meet both:*
  - *The EBA sick leave liability (clause 29); and*
  - *The current portion of the long service leave liability for staff with seven (7) years or more service.*

*This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.*

- *Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;*
- *Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;*
- *Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;*
- *Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;*
- *Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;*
- *Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve;*
- *Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account.'*

This agenda item undertakes the sixth such review since this policy was adopted in November 2015.

## OFFICER'S COMMENT

### Why Have Reserves?

Section 6.11 of the *Local Government Act 1995* states that when a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. The Council policy detailed above outlines eight (8) such reasons why a local government may establish a reserve account.

An analysis of the appropriateness of current reserve accounts does not give consideration to any new areas of major future expenditure whereby a reserve account currently does not exist. As such, last year's review built included a specific focus on:

1. The fifteen (15) highest scoring buildings identified in the *Buildings Assessment Framework*; and
2. Identified major projects for inclusion in the draft Long Term Financial Plan.

The existing reserve accounts established now enables both important building renewal to be funded and major projects prioritised, to ensure that reserve accounts exist for each building and project and then are funded to an appropriate level.

### Appropriateness of Existing Reserve Account Balances:

The following table shows reserve account balances as at 30 June 2021 and (budgeted) 30 June 2022 and a commentary on the appropriateness of these balances in conjunction with major projects planned in *Smart Implementation*. Recommendations within the table are made based on the following key:

- ↑ - More funds required
- ✓ - Currents funds are appropriate; and
- ↓ - Funds are surplus to needs of the account.
- ? – More information required

Recommendations have also been colour coded using a traffic light system.

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	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
1.	Employee Leave	\$225,393	↑	\$235,956	Policy 2.1.8 has set a plan to increase the level of this reserve in accordance with a set formula of minimum balance. Whilst the reserve needs to grow significantly, a balance between meeting possible future liabilities and tying up large amounts of cash needs to be considered. <b>Recommendation: Increase the balance of the reserve slowly over time and actively manage leave accruals.</b>	↑
2.	Shire Office/Library Building Upgrade & Renewal	\$1,007	New	\$1,010	Major Civic building that will require future upgrade and renewal. <b>Recommendation: regular annual contributions will ensure the reserve slowly builds as asset renewal needs increases.</b>	↑
3.	Bushfire Communications	\$109,492	✓	\$0	The requirement for a new bush fire communications tower is currently being planned and the project scoped in accordance with the Council resolution from 5 November 2019. The provision of a sum for asset management of this critical infrastructure is sound management and desired outcomes of Key Pillar 5 (Digital) neatly fit within this project. The Council resolution from 5 November 2019 included funding any shortfall through loan funds.	✓
4.	Community Grant Scheme	\$9,735	✓	\$9,759	This reserve account is currently holding funds set aside for the Kojonup Theatrical Society (KTS - \$6,000) and a Council donation to the KTS (\$3,000). <b>Recommendation: Change the name of this reserve account in the 2022/2023 Annual Budget to "Memorial Hall – Theatrical Infrastructure"</b> .	✓
5.	Day Care Building Maintenance	\$12,051	✓	\$14,781	This reserve sets aside annual rental income for future major maintenance requirements. (Rent reviewed annually)	✓
6.	Spencer Street Youth Precinct	\$11,245	↑↑	\$31,273	This reserve is to fund a major 2024 project being the construction of a new skate park, pump track and youth centre and therefore large amounts of funding need to be allocated to this reserve.	↑↑

	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
7.	Springhaven Building Upgrade & Renewal	\$18	✓	\$136	This reserve receives interest earned from the 'Springhaven Lodge - Bonds' reserve and is used to fund major building items at Springhaven. While it is has been nearly fully drawn down in recent years, vast improvements have been made at Springhaven and the reserve will rebuild adequately in the coming years.	✓
8.	Springhaven Equipment	\$6,489	↑	\$16,505	This reserve will fund urgent laundry or kitchen equipment at Springhaven Lodge. Most equipment is new in 2019/2020 so this reserve can slowly build.	✓
9.	Low Income Housing	\$67,408	✓	\$74,277	This reserve 'operates' the Jean Sullivan joint venture housing, i.e. profit from rent transferred to reserve to fund major maintenance. Rental amounts are set by the State.	✓
10.	Independent Living Units	\$38,324	✓	\$154,220	This reserve was nearly fully withdrawn with the construction of new ILU's. Rental returns will rapidly improve the reserve over time, importantly from an asset replacement perspective in the long term.	✓
11.	Benn Parade Multi-Facility	\$14,289	↑↑↑	\$14,325	A new reserve created in 2018/2019 financial year to provide a new facility for Kojonup Community Men's Shed, Kojonup Tourist Railway and possibly other community groups. This is a major imminent project where construction is expected in the first half of 2023. Project funding has high probability from external grant sources, however, incidental costs such as car parking will be the Shire's responsibility. <b>Recommendation: High priority for funding.</b>	↑↑↑
12.	Townscape	\$25,333	↑↑↑	\$35,396	A new reserve created in 2018/2019 financial year. The scope of future works is currently being defined and need reserve funds to leverage grant or external funding. Total project over numerous financial years will be multiple millions. <b>Recommendation: High priority for funding.</b>	↑↑↑



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	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
13.	Landfill Waste Management	\$55,304	✓	\$50,585	Continual improvements that are required in waste management practices highlights that this will be an area of future expenditure needs. Post closure management expenses need to be saved for the duration of the operation of a facility to ensure appropriate funding of required works following closure. From 1 July 2018, the reserve definition was updated to include 10% of rubbish bin charges being allocated to this account.	✓
14.	Energy Efficiency	\$4,130	✓	\$0	Installation of solar array at the Works Depot achieved major energy savings identified and closure of this reserve. <b>Recommendation: Council Policy 2.1.8 be amended to delete "Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve."</b>	✓
15.	Natural Resource Management	\$111,578	✓	\$70,157	This reserve account has enabled the employment of a NRM Officer and leveraged in excess of 150% additional grant funding. Council policy now contributes an annual figure comparative to previous rates discount offered making the NRM program (and this reserve account) self-sustainable.	✓
16.	RSL Hall Building Renewal	\$10,289	?	\$10,315	The scope of any future works in this precinct needs to be defined, or indeed if this building is to be retained. Strategic direction required.	?
17.	Memorial & Lesser Hall Upgrade & Renewal	\$12,118	↑↑↑	\$7,148	Very important community asset that has large asset renewal backlog. Grant funding in the previous 12 months has seen in excess of \$350,000 expended on a new roof, brick repairs, front room repairs and new storage thereby greatly reducing the immediate need for renewal funding recommended last year. <b>Recommendation: regular annual contributions will ensure the reserve slowly builds as asset renewal needs increases.</b>	↑

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	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
18.	Sporting Complex Building Upgrade & Renewal	\$1,049	New	\$1,052	Very important community asset that has substantial upgrade requirements to meet user needs. Kitchen upgrade (including cool room) and building extension for storage/office space, swimming pool club rooms and deck extension are all identified future projects. <b>Recommendation: regular annual contributions will ensure the reserve slowly builds as asset renewal needs increases.</b>	↑↑
19.	Sporting Facility	\$78,120	↑↑	\$15	Major expenditure 2020 - 2022 will meet the immediate demands for facility upgrades. Possible parking/kerbing/footpath upgrades are all identified future projects. <b>Recommendation: Improve funding in the medium term.</b>	↑
20.	Netball Court Resurfacing	\$1,007	New	\$1,010	This reserve required under grant funding agreement signed in 2020 for Netball Court Reconstruction project. Reserve requirements approximately \$35,000 each ten (10) years (in 2021 money) <b>Recommendation: regular annual contributions will ensure the reserve slowly builds in-line with asset renewal needs – Add annual contribution to Council Policy 2.1.8.</b>	↑ (\$3,500 annual contr.)
21.	Playground & Parks	\$10,009	↑	\$20,034	Asset renewal and upgrade reserve established in 2020/2021. <b>Recommendation: Priority for funding in the medium term.</b>	↑
22.	The Spring	\$1,007	New	\$16,010	A new reserve created in 2020/2021 financial year to provide improvements at The Spring in line with an adopted Master Plan. This is a major imminent project where construction is expected to be staged over the coming financial years. Project funding has high probability from external grant sources, however, matching funds will be required by the Shire. <b>Recommendation: High priority for funding.</b>	↑↑

	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
23.	Trails Network Construction	\$1,007	New	\$6,010	A new reserve created in 2020/2021 financial year to implement the Shire's Trails Master Plan. Grant funding and Shire contribution for the Town Walk Trail in 2021/2022 is a major start, combined with staff resources to achieve planning and land tenure requirements defined under the plan results in funding being more of a medium term priority. External project grant funding probability is considered low. <b>Recommendation: Priority for funding in the medium term.</b>	↑
24.	Swimming Pool	\$20,433	↑↑	\$40,484	This asset will require upgraded drainage (wet decks) in the short term and possible full asset replacement in the medium to long term future and therefore major funds are required. \$40,000 was spent in 2018/2019 to repaint the pool as a vital maintenance item. Total project into the future will be multiple millions. <b>Recommendation: High priority for funding.</b>	↑↑
25.	Economic Development	\$88,409	?	\$58,630	Establishing a business hub, amending the town planning scheme and creating a state tech-farming epicentre will require an increase in funds - A future 'investment' area of the Council. <b>Recommendation: Project scope needs defining before more funds are contributed.</b>	?
26.	Land Acquisition and Development	\$37,247	✓	\$7,340	Given the shortage in available residential and industrial land, and the opportunities to develop land in John Street, Soldier Road and Thornbury Close, substantially more funds are required in this area. However, it is noted that developments could be funded by loans and this reserve utilized to deposit sale proceeds and meet loan repayments.	✓
27.	Saleyards	\$39,511	?	\$1,210	Future of the Saleyards currently under review by the Council	?
28.	The Kodja Place Building Upgrade & Renewal	\$9,611	↑	\$14,635	Relatively new building that has minimal renewal issues at present, with the exception of the rammed earth walls. <b>Recommendation: Funding to be increased in the medium to long term.</b>	↑

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	Name of Reserve	Actual Balance 30 June 2021	Last Year's Rec.	Budgeted Balance 30 June 2022	Officers Comment	This Year's Rec.
29.	The Kodja Place Master Plan Implementation	\$0	New	\$10,000	Slowly increase the balance of this reserve to implement recommendations contained within the plan, noting that many of the recommendations are very low cost initiatives. <b>Recommendation: Priority for funding in the medium term as other operational requirements are clarified.</b>	↑
30.	Plant Replacement	\$489,415	✓	\$311,360	Considerable work has been undertaken for this reserve with regards to passenger vehicles. It is important that the full 12 year cycle of this plant is considered and funds not claimed for other purposes during low expenditure years.	✓
31.	Works Depot Building Upgrade & Renewal	\$1,006	New	\$1,009	Major operational building cluster that requires upgrade and renewal. <b>Recommendation: regular annual contributions will ensure the reserve slowly builds as asset renewal needs increases.</b>	↑
	<b>Shire Held Funds</b>	<b>\$1,492,034</b>		<b>\$1,214,642</b>		
32.	Springhaven Lodge Bonds	\$2,047,145		\$2,047,145	This reserves operates as a trust fund for resident bonds held (Not the property of the Shire).	
	<b>Total Reserves</b>	<b>\$3,539,179</b>		<b>\$3,261,787</b>		

Based on the commentary above, it is recommended that the 2022/2023 draft budget include transfers to the following reserve accounts to increase their balances:

**Highest Priority:**

1. Townscape
2. Benn Parade Multi-Facility

**High Priority:**

3. Spencer Street Youth Precinct
4. Sporting Complex Building Upgrade & Renewal
5. The Spring
6. Swimming Pool

**Medium Priority:**

7. Employee Leave
8. Shire Office/Library Building Upgrade & Renewal
9. Memorial & Lesser Hall Upgrade & Renewal
10. Sporting Facility
11. Netball Court Resurfacing
12. Playground & Parks
13. Trails Network Construction
14. The Kodja Place Building Upgrade & Renewal
15. The Kodja Place Master Plan Implementation
16. Works Depot Building Upgrade & Renewal

Total Reserve Account Balances:

The table above highlights the following evolving issues for the Shire's reserve accounts:

- a) The estimated balance at 30 June 2022 of \$3.26m reduces significantly to \$1.21m when excluding Springhaven Bonds;
- b) \$1.21m is an inadequate reserve account balance when comparing to 2021/2022 budget capital expenditure of \$9.82m or 2020/2021 budget capital expenditure of \$8.7m;
- c) \$1.21m represents a mere 9.3% of annual revenue as total savings;
- d) Future expenditure requirements for existing assets such as the Kevin O'Halloran Memorial Swimming Pool and the Memorial Hall will dwarf the current \$1.21m reserve balance. This excludes new projects that the Council or community may wish to undertake;
- e) 2 of the Shire's 31 reserve accounts will be closed in the 2021/2022 financial year and 3 require further consideration / investigation (addressed in this report). Of the remaining 26, 16 (or 61.5%) require significant further funding requirements;
- f) While most reserve account balances hover around the \$1,000 to \$20,000 balance, to be an effective funding tool this needs to increase to at least \$100,000 to \$200,000; and
- g) If all 16 reserve accounts identified for further funding received on average an additional \$100,000 in next year's budget, \$1.6m would be required.

Current Reserve Account Purpose:

The purpose for which each reserve account has been established are as follows:

**Employee Leave Reserve**

To be used to fund annual and long service leave requirements.

**Shire Office/Library Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Shire Administration Centre and library buildings;

**Bushfire Communications Reserve**

To construct and maintain critical bushfire communication infrastructure.

**Community Grant Scheme**

To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year.

**Day Care Building Maintenance**

For the expenditure of major building maintenance items on the Kojonup Day Care Centre building, corner of Elverd and Honner Streets, Kojonup. Annual rent paid by the tenant is deposited into this account.

**Spencer St Youth Precinct**

To fund planning & construction of a skate park, pump track and youth centre at the Spencer Street site.

**Springhaven Lodge Bonds**

To cash back refundable bonds paid by residents of the facility.

**Springhaven Building Upgrade & Renewal Reserve**

To be used for major upgrade and capital renewal of Springhaven facility buildings

**Springhaven Equipment**

To fund the replacement of major equipment and appliances at Springhaven Frail Aged Lodge.

**Low Income Housing Reserve**

To be used for major maintenance of Jean Sullivan Units. All operating profit is to be transferred to this reserve in accordance with the joint venture agreement

**Independent Living Units**

To transfer operating profits from Loton Close units to this reserve to fund major maintenance and future asset replacement.

**Benn Parade Multi-Facility**

To fund the co-location of Historical Society, Men's Shed and Kojonup Tourist Railway facilities to the Benn Parade Railway Precinct.

**Townscape**

To fund major townscape improvements to the Kojonup Town Centre.

**Landfill Waste Management Reserve**

To be used for future upkeep, maintenance, expansion, post closure activities and or reclamation of the Shire's waste management facilities. 10% of rubbish bin charges are to be allocated to this reserve annually.

**Energy Efficiency Reserve**

Established to fund energy efficiency initiatives within the Shire's operations. 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve.

### **Natural Resource Management**

For the Shire of Kojonup to progress the following projects:

1. Bridal Creeper and Tagasaste Eradication program.
2. Managing water resources including water harvesting and re-use opportunities in the Shire for the use in Kojonup parks and reserves during summer.
3. Undertake weed management and planting of native trees and shrubs in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:
  - a. Myrtle Benn, Farrar and Quin Quin;
  - b. Showground's area; and
  - c. Blackwood Road arboretum

to improve bio diversity, fauna habitat and natural resource management outcomes.

### **RSL Hall Building Renewal**

To fund major refurbishment and/or re-purposing of the Kojonup RSL Hall.

### **Memorial & Lesser Hall Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Memorial and Lesser Hall buildings.

### **Sporting Complex Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Sporting Complex Building;

### **Sporting Facility Reserve**

To fund Council contribution to CSRFF Funding grants or to fund construction or renewal of Shire sporting facilities.

### **Netball Court Resurfacing**

To fund the future replacement of the netball court playing surfaces.

### **Playground & Parks**

To be used for the asset renewal and upgrade of major playground equipment and park infrastructure.

### **The Spring**

To be used for major capital upgrades and improvements at the Kojonup Spring area;

### **Trails Network Construction**

To be used to construct recreational trails within the Shire of Kojonup in accordance with the Great Southern Trails Master Plan and the Shire of Kojonup Trails Plan;

### **Swimming Pool**

To fund major refurbishment and/or asset replacement of the Kevin O'Halloran Memorial Swimming Pool.

### **Economic Development Reserve**

To be used for the advancement of economic development within the Shire of Kojonup, specifically to fund outcomes within Key Pillar 4 - 'Prosperity' and Key Pillar 5 - 'Digital' within 'Smart Possibilities' the Kojonup Community Strategic Plan.

### **Land Acquisition & Development**

To fund the purchase of land, sub-division expenses and receipt sub-division sales revenue.

### **Saleyards**

The profit or loss from annual operations to be transferred to this account to fund major refurbishment and/or asset renewal of the Kojonup Saleyards.

### **The Kodja Place Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of The Kodja Place buildings.

### **Plant Replacement Reserve**

To smooth funding allocations over financial years for the purchase of major plant items; and

### Works Depot Building Upgrade & Renewal

To be used for major upgrade and capital renewal of the Works & Services Depot buildings.

#### Reserve Account Purpose - Summary:

Two (2) changes were made to reserve account definitions (purposes) in last year's review, being:

- Renaming the 'Youth Reserve' to the 'Spencer Street Youth Precinct Reserve' to fund the development, planning and construction of a new skate park, pump track and youth centre at the Spencer Street site; and
- Renaming the 'The Kodja Place Tourist Precinct Reserve' to the 'The Kodja Place Master Plan Implementation Reserve' to fund the implementation of the recommendations contained within The Kodja Place Master Plan.

Considering all of the above definitions have been constantly reviewed over the past six (6) financial years, the existing reserve account definitions are all considered appropriate and relevant, with the exception of:

- Renaming the 'Community Grant Scheme Reserve' to the 'Memorial Hall – Theatrical Infrastructure Reserve' to fund the upgrade of theatrical equipment and infrastructure in the Kojonup Memorial Hall. This change in definition will clarify the purpose that the funds are presently held in this reserve.

#### Closure of Reserve Accounts:

It is not recommended that any reserve accounts be closed in addition to those authorised in the 2021/2022 annual budget.

#### Further Information Needed:

Strategic direction is needed for the following reserves to determine their long term future:

- RSL Hall Building Renewal;
- Saleyards; and
- Economic Development.

The RSL hall requires a large expenditure to bring this facility to public building standards, especially in the kitchen and bathrooms. An assessment needs to be undertaken to ascertain if this expenditure is warranted and if "another hall" is required considering the availability of the Memorial & Lesser Halls, the Sporting Complex, The Kodja Place meeting rooms and community facilities such as Boniface House.

The Council resolution regarding the saleyards at the Council meeting held 17 November 2020 included the following decisions:

- 3. The Kojonup Saleyards be closed effective 1 January 2021.**
- 4. Council authorise the Chief Executive Officer to call for expressions of interest from the community or from a corporate body to take over the Saleyard including existing by April 2021.**
- 5. The truckwash be retained for use and be maintained by Council.'**

As such, the process defined by the Council needs to be completed prior to an assessment being made on the Saleyards reserve account. For example, the funds may be transferred to



the truckwash bay, used to improve or decommission the saleyards or transferred for another purpose.

The Economic Development Reserve account is not defined very specifically within its definition or intended use. Renaming this reserve to a specific project within Key Pillar 4 of *SMART Possibilities* may be more appropriate, such as *'Community Hub/Southern Dirt/Telecentre Reserve Account'*, however, the project scope for most of key pillar 4 needs further development before this could be considered.

Additional / New Reserve Accounts:

It is not recommended that any new reserve accounts be created as part of this annual review.

## CONSULTATION

Nil.

## STATUTORY REQUIREMENTS

Section 6.11 of the *Local Government Act 1995* legislates reserve accounts and states:

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
  - (a) changes\* the purpose of a reserve account; or
  - (b) uses\* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.  
\* *Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection (2) —
  - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
  - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

## POLICY IMPLICATIONS

This report has been completed in accordance with Council Policy 2.1.8 – 'Financial Governance' as outlined in the background of this report.

## FINANCIAL IMPLICATIONS

While the report does not in itself have a financial implication on the 'bottom line' of this year's finances, reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day.

Cash reserves are established in accordance with the *Local Government Act 1995* and maintained to accumulate funds for the following purposes:

- To smooth funding allocations over future years.
- To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget.
- To meet statutory obligations.

- To fund renewal of existing physical/built assets.
- To fund future strategic initiatives and the provision of new services and facilities to future residents.
- To buffer against unpredictable events.
- To hold unspent grants and contributions.
- Other purposes as determined by the Council from time to time.

#### **RISK MANAGEMENT IMPLICATIONS**

Maintaining a suitable forward planning process that is intrinsically linked to long term financial planning minimizes many risks, including those associated with the funding of major projects or the provision of essential equipment and infrastructure.

#### **ASSET MANAGEMENT IMPLICATIONS**

Reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day, and therefore this review to ensure they remain focussed and appropriate is essential. As such, this item is central to good asset management, and the ability to fund identified major upgrades, renewal and replacement of assets as identified in the asset management plan.

The 2020 Reserve Account Appropriateness Review specifically addressed the Shire's fifteen (15) most important buildings as identified in the 2017 Building Assessment Framework. As such, each of these fifteen buildings now have a corresponding reserve account for their asset renewal

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

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

154/21 Moved Cr Wieringa    Seconded Cr Singh

That:

1.        The annual review undertaken addressing the appropriateness of each reserve account purpose, suitability of current balances and deficiencies for the funding of asset management and future projects as identified in adopted forward plans be received;

2.        The 2022/2023 draft budget include the renaming and change of purpose of the 'Community Grant Scheme Reserve' to the 'Memorial Hall – Theatrical Infrastructure Reserve' to fund the upgrade of theatrical equipment and infrastructure in the Kojonup Memorial Hall;

3.        The 2022/2023 draft budget include transfers to the following reserve accounts to increase their balances:

Highest Priority:

- a)        Townscape
- b)        Benn Parade Multi-Facility (Men's Shed)

High Priority:

- c)        Spencer Street Youth Precinct
- d)        Sporting Complex Building Upgrade & Renewal
- e)        The Spring
- f)        Swimming Pool

Medium Priority:

- g)        Employee Leave
- h)        Shire Office/Library Building Upgrade & Renewal
- i)        Memorial & Lesser Hall Upgrade & Renewal
- j)        Sporting Facility
- k)        Netball Court Resurfacing
- l)        Playground & Parks
- m)        Trails Network Construction
- n)        The Kodja Place Building Upgrade & Renewal
- o)        The Kodja Place Master Plan Implementation
- p)        Works Depot Building Upgrade & Renewal;

4.        The following three reserve accounts to be discussed at a Council briefing session in 2022 to set a strategic direction:

- a)        RSL Hall Building Renewal;
- b)        Saleyards; and
- c)        Economic Development.

Council Policy 2.1.8 be amended as follows:

- By deleting “Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve.”; and
- By Adding “Netball Court Resurfacing Reserve - A \$3,500 annual contribution will be made to this reserve to make provision for the resurfacing of the acrylic surface at the end of its useful life”.

CARRIED 8/0

12.7 BUSH FIRE BRIGADE VOLUNTEERS – PERSONAL PROTECTIVE EQUIPMENT

<b>AUTHOR</b>	Robert Jehu - Manager Regulatory Services
<b>DATE</b>	Wednesday, 8 December 2021
<b>FILE NO</b>	PE.VOL.1
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2018-2022”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 - Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.  3.4 – Be organised and transparent with our financial management.	3.1.5 – Implement strategies to improve Councillors’ role as community leaders and asset custodians.  3.4. 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 authorise a budget variation to allow for sufficient purchase of Personal Protective Equipment (PPE) to the members of the Shire of Kojonup’s (Shire) volunteer fire brigades.

**BACKGROUND**

The Shire has received Emergency Service Levy (ESL) funding from the Department of Fire and Emergency Services (DFES) for \$50,000.00 as shown in its current budget. This is for fire brigade expenses including vehicle upkeep, insurances and PPE for the volunteer fire fighters.

**COMMENT**

The Shire is responsible for the supply of PPE to the volunteer fire fighters including a pair of pants, jacket, hat, gloves and goggles as a minimum requirement for each volunteer attending the fire front.

The Shire has historically supplied a percentage of all requested equipment at the end of each financial year using any allocation still remaining in the Annual Budget. This has created a lack of some equipment as not all requests were actioned. There was limited PPE purchased at the end of last financial year. Due to the large amount of extra registered volunteers after the Basic Fire Training conducted by the Shire recently, there will be an added requirement for additional PPE to the brigades.

There are currently requests from the volunteers for PPE to the value of \$15,000. If the Shire does not supply this PPE and an incident occurred to individuals then the Shire may be liable. A request has been submitted to DFES to allocate a further \$8,000 ESL funding for this financial year (no confirmation of this has been received at this stage).

If this request is not supported by DFES, then the Shire would be required to finance the purchase of the current requests for PPE.

#### CONSULTATION

Chief Bush Fire Control Officer  
 Bush Fire Advisory Committee  
 Bush fire brigades  
 Department of Fire and Emergency Services

#### STATUTORY REQUIREMENTS

The Shire is responsible for fire brigades under the *Bush Fire Act 1954*.

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

A request has been submitted to DFES to allow a payment of \$8,000 extra ESL to be allocated to the Shire (no confirmation has been received at this stage). The requirement of an \$8,000 budget transfer from account 5090 Liquid Waste Pond Maintenance to account 2372 Brigade Expenses will be required if the request to DFES is declined.

The liquid wastes pond is now at a stage where it can now be utilized for the acceptance of liquid waste and the further development of these facilities can be postponed until next financial year.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 - Errors, Omissions and Delays	Changes to legislation	Policies and Procedures	Nil
14 – Safety and Security	Lack of appropriate PPE/Equipment	Provision of PPE	Nil
Risk rating - Adequate			
IMPLICATIONS			
If the Shire does not Provide the appropriate PPE to the volunteer fire fighters attending fires on behalf of the Shire and an incident occurred in which a volunteer was injured then the Shire would be at risk.			

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

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

155/21 Moved Cr F Webb      Seconded Cr Gale

That a budget variation of \$8,000 from account 5090 Liquid Waste Pond Maintenance to account 2372 Brigade Expenses for the purchase of Personal Protective Equipment for the Shire of Kojonup's volunteer fire brigades be approved.

CARRIED 8/0

- 13 KEY PILLAR 4 – ‘PROSPERITY’ REPORT  
Nil



- 14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS  
Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil

16 NEW BUSINESS  
Nil

*Cr Singh, the Manager Corporate and Community Services, the Manager Regulatory Services and the Manager Springhaven left the meeting at 3.35pm.*

17 CONFIDENTIAL REPORTS

17.1 LEASE OF 143 ALBANY HIGHWAY, KOJONUP

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 6 November 2021
FILE NO	CP.LEA.1

**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**

**156/21 Moved Cr Gale      Seconded Cr F Webb**

**That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at 3.36pm.**

**CARRIED 7/0**

OFFICER RECOMMENDATION/COUNCIL DECISION

157/21 Moved Cr Gale                      Seconded Cr F Webb

That Council endorses the embedded strategy and correspondence attached, as outlined in this report, and delegate authority to the Chief Executive Officer to enact the strategy with the relevant parties post haste.

CARRIED 7/0

PROCEDURAL MOTION

158/21 Moved Cr Gale Seconded Cr Wieringa

That the meeting be reopened to the public at 3.49pm.

CARRIED 7/0

*Cr Singh returned to the meeting at 3.50pm.*

18     NEXT MEETING

Ordinary Council Meeting Tuesday, 15 February 2022 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 3.54pm.

20 **ATTACHMENTS (SEPARATE)**

Item 7.1	7.1.1	Minutes of the Council Meeting held on 16 November 2021
Item 10.1	10.1.1 10.1.2	Spencer Street Youth Precinct Concept Plan Spencer Street Youth Precinct Alternate Layout
Item 11.1	11.1.1 11.1.2 11.1.3	Draft Proposed Parking Local Law 2022 Draft Proposed Cat Local Law 2022 <i>Local Government Act 1995</i> (s. 3.5 and s. 3.10 specifically)
	11.1.4	<i>Cat Act 2011</i> (s.79 specifically)
Item 11.2	11.2.1 11.2.2	Draft Policy – Reportable Incidents and Serious Incident Response Scheme Draft Policy – Restrictive Practices
Item 12.1	12.1.1	November 2021 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payments Listing 1 – 30 November 2021
Item 12.5	12.5.1 12.5.2	Existing Policy 2.2.11 – Shire Uniforms - showing changes Policy 2.2.11 – Shire Uniforms - clean copy

Confirmed on 15 February 2022 as a true record –

  
\_\_\_\_\_  
Presiding Member

15/2/2022  
Date