



# MINUTES

## Ordinary Council Meeting

# 12 December 2023

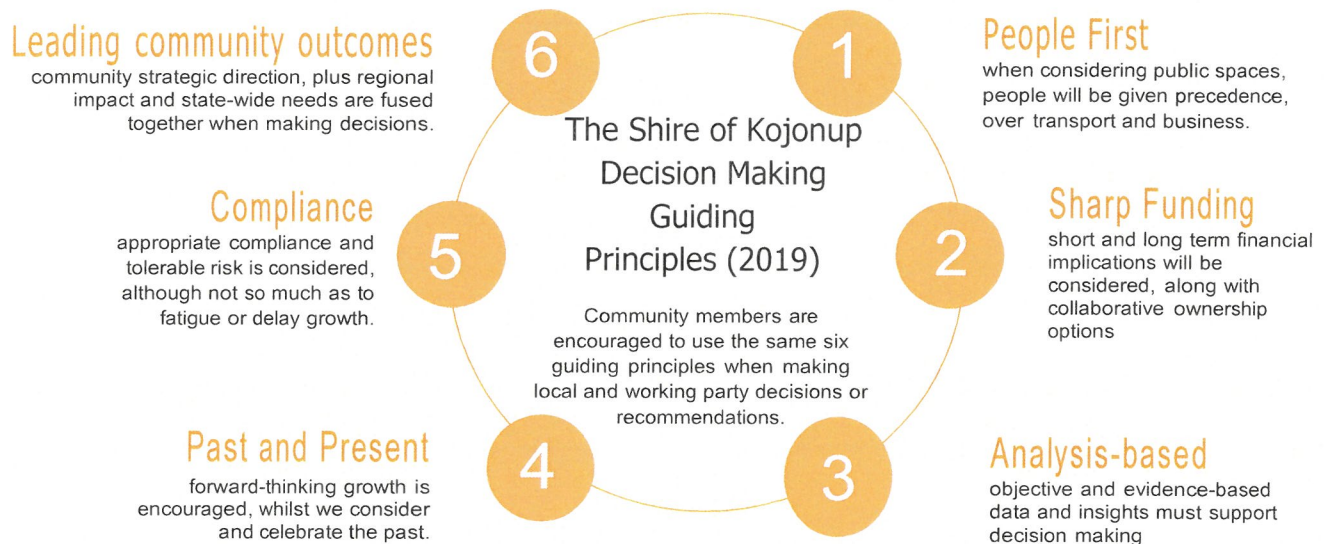
MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 12 DECEMBER 2023

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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**

*Almighty God, we pray for wisdom for our reigning monarch King Charles.*

*We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.*

*Grant us grace to listen and work together as a Council to nurture the bonds of one community.*

*Amen*

**2     ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

**3     ATTENDANCE**

**COUNCILLORS**

Cr Bilney

Shire President

Cr Wieringa

Deputy Shire President

Cr Radford

Cr Webb

Cr Egerton-Warburton

Cr Mathwin

Cr Mickle

**STAFF**

Grant Thompson

Chief Executive Officer

Jill Johnson

Manager Financial and Corporate Services

Robert Jehu

Manager Regulatory Services

Estelle Lottering

Project Manager and Community Services

**VISITORS**

Robert Sexton

Chairperson, George Church Community Medical  
Centre Inc. (GCCMC)

Kevin Broom

Member, GCCMC

Roy Bailey

Member, GCCMC

**3.1 APOLOGIES**

Nil

**3.2 APPROVED LEAVE OF ABSENCE**

Nil

**4     DECLARATION OF INTEREST**

Nil

**5     PUBLIC QUESTION TIME**

**5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Not applicable

**5.2 PUBLIC QUESTION TIME**

Nil

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

Unconfirmed Minutes of an Ordinary Council Meeting held 21 November 2023 are at [attachment 6.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

133/23 Moved Cr Mathwin

Seconded Cr Radford

That the Minutes of an Ordinary Council Meeting held 21 November 2023 be confirmed as a true record.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

7 PRESENTATIONS

7.1 PETITIONS

Nil

7.2 PRESENTATIONS

7.2.1 ROBERT SEXTON – GEORGE CHURCH COMMUNITY MEDICAL CENTRE INC. (GCCMC)

The Chairperson of the GCCMC, Robert Sexton, gave a presentation and update on the General Practitioner situation in Kojonup.

Mr Sexton advised Council that, as an incorporated body, members of the GCCMC are elected annually.

Mr Sexton noted an apology for GCCMC Secretary, Catherine Ivey, being unable to attend this presentation.

The Chairperson advised as follows:

- The GCCMC doesn't owe any money on the Medical Centre or its contents;
- The GCCMC supplies housing for a Doctor having renovated 39 Vanzuilecom Street – only rented to a General Practitioner (GP) operating in Kojonup;
- The current GP retired this week – may not have a doctor until at least February 2024;
- Have spoken to neighbouring shires which have, in the last two years, endeavoured to attract a doctor - to learn any lessons for recruitment;
- The GCCMC needs to work together with Council to attract a GP to Kojonup;
- The GCCMC is in constant contact with Rural Health West working on a plan to attract a GP;
- St Luke's Medical Practice has advertised for a GP to replace the current requirement;
- At this stage there is no visible solution and it will take time to replace the GP.

*Robert Sexton, Kevin Broom and Roy Bailey left the meeting at 3:22pm.*

**7.3 DEPUTATIONS**

Nil

**7.4 DELEGATES' REPORTS**

**7.4.1 CR BILNEY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) GREAT SOUTHERN ZONE MEETING 24 NOVEMBER 2023**

(see attachment 7.4.1.1)

**8 METHOD OF DEALING WITH AGENDA BUSINESS**

12 – QUESTIONS FROM MEMBERS WITHOUT NOTICE was brought forward to be addressed between Report Items 9.3 and 9.4.

**9 REPORTS**

## 9.1 KEY PILLAR ‘PLACE’ REPORTS

### 9.1.1 KOJONUP COMMUNITY MEN’S SHED INC. – LICENCE AGREEMENT/RENT WAIVER

AUTHOR	Judy Stewart, Manager Governance and Administration
DATE	Tuesday, 5 December 2023
FILE NO	CP.LEA.1
ATTACHMENT(S)	<p>9.1.1.1 - Excerpt from 20 October 2020 Ordinary Council Meeting Minutes</p> <p>9.1.1.2 - Kojonup Community Men’s Shed Inc. – correspondence</p> <p>9.1.1.3 – Excerpt from 27 July 2021 Ordinary Council Meeting Minutes</p> <p>9.1.1.4 – Excerpt from 7 February 2023 Ordinary Council Meeting Minutes</p> <p>9.1.1.5 – Excerpt from 28 February 2023 Special Council Meeting Minutes</p> <p>9.1.1.6 – Excerpt from 16 May 2023 Ordinary Council Meeting Minutes</p> <p><b>UNDER SEPARATE COVER</b></p> <p>9.1.1.7 - Licence Agreement and Appendix A</p>

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Lifestyle	2. Proactive Community Spirit	2.6 Wellbeing Advancement
	12. A High Performing Council	12.6 SoK asset management

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to consider extending a licence agreement with the Kojonup Community Men’s Shed Inc. (Men’s Shed) for the use of premises at 133/135 Albany Highway, Kojonup and to continue foregoing rent until the new Men’s Shed has been constructed and is operational.

#### BACKGROUND

The following summarises the Council decisions listed below:

At Council's 27 July 2021 Ordinary Meeting, the Men's Shed had its licence to operate from the premises at 133/135 Albany Highway extended to 30 June 2023 and had its rent foregone on the basis that a grant application to replace the existing shed with a new shed was successful. As at 27 July 2021, it was the intention to place a new shed on Lot 507 (Reserve 51700) located between Benn Parade and Gordon Street.

Subsequently, a grant application was successful and a Request for Proposal (RFP 01 of 2022/2023) was taken to Council's 7 February 2023 whereupon it was tabled for discussion at Council's 28 February 2023 with a request to the Chief Executive Officer to investigate the option of placing the new men's shed on the existing men's shed location at 133/135 Albany Highway, Kojonup.

At its 28 February 2023 Special Council Meeting, Council resolved to endorse RFP 01 of 2022/2023 with the site location, site parameters and map for the new men's shed changed to accommodate the construction of the new men's shed at 135 Albany Highway, Kojonup.

At its 16 May 2023 Ordinary Meeting, Council resolved to accept proposals for the following components (one proposal received for each component):

1. site preparation and services excavation, plumbing services and construction; and
2. electrical works.

The Manager Regulatory Services has advised that due to inclement weather and changes to floor plans since May 2023, construction has been delayed.

Council, at its 20 October 2020 Ordinary Meeting, resolved as follows:

*132/20*

*That Council, conditional upon the Men's Shed contributing an amount to be negotiated towards the architectural designs of a new Benn Parade joint facility,*

- 1. Agrees to amend its licence agreement with the Kojonup Community Men's Shed Inc. (Men's Shed) for 133/135 Albany Highway, Kojonup, by foregoing rental charges until the expiry of the current licence agreement (30 June 2021) and that both parties re-consider this arrangement prior to the expiry of the licence agreement on 30 June 2021 if wishing to continue the licence arrangement after that date;*

*AND*

- 2. Agrees to Men's Shed's use of the space previously leased to another party, as per the attached diagram and within the scope of the above existing licence agreement.*

Council, at its 27 July 2021 Ordinary Meeting, resolved as follows:

*79/21*

*That:*

- 1) The draft Licence Agreement (Agreement) with the Kojonup Community Men's Shed Inc. (Men's Shed), as amended and attached, be endorsed for a further twelve months to 30 June 2022; and*

2) *The Agreement be automatically extended to 30 June 2023 if:  
By 30 June 2022, a grant application is successful to build a new, community shared facility on Lot 507, Reserve 51700; and  
The Shire of Kojonup has obtained permission from the Department of Planning, Lands and Heritage and The State Heritage Council respectively, by 30 June 2022, to change the purpose of Reserve 51700 to include community uses and to place a new building on Lot 507, Reserve 51700.*

Council, at its 7 February 2023 Ordinary Meeting, resolved as follows:

6/23

*That the Kojonup Community Men's Shed Request for Proposal 01 of 2022/2023 (RFP) report be tabled for discussion at a Special Council Meeting on 28 February 2023 and that the Chief Executive Officer investigate the option of a new Men's Shed location being on the existing Men's Shed site (Lot 135 Albany Highway, Kojonup) and report to Council on the impact taking into consideration the following:*

- 1. Regulatory requirements to remediate the site prior to any construction;*
- 2. Demolition of the existing Men's Shed (including removal of asbestos);*
- 3. Decommissioning of underground fuel tanks;*
- 4. Remediation of the soil where required;*
- 5. Inclusion of dust extraction equipment; and*
- 6. Formation of a car park on the title.*

Council, at its 28 February 2023 Special Council Meeting, resolved as follows:

13/23

*That Council:*

- 1. Endorses the Kojonup Community Men's Shed Request for Proposal 01 of 2022/2023, as per Attachment 9.1.1.5 with the following change: the site location, site parameters and map be 135 Albany Highway, Kojonup, and*
- 2. Authorises the Chief Executive Officer to proceed with the Request for Proposal process.*

Council, at its 16 May 2023 Ordinary Meeting, resolved as follows:

49/23

*That Council:*

- 1. Accepts the Proposal from Action Sheds for \$467,422 for Site Preparation and Services Excavation, Plumbing Services, and Construction components of a new Men's Shed at Lot 135 Albany Highway, Kojonup;*
- 2. Accepts the Proposal from BK Thomson Electrical Service for \$46,635.60 for the electrical works component associated with the construction of a new Men's Shed at Lot 135 Albany Highway, Kojonup; and*
- 3. Authorises the Chief Executive Officer (CEO) to:*
  - a) conduct due diligence on the successful proponents to satisfy the CEO of their ability to deliver the works on-time, within budget and to the quality standards required; and*



*b) if the CEO is satisfied with the due diligence, proceed to contract the successful proponents for construction of the Men's Shed based on the submitted proposals.*

#### COMMENT

Due to delays outside the Kojonup Men's Shed Inc.'s control, the construction of the new men's shed has extended past the previously resolved extended Licence and waiver of rent period (30 June 2023).

The author is now requesting Council acknowledges that the Licence agreement has expired and that, with imminent demolition of the existing building and construction of the new men's shed, Council continues to forego the rent fee for the men's shed premises and requests drafting of a new Licence agreement by officers in readiness for tenancy of the new men's shed upon its completion and readiness for occupation.

#### CONSULTATION

Manager Regulatory Services – delay in construction advice

#### STATUTORY REQUIREMENTS

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Men's Shed has previously retrospectively paid \$2,600 per annum (\$50 per week) to operate out of 133/135 Albany Highway, Kojonup. This amount was initially waived (Council Motion 44/20), along with fees/rentals for other community organisations, due to situations caused by COVID-19. Following the initial waiving of fees and rentals, Men's Shed's financial position and its intention to apply for grant funding for a new facility was considered by Council in October 2020 resulting in rent foregone for the remainder of the Licence agreement to 30 June 2021 (Council Motion 132/20).

Council, at its 27 July 2021 Ordinary Meeting, extended its Agreement with the Men's Shed to 30 June 2023 on the basis that a grant application for replacement of the shed was successful.

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6 – Engagement	Inadequate involvement with or support of community groups	Support local community Volunteer groups	Nil
10 – Management of Facilities, Venues and Events	Stressful interactions with hirers/users (financial issues or	Lease agreements for Shire facilities	

	not adhering to rules of use of facility)		
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Two risks are evident should the Men's Shed become financially unsustainable due partly to the combined costs of outgoings and rental payments (the latter imposed by the Shire). These risks include:			
<ul style="list-style-type: none"> <li>• <i>reputation</i> given that three like or larger sized Men's Sheds in surrounding areas are provided premises at a peppercorn rate by their local governments; and</li> <li>• <i>health</i> given that the loss of an activity dedicated to men's health and wellbeing would no longer be available within the community at a time when men's mental health is a major health focus both nationally and in country areas.</li> </ul>			

#### ASSET MANAGEMENT IMPLICATIONS

Regular and continued use of a facility ensures that a building has occupants who report to Council should damage occur or the need for repairs arise.

As a building asset, capital and maintenance responsibilities will occur as the building ages – responsibility for maintenance will depend on future licence agreement arrangements with users of the facility.

The new building will sit within the Shire's Building Assessment Framework.

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

Nil

#### VOTING REQUIREMENTS

Absolute Majority – continued waiving of rent fee

#### OFFICER RECOMMENDATION/COUNCIL DECISION

134/23 Moved Cr Radford

Seconded Cr Egerton-Warburton

1. That Council acknowledges that its Licence agreement with the Kojonup Men's Shed Inc. (Men's Shed) has expired and approves continued waiving of a rent fee (retrospective from 01 July 2023) for the men's shed premises until such time that a new men's shed is ready for occupation by the Kojonup Men's Shed Inc.

2. That Council requests that the Chief Executive Officer drafts a new Licence agreement in readiness for the Kojonup Men's Shed Inc.'s tenancy of the new men's shed, for Council and Men's Shed consideration.

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

## 9.2 KEY PILLAR 'ECONOMICS' REPORTS

## 9.3 KEY PILLAR 'VISITATION' REPORTS

## 12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Questions to the Manager Financial and Corporate Services, pertaining to the Monthly Financial Statements for the period ending 30 November 2023:

1. Could you outline what items "Transport" as seen on p.5 cover is defined as?

Response:

*Transport is the maintenance of Roads/Streets/Aerodromes.*

*The timing of road projects and receipt of invoices affects the year to date budget – it is a timing issue and at the moment the schedule of works is behind, a series of invoices have just been received and will impact the budget over the coming month.*

*Depreciation on Road Assets is \$3.37m which is a large portion of the budgeted amount.*

2. Can you explain the difference in 'Law, Order and Public Safety' and this month we have \$10.9k spent, against a budgeted figure of \$114k.

Response:

*There are no expenses for Community Emergency Services Manager (shared role) to date, decrease in fire hazard reduction and employment costs.*

3. With the Net Operating costs of the Cafe, under the Trading costs, do the figures also include long term repairs and maintenance as well as normal operating costs? For instance, item 8546, Minor equipment and repairs (\$7k), 8554, Other minor expenses (\$10.8K), and 8557, Cafe Building Maintenance (\$22.6k). These three items add up to \$40.6k.

Response:

*8546 – Minor Equipment & Repairs – this is mostly allocated to refrigeration and plumbing repairs.*

*8557 – Café Building Maintenance – yearly structural maintenance and set up costs of café and a new floors etc.*

*8554 – Other Minor Expenses – all cleaning products and non-food items.*

4. It's good to see that the Grounds Maintenance costs are mostly at or under budget but I see Piesse Park with \$9k spent against a budget of \$4k (Item 8422), KP Rose Maze \$20.7k spent against a budget of \$12.2k (8174).

Response:

*Parks and Gardens staff – will need to query this with the Senior Horticulturist.*

5. Also the Kodja Place, has a Cost of Goods, products for sale I assume, at \$26k (8444) and further down Retail Sales at \$28.2k (8243). I assume there are other items that are not sold, or maybe it is a seasonal affect with stocking up for Christmas.

Response:

*That is correct, the Kodja Place shop has been replenishing and stocking up for Christmas sales.*

6. Building Admin salaries (8552) has \$26k spent against a budgeted figure of \$10.7k.

Response: *Building Maintenance Officer wages and in addition to paying out previous Building Maintenance Officer's leave entitlements.*

7. Wash down bay repairs \$13.8k. What happened here?

Response:

*A new pump was purchased and installed at the wash bay; CGS Engineers repaired the backing frame and mesh. Also associated with an insurance claim.*

8. Could you also itemise the \$5.26k spent on the Sale Yard maintenance (8800)?

Response:

*Spraying - \$1,363.00 and the remainder to Liquid Salvage to pump out liquid waste before installing new pump.*

All that said, the financial results look good to date overall, but I note that the big ticket items of depreciation have not yet been brought to book because of auditing requirements and this fact makes the bottom line on many categories look better than they really are, given that depreciation is an unavoidable expense and will come eventually. Perhaps it should be in a separate category.

Response:

*Unfortunately, the depreciation cannot be separated but a cash flow report, which is planned, will assist with understanding the bottom line better.*

## 9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

### 9.4.1 FINANCIAL MANAGEMENT – MONTHLY FINANCIAL STATEMENTS (OCTOBER AND NOVEMBER 2023)

<b>AUTHOR</b>	Jill Johnson – Manager Financial and Corporate Services
<b>DATE</b>	Wednesday, 6 December 2023
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	9.4.1.1 – Monthly Financial Statements 1 to 31 October 2023 9.4.1.2 – Monthly Financial Statements 1 to 30 November 2023

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the periods ending 31 October 2023 and 30 November 2023.

#### 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 Statements of Financial Activity for the period 1 July 2023 to 30 November 2023 represents three (5) months, or 41% of the year.

The following items are worthy of noting:

- Closing surplus position of \$6,045,248.
- Capital expenditure achieved 19.1% of budgeted projects.
- Cash holdings of \$9,715m of which \$3.454m is held in cash backed reserve accounts and \$6.261 is unrestricted cash.
- Rates debtors outstanding equate to 29% of total rates raised for 2023/2024.
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year to date actuals in accordance with Council Policy 2.1.6.

#### CONSULTATION

D L Consulting – Monthly Financial Statements

#### 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

135/23 Moved Cr Wieringa

Seconded Cr Egerton-Warburton

That the monthly financial statements for the periods ending 31 October 2023 and 30 November 2023, as attached, be noted.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle



#### 9.4.2 MONTHLY PAYMENTS LISTINGS – 1 TO 31 OCTOBER 2023 AND 1 TO 30 NOVEMBER 2023

AUTHOR	Tonya Pearce – Finance and Rates Officer
DATE	Tuesday, 05 December 2023
FILE NO	FM.AUT.1
ATTACHMENT	9.4.2.1 – Monthly Payments Listing - 1 to 31 October 2023 9.4.2.2 – Monthly Payments Listing - 1 to 30 November 2023

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>"The Cultural Experience Centre of the Great Southern"</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To receive the list of payments covering the months of October and November 2023.

#### BACKGROUND

Nil

#### 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 Chief Executive Officer prior to the meeting.

#### CONSULTATION

Nil

#### 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

136/23 Moved Cr Egerton-Warburton                      Seconded Cr Mathwin  
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 October 2023		TO – 30 November 2023
Municipal Cheques	14370-14373	\$27,390.85
EFTs	32828 - 33236	\$1,739,312.31
Direct Debits		\$1,336,795.35
Total		\$3,103,498.51

be received.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

### 9.4.3 SHIRE OF KOJONUP CAT REPEAL LOCAL LAW 2024 AND SHIRE OF KOJONUP CATS LOCAL LAW 2024

AUTHOR	Stephanie Swain – Senior Ranger
DATE	Tuesday, 5 December 2023
FILE NO	LE.LCL.3
ATTACHMENT(S)	9.4.3.1 – Proposed <i>Shire of Kojonup Cats Local Law 2024</i> – Draft 9.4.3.2 – Proposed <i>Shire of Kojonup Cat Repeal Local Law 2024</i> – Draft 9.4.3.3 – Attachment – Ordinary Council Meeting Minutes – 26 September 2023 excerpt – 9.4.3 – <i>Shire of Kojonup Cat Local Law 2023</i> 9.4.3.4 – Email correspondence received from Department of Local Government, Sport and Cultural Industries – 3 November 2023

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be " <i>The Cultural Experience Centre of the Great Southern</i> " STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is for Council to consider the amended *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Repeal Cat Local Law 2024* for proposal and public consultation.

#### BACKGROUND

At its Ordinary Meeting held on 18 April 2023, Council resolved to propose the *Shire of Kojonup Cats Local Law 2023* and the *Shire of Kojonup Repeal Cat Local Law 2023* in conjunction with an agreed undertaking with the Joint Standing Committee on Delegated Legislation (JSCDL).

The *Shire of Kojonup Repeal Cat Local Law 2023* and the *Shire of Kojonup Cats Local Law 2023* were proposed with the following purpose and effect:

#### *SHIRE OF KOJONUP CAT REPEAL LOCAL LAW 2023*

**PURPOSE:** *To repeal the Shire of Kojonup Cat Local Law 2022.*

**EFFECT:** *The local law will be revoked and abrogated.*

## **SHIRE OF KOJONUP CATS LOCAL LAW 2023**

***PURPOSE:** To provide additional controls and management of matters relating to cats that are not specified in the Cat Act 2011, and to further promote and encourage responsible cat ownership.*

***EFFECT:** The effect of this local law is to provide a framework for the control of nuisance cats, cat management facilities and limits on the number of cats permitted to be kept, in line with the provisions contained within the Cat Act 2011 and the Local Government Act 1995.*

Further background on the *Shire of Kojonup Cat Local Law 2023* and *Shire of Kojonup Cat (Repeal) Local Law 2023* is detailed in the Shire of Kojonup (Shire) 26 September 2023 Ordinary Council Meeting minutes excerpt attached (9.4.3.3).

At Council's Ordinary Council Meeting held 26 September 2023, the amended proposed Local Laws were presented to Council where they were endorsed for re-advertisement. On Thursday, 12 October 2023, the Local Laws were publically advertised for a period of 6 weeks.

During this second round of public consultation, the Shire received further comment from the Department of Local Government, Sport and Cultural Industries (DLGSCI) dated 3 November 2023 (attachment 9.4.3.4). These comments suggest further amendments and are excerpted below:

### *'Cat Repeal Local Law 2023*

*The Department did not identify any issues regarding this local law.*

### *Cat Local Law 2023*

#### **1. Minor Edits**

- *Clause 1.4 can be deleted, as the Shire is already repealing this local law via the Cat Repeal Local Law 2023. Alternatively, if this clause is retained, the repeal local law is unnecessary.*
- *Clause 1.5:*
  - *In the definition of "Act" change the citation to italics.*
  - *Remove the capital letters from all definitions except those in which a capital is required (e.g. Act, CEO, Local Government).*
  - *In the definition of nuisance at the end of paragraph (b) insert "and".*
  - *Create a definition for "children's playground".*
- *Clause 3.3: Change "clause 4.2" to "clause 3.2".*
- *Clause 3.4: In subclause (2) change "clause 4.3" to "clause 3.3".*
- *Clause 3.6(1)(a): Change "clause 4.8" to "cause 3.7".*
- *Clause 4.4: Update the cross references.*
- *Clause 5.2: Change "section 6.1" to "clause 5.1".*
- *Schedule 2: In the second column, change "4.7(3)" to "3.7(3)".*
- *Replace all instances of "shall" with "must".'*

The DLGSCI also noted that the Shire only met the minimum requirements of the public advertisements as per the *Local Government Act 1995*, and mentioned the following:

*‘Public notice*

*The Shire has provided sufficient evidence of public notice as required by the local law checklist.*

*However, the Shire should be aware that the Act requires several kinds of notice to be issued in order for “local public notice” to have occurred (e.g. notice on website). The Shire should ensure that these additional elements have also been met.’*

No further comments or submissions surrounding the proposed local laws were received.

#### COMMENT

These Local Laws have been previously referred to as 2023 local laws; however, as their gazettal will now occur in 2024, they have been updated and from hereon will be referred to as 2024 local laws. The attached draft local laws have also been updated to 2024.

All suggestions for amendments made by the DLGSCI have been implemented into the draft *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Repeal Cat Local Law 2024* (as attached at 9.4.3.1 and 9.4.3.2) for consideration.

As suggested by the DLGSCI, a definition of ‘Children’s Playground’ was inserted into the *Shire of Kojonup Cats Local Law 2024* as follows:

*‘Children’s playground means an outdoor area designated for children’s play; and is inclusive of any sandpit area, playground equipment or within any fenced playground boundary;’*

The afore-mentioned amendments (mainly the removal of Clause 1.4 and the insertion of a definition for ‘Children’s Playground’) being made to the draft *Shire of Kojonup Cats Local Law 2024* represent what are considered to be significant changes to what was initially proposed to Council on 26 September 2023.

The Shire also recognises that the Joint Standing Committee on Delegated Legislation (JSCDL) may note that, without having the *Shire of Kojonup Cats Local Law 2024*, *Shire of Kojonup Cat (Repeal) Local Law 2024* and the *Shire of Kojonup Parking (Amendment) Local Law 2024* advertised on the Shire website for the entire 6 week consultation period, may affect the legislative process and their decision to support the Local Laws.

This, in turn, requires Council to re-advertise the proposed local laws, inclusive of the amendments, for a period of no less than 6 (six) weeks as per Section 3.12(3) of the *Local Government Act 1995*.

#### CONSULTATION

Minister for Local Government, Sport and Cultural Industries  
Department of Local Government, Sport and Cultural Industries

## STATUTORY REQUIREMENTS

### Local Government Act 1995

Section 3.12. Procedure for making local laws:

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

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

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

*(3) The local government is to —*

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

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

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

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

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

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

*[(3a) deleted]*

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

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

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

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

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

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

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

*(8) In this section —  
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

**Cat Act 2011 – Section 79**

**79. Local laws**

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

*(2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 80.*

*(3) Without limiting subsection (1), a local law may be made as to one or more of the following—*

- (a) the registration of cats;*
- (b) removing and impounding cats;*
- (c) keeping, transferring and disposing of cats kept at cat management facilities;*
- (d) the humane destruction of cats;*
- (e) cats creating a nuisance;*
- (f) specifying places where cats are prohibited absolutely;*
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) the regulation of approved cat breeders, including record keeping and inspection; and*
- (k) fees and charges payable in respect of any matter under this Act.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Advertising costs are associated with the advertising and gazettal of the afore-mentioned local laws, 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, governance calendar reminder system is in place	Nil
<i>Risk rating – Adequate</i>			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

## VOTING REQUIREMENTS

Simple Majority



OFFICER RECOMMENDATION/COUNCIL DECISION

137/23 Moved Cr Radford

Seconded Cr Mickle

That Council:

1. Endorses the *Shire of Kojonup Cat Repeal Local Law 2024* and the *Shire of Kojonup Cats Local Law 2024*, as presented, for proposal:

2. Pursuant to the *Local Government Act 1995* section 3.12(3) and (3a), and all other legislation enabling it, provides public notice that it proposes to make the *Shire of Kojonup Cat Repeal Local Law 2024* and the *Shire of Kojonup Cats Local Law 2024* with the following purpose and effect:

*SHIRE OF KOJONUP CAT REPEAL LOCAL LAW 2024*

*PURPOSE: To repeal the Shire of Kojonup Cat Local Law 2022.*

*EFFECT: The local law will be revoked and abrogated.*

*SHIRE OF KOJONUP CATS LOCAL LAW 2024*

*PURPOSE: To provide additional controls and management of matters relating to cats that are not specified in the Cat Act 2011, and to further promote and encourage responsible cat ownership.*

*EFFECT: The effect of this local law is to provide a framework for the control of nuisance cats, cat management facilities and limits on the number of cats permitted to be kept, in line with the provisions contained within the Cat Act 2011 and the Local Government Act 1995;*

3. Advertises the proposed local laws, as referred to in point 1 above, for a period of not less than 6 (six) weeks, with advertisements to appear in the Great Southern Herald, in the local newsletter, on Shire of Kojonup (Shire) Noticeboards and on the Shire website;

4. In accordance with the *Local Government Act 1995* section 3.12(3), advises the Minister for Local Government, Sport and Cultural Industries of the proposed local laws as referred to in Point 1 above; and

5. Considers public comments, if any, prior to consideration of adopting the proposed local laws as referred to in Point 1 above.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

#### 9.4.4 SHIRE OF KOJONUP PARKING (AMENDMENT) LOCAL LAW 2024

AUTHOR	Stephanie Swain – Senior Ranger
DATE	Tuesday, 5 December 2023
FILE NO	LE.LCL.3
ATTACHMENT(S)	<p>9.4.4.1 – Proposed <i>Shire of Kojonup Parking Amendment Local Law 2024 - Draft</i></p> <p>9.4.4.2 – Proposed <i>Shire of Kojonup Parking Local Law 2022 (Consolidated version) - Draft</i></p> <p>9.4.4.3 – Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.3 - <i>Parking Local Law 2023</i></p> <p>9.4.4.4 - Email correspondence received from Department of Local Government, Sport and Cultural Industries – 3 November 2023</p>

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be " <i>The Cultural Experience Centre of the Great Southern</i> " STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is for Council to consider the amended *Shire of Kojonup Parking (Amendment) Local Law 2024* for proposal and public consultation.

#### BACKGROUND

At its Ordinary Meeting held 18 April 2023, Council resolved to propose the *Shire of Kojonup Parking (Amendment) Local Law 2023* in conjunction with an agreed undertaking with the Joint Standing Committee on Delegated Legislation (JSCDL).

The *Shire of Kojonup Parking (Amendment) Local Law 2023* was presented with the following purpose and effect:

#### **SHIRE OF KOJONUP PARKING (AMENDMENT) LOCAL LAW 2023**

**PURPOSE:** To amend certain provisions of the *Shire of Kojonup Parking Local Law 2022*.

**EFFECT:** To provide further clarity of the requirements specified in Clause 4.5 (Event Parking) for the *Shire of Kojonup* to provide public notice of upcoming events and implement time limits on parking facilities utilised under this clause as well as correct typographical errors.

Further background on the *Shire of Kojonup Parking (Amendment) Local Law 2023* is detailed in the Shire of Kojonup 26 September 2023 Ordinary Council Meeting minutes excerpt attached (attachment 9.4.4.3).

At Council's Ordinary Council Meeting on 26 September 2023, the amended proposed Local Law was presented to Council where it was endorsed for re-advertisement. On Thursday, 12 October 2023, the Local Laws were publically advertised for a period of 6 weeks.

During this second round of public consultation, the Shire of Kojonup (Shire) received further comment from the Department of Local Government, Sport and Cultural Industries (DLGSCI) dated 3 November 2023 (attachment 9.4.4.4). These comments suggest further amendments and are excerpted below:

*Parking Amendment Local Law 2023*

1. *Minor Edits*

- Amend clause 2.2 to read as follows:
  - 2.2.1. Clause 4.5 amended
    - Insert new subclause into clause 4.5 as follows:
    - (1) In this clause –
      - 'particular event' means an event at which entertainment is provided to the public on an irregular basis whether from an entertainment venue or from some other place;
- Switch clause 2.2 and 2.3 around, so that clause 2.3 amendments occur first. Alternatively, merge clause 2.2 and 2.3 together and ensure the insertion of the new subclause (1) occurs after the previous subclause (1) is renumbered.
- Reword clause 2.4 to correct syntax as follows:
  - 2.4 Clause 3.7(2)(b) amended
  - In clause 3.7(2)(b) delete "either the driver of motor vehicle" and replace with "either the driver or a passenger in the motor vehicle".
- Clause 2.5: The deletion of "is" in paragraph (a) still results in an issue where paragraphs (b) and (c) don't flow correctly. The Shire may wish to delete the first instance of "is" instead as this will result in all three paragraphs reading correctly.
- Clause 2.8: After "delete" insert "all instances of".

The DLGSCI also noted the Shire only met the minimum requirements of the public advertisements as per the *Local Government Act 1995*, and mentioned the following:

*'Public notice*

*The Shire has provided sufficient evidence of public notice as required by the local law checklist.*

*However, the Shire should be aware that the Act requires several kinds of notice to be issued in order for "local public notice" to have occurred (e.g. notice on website). The Shire should ensure that these additional elements have also been met.'*

No further comments or submissions surrounding this proposed local law were received.

#### COMMENT

This Local Law has been previously referred to as a 2023 local law; however, as its gazettal will now occur in 2024, it has been updated and from hereon will be referred to as a 2024 local law. The attached draft local laws have also been updated to 2024.

All amendments suggested by the DLGSCI have been incorporated into the newly proposed *Shire of Kojonup Parking (Amendment) Local Law 2024*; both this local law and the *Shire of Kojonup Parking Local Law 2022 (consolidated version)* (as attached at 9.4.4.1 and 9.4.4.2) for consideration.

The format style of the *Shire of Kojonup Parking (Amendment) Local Law 2024 (Local Law)* has also been modified to provide for consistency with the DLGSCI's suggestions.

The Shire recognises that these amendments are only minor and do not affect the rights, obligations or entitlements of the *Local Law* and, therefore, does not deem this *Local Law* to be significantly different to what was first proposed to Council on the 26 September 2023.

However, officers also recognise that the Joint Standing Committee on Delegated Legislation (JSCDL) may note that, without having the *Shire of Kojonup Parking (Amendment) Local Law 2023* advertised on the Shire website for the entire 6 week consultation period, this may affect the legislative process and their decision to support the *Local Law*.

This, in turn, requires Council to re-advertise the proposed local laws, inclusive of the amendments, for a period of no less than 6 (six) weeks as per Section 3.12(3) of the *Local Government Act 1995*.

#### CONSULTATION

Minister for Local Government, Sport and Cultural Industries  
Department of Local Government, Sport and Cultural Industries

#### STATUTORY REQUIREMENTS

##### ***Local Government Act 1995***

Section 3.12. Procedure for making local laws:

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

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

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

*(3) The local government is to —*

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

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

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*

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

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

*[(3a) deleted]*

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

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

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

- (a) stating the title of the local law; and*
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*

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

*(8) In this section —*

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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Advertising costs are associated with the advertising and gazettal of the afore-mentioned local laws, 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, governance calendar reminder system is in place	Nil
<i>Risk rating – Adequate</i>			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

## VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

138/23 Moved Cr Egerton-Warburton                      Seconded Cr Radford  
That Council:

1. Proposes the *Shire of Kojonup Parking (Amendment) Local Law 2024* and the *Shire of Kojonup Parking Local Law 2022*, as presented; and
2. Pursuant to the *Local Government Act 1995* section 3.12(3) and (3a), and all other legislation enabling it, provides public notice that it proposes to make the *Shire of Kojonup Parking (Amendment) Local Law 2024* and the *Shire of Kojonup Parking Local Law 2022* with the following purpose and effect:

SHIRE OF KOJONUP PARKING (AMENDMENT) LOCAL LAW 2024

PURPOSE: To amend certain provisions of the Shire of Kojonup Parking Local Law 2022.

EFFECT: To provide further clarity of the requirements specified in Clause 4.5 (Event Parking) for the Shire of Kojonup to provide public notice of upcoming events and implement time limits on parking facilities utilised under this clause as well as correct typographical errors.

3. Advertises the proposed local laws, as referred to in point 1 above, for a period of not less than 6 (six) weeks with advertisements to appear in the Great Southern Herald, the local newsletter circulating within the district, Shire of Kojonup (Shire) Notice Boards and on the Shire website;
4. In accordance with the *Local Government Act 1995* section 3.12(3), advises the Minister for Local Government, Sport and Cultural Industries of the proposed local laws, as referred to in Point 1 above; and
5. Considers public comments, if any, prior to consideration of adopting the proposed local laws as referred to in Point 1 above.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle



**9.4.5 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 8 AUGUST 2023 AND 7 NOVEMBER 2023 AND ENDORSEMENT OF A DUAL FIRE CONTROL OFFICER WITH THE SHIRE OF WEST ARTHUR**

AUTHOR	Estelle Lottering – Project Manager and Community Services
DATE	Friday, 1 December 2023
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.4.5.1 – BFAC Minutes – 8 August 2023 - Confirmed 9.4.5.2 – BFAC Minutes – 7 November 2023 – Unconfirmed 9.4.5.3 – Appointment of Dual Fire Control Officer for the 2023/2024 Fire Season

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to receive the confirmed minutes of a BFAC meeting held 8 August 2023 and the unconfirmed minutes of a BFAC meeting held 7 November 2023 and endorse the appointment of a Dual Fire Control Officer from the Shire of West Arthur for the 2023/2024 fire season.

**BACKGROUND**

The BFAC is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision-making process. Minutes of these meetings are presented to Council to be received.

**COMMENT**

Confirmed minutes of BFAC meeting held 8 August 2023 and unconfirmed minutes of a BFAC meeting held 7 November 2023 are attached for Council to receive.

Correspondence is also attached, from the Shire of West Arthur, requesting endorsement of a Dual Fire Control Officer for the 2023/2024 fire season.

**CONSULTATION**

Members of the Bush Fire Advisory Committee.

**STATUTORY REQUIREMENTS**

Section 38, 40 & 67 of the *Bush Fires Act 1954*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - <i>Adequate</i>			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not having a BFAC is that Staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

139/23 Moved Cr Radford

Seconded Cr Webb

1. That the confirmed minutes of a Bush Fire Advisory Committee meeting held 8 August 2023 be received.
2. That the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 7 November 2023 be received.
3. That Council endorses the appointment of Neil Morrell as a Dual Fire Control Officer with the Shire of West Arthur for the 2023/2024 fire season.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

#### 9.4.6 DELEGATION REGISTER – ANNUAL REVIEW

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Monday, 3 December 2023
FILE NO	PE.AUT.2
ATTACHMENT(S)	9.4.6.1 Delegation Register – existing (2022) copy – showing changes

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to conduct an annual review of Council’s Delegation Register (Register).

#### BACKGROUND

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. Council’s Delegation Register was last reviewed by the Council in October 2022.

Council has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). Under the *Local Government Act 1995*, the Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

Any changes made by Council between its annual reviews of the Register are amended in the Register immediately following the Council meeting wherein the change was resolved.

#### COMMENT

A review of the Delegation Register has been undertaken in accordance with the *Local Government Act 1995* to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

All managers and other relevant staff were given the opportunity to participate in the Register review.

A summary of delegations with recommended, consequential changes are as follows:

- ADMIN 018 – Donations to Local Groups or Individuals  
Addition of Chief Executive Officer (CEO) having delegated authority to determine waiving fees for community asset use when there is a benefit to the community or special groups.
- EMPL 004 – Staff Employment, Salaries & Contracts  
Addition of CEO having delegated authority to negotiate contracted positions with flexibility to package remuneration to suit recruitment requirements.
- FIN 001 – Payments from Municipal & Trust Fund  
Update of sub-delegation authority.
- RANGER 002 – Appointment of Authorised Persons  
Re-numbered to be RANGER 006 for logical sequencing of delegations.
- RANGER 003 – Institute Proceedings for Offences under the *Caravan Parks and Camping Grounds Act 1995*  
New delegation.
- RANGER 004 – Institute Proceedings for Offences under the *Litter Act 1979*  
New delegation.
- RANGER 005 – Institute Proceedings for Offences under the *Control of Vehicles (Off-Road Areas) Act 1978*  
New delegation.
- RANGER 006 – Appointment of Authorised Persons  
Re-numbering of RANGER 002 for logical sequencing of delegations.

#### CONSULTATION

Chief Executive Officer  
Manager Works and Services  
Manager Springhaven  
Manager Regulatory Services  
Manager Financial and Corporate Services  
Project Manager and Community Services  
Manager Kodja Place, Tourism and Marketing  
Finance and Payroll Officer  
Senior Ranger  
Works Administration Officer

#### STATUTORY REQUIREMENTS

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

Specifically, section 5.42 of the *Local Government Act 1995* allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

\*Absolute majority required.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

#### POLICY IMPLICATIONS

There are no policy implications for this report.

#### FINANCIAL IMPLICATIONS

This report or its recommendation does not in itself have a financial implication.

#### 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.	Ineffective policies & processes; Ineffective monitoring of changes to legislation.	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are aware of and are undertaking their respective roles and responsibilities.			

#### ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

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

Nil

#### VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

140/23 Moved Cr Egerton-WarburtonSeconded Cr Mickle

That the Delegation Register dated December 2023, with amendments as presented, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle



#### 9.4.7 POLICY MANUAL REVIEW

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Thursday, 4 November 2022
FILE NO	CM.POL.2
ATTACHMENT(S)	9.4.7.1 - Policy Manual – existing (November 2022) copy showing proposed changes

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting 12.3 SoK values and culture growth

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this report is to conduct an annual review of Council's Policy Manual.

#### BACKGROUND

Council's Policy Manual is reviewed, in its entirety, on an annual basis and was last reviewed by Council in November 2022. Amendments to, and formation of, individual policies have been presented to Council for its consideration on an as needs basis in the interim, being incorporated into the Policy Manual at the time of amendment or formation.

#### COMMENT

The annual review of the Policy Manual has been undertaken by staff and proposed amendments are shown (tracked) in attachment 9.4.7.1. A summary of policies with recommended, consequential changes is as follows (other inconsequential changes include amendments relating to reviewing responsibilities [roles], updates to position titles, correction of double up [Policy 3.25]):

Policy 2.1.12 – COVID-19 Financial Hardship

- Deleted – no longer applicable.

Policy 2.2.6 – Salary Packaging

- Addition of wording to enable salary packaging flexibility for the CEO during the employee recruitment process.

Policy 2.2.7 – Staff Housing

- Updated to reflect contemporary local government recruitment practices as applicable to various roles throughout the organisation.

Policy 2.2.8 – Motor Vehicles – Officers

- Updated to reflect motor vehicle allocations as part of the local government recruitment process, delete and add conditions of use, and modify novated lease arrangements.

Policy 2.3.10 – Social Media

- Updates to roles authorised to administrate Shire Facebook pages.

Policy 3.1 – Code of Conduct

- Deleted - originally a Code of Conduct for Elected Members and Staff, superseded by Policy 3.25 Code of Conduct for Elected Members, Committee Members and Candidates

Policy 3.3 – Councillor Induction & Training

- Modified to remove references to training now covered by new Policy 3.28 – Councillors Continuing Professional Development

Policy 3.8 – Common Seal

- Update to guidelines for use of Common Seal to reflect role responsibility.

Policy 3.15 – Citizenship Ceremonies

- Updated to reflect all roles currently authorised to officiate at Citizenship Ceremonies.

Policy 3.20 – Motor Vehicle Use – Shire President

- Deleted to reflect current non-provision of a vehicle specifically allocated to the Shire President.

Policy 3.23 – Legal Representation Costs Indemnification

- Addition of Point 8 relating to not refusing a request for legal funding if the request is on reasonable grounds.

Policy 3.27 – Attendance at Events (Councillors and Chief Executive Officer)

- Addition of new policy, formed in accordance with s. 5.90A of the *Local Government Act 1995*.

Policy 3.28 – Councillors Continuing Professional Development

- Addition of new policy, formed in accordance with s. 5.128 of the *Local Government Act 1995*.

## CONSULTATION

Chief Executive Officer and Senior Management Team

Administration Staff via Administration Staff Meetings – review of a different policy on a regular basis to ensure relevance of content

## 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 amendments to several existing Council policies, as outlined under *Comment*.

#### FINANCIAL IMPLICATIONS

Nil

#### 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
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
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).			
Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.			

#### ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

141/23 Moved Cr Wieringa

Seconded Cr Mathwin

That the attached Shire of Kojonup Policy Manual, dated December 2023 and including amendments as presented, be adopted.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

#### 9.4.8 TERMS OF REFERENCE – BUSH FIRE ADVISORY COMMITTEE

AUTHOR	Judy Stewart – Manager Governance and Administration
ATE	Sunday, 3 December 2023
FILE NO	GO.CNM.6
ATTACHMENT(S)	9.4.8.1 – Bush Fire Advisory Committee Terms of Reference - showing change

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>"The Cultural Experience Centre of the Great Southern"</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council to consider updating its Terms of Reference (ToR) for its Bush Fire Advisory Committee (BFAC).

#### BACKGROUND

At its 21 November 2023 Ordinary Meeting, Council adopted reviewed Terms of Reference for its Advisory Committees including its BFAC.

#### COMMENT

Since its 21 November 2023 Ordinary Meeting, Councillors have expressed a desire to increase Councillor representation on its BFAC from two (2) Councillors to four (4) Councillors.

Attachment 9.4.8.1 shows the recommended change to Councillor representation on the BFAC, as above.

#### CONSULTATION

Chief Executive Officer

#### STATUTORY REQUIREMENTS

*Local Government Act 1995* – sections 5.8 to 5.25: Council meetings, committees and their meetings and electors' meetings

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
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 - <i>Adequate</i>			
IMPLICATIONS			
Reviewing Terms of Reference allows Council to consider the ongoing relevance of its Committees, provides an opportunity to ensure that a Committee's purpose continues to meets the needs of Council and the Community into the future, and lessens the risk of not identifying Community matters for consideration; particularly, within those Committees that include community membership.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

## VOTING REQUIREMENTS

Absolute Majority - establishing a committee and its terms of reference

## OFFICER RECOMMENDATION/COUNCIL DECISION

142/23 Moved Cr Radford

Seconded Cr Webb

That Council amends its Terms of Reference for its Bush Fire Advisory Committee by increasing Councillor representation from two (2) Councillors to four (4) Councillors.

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle



#### 9.4.9 TERMS OF REFERENCE – ROADS AND TECHNICAL SERVICES ADVISORY COMMITTEE

<b>AUTHOR</b>	Grant Thompson – Manager Governance and Administration
<b>ATE</b>	Sunday, 3 December 2023
<b>FILE NO</b>	GO.CNM.6
<b>ATTACHMENT(S)</b>	9.4.9.1 – Roads and Technical Services Advisory Committee Terms of Reference

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> <b>To be “The Cultural Experience Centre of the Great Southern”</b> <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>Key Strategic Pillar/s</b>	<b>Community Goal/s</b>	<b>Corporate Objective/s</b>
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Council to consider creating an internal advisory committee with the Terms of Reference (ToR) for a Roads and Technical Services Advisory Committee (RTSAC).

#### BACKGROUND

Council has previously requested and demonstrated an interest in a roads liaison committee to be established as an avenue for transferring information to the Council on roads and technical services; in particular, the long term planning information regarding road formation and funding options.

#### COMMENT

Shire of Kojonup (Shire) officers are recommending a Roads and Technical Services Advisory Committee be established based on the presented ToR.

The RTSAC will be created to oversee and make recommendation to the Council on all matters pertaining to the long term planning of civil and technical services to assets and roads, and on all matters concerning the capital upgrades and to the maintenance of those assets. This includes roads and all civil or technical works.

There are no community members recommended for membership of the RTSAC; membership is recommended to be three (3) Councillors and two (2) proxy delegates for continuity.

The ToR for the new RTSAC are at attachment 9.4.9.1.

## CONSULTATION

Shire President

Briefing Sessions

Manager Governance and Administration

## STATUTORY REQUIREMENTS

*Local Government Act 1995* – sections 5.8 to 5.25: Council meetings, committees and their meetings and electors' meetings

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
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 - <i>Adequate</i>			
IMPLICATIONS			
Terms of Reference allows Council to consider the ongoing relevance of Committees, provides an opportunity to ensure that a Committee's purpose continues to meet the needs of Council and the Community into the future, and lessens the risk of not identifying Community matters for consideration; particularly, within those Committees that include community membership.			

## ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

## VOTING REQUIREMENTS

Absolute Majority - establishing a committee and its terms of reference



OFFICER RECOMMENDATION/COUNCIL DECISION

143/23 Moved Cr Radford

Seconded Cr Webb

That Council creates a Roads and Technical Services Advisory Committee based on the presented Terms of Reference with representation from the following elected Councillors:

Cr Webb

Cr Radford

Cr Egerton-Warburton

Proxy Delegates

Cr Mathwin

Cr Mickle

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

#### 9.4.10 ADVISORY COMMITTEES OF COUNCIL – APPOINTMENT OF ELECTED MEMBERS FOLLOWING ELECTION

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Sunday, 3 December 2023
FILE NO	GO.CNM.9
ATTACHMENT(S)	9.4.10.1 – Advisory Committees of Council – Terms of Reference <b>UNDER SEPARATE COVER</b> 9.4.10.2 – Expression of Interest – Community Representative Position – Audit and Risk Committee

<b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b> To be “ <i>The Cultural Experience Centre of the Great Southern</i> ” <b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

To review elected member representation on Council Advisory Committees following the October 2023 local government elections.

#### BACKGROUND

All appointments to committees, whether the person is an elected member, employee or community member, expired on 21 October 2023 in line with the local government election.

Since March 2004, the Council has dispensed with the structure of standing committees reporting to the Council each month in favour of a process where everything comes before the Council. Since this time, the Council has established an Audit and Risk Committee (required by legislation) and numerous formal advisory committees for specialist items and large projects.

At its Special Council Meeting held 7 November 2023, Council appointed Councillor delegates to External Organisations as follows:

*That Council appoints delegates to local and regional organisations as follows:*

(a) GREAT SOUTHERN ZONE OF WA LOCAL GOVERNMENT ASSOC.

Members President and Deputy President

Deputies Cr Egerton-Warburton and Cr Mathwin

(b) SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)

Members President and Deputy President

Deputy Cr Mathwin

*GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL*

*(\* subject to approval of the Minister for Planning)*

*Members Cr Bilney and Cr Egerton-Warburton*

*Deputy Cr Mickle and Cr Radford*

*(c) GREAT SOUTHERN REGIONAL ROAD GROUP*

*Member Cr Webb*

*Deputy Cr Radford*

*(d) GREAT SOUTHERN RECREATION ADVISORY GROUP*

*Member Cr Mickle*

*Deputy -*

*(e) GREAT SOUTHERN TREASURES*

*Member Cr Wieringa*

*CEO or the nominated delegate*

*(f) KOJONUP HOMES FOR THE AGED COMMITTEE*

*Member Cr Mathwin*

*Deputy Cr Mickle*

*(g) KODJA PLACE COMMUNITY FUND INC.*

*Member Shire President*

*Member Deputy Shire President*

*Proxy Cr Egerton-Warburton*

At Council's 21 November 2023 Ordinary Meeting, the Terms of Reference for Council's Advisory Committee's were reviewed and amended where applicable. At this meeting, an Historical, Tourism and Cultural Committee was formed and the Springhaven Working Group was re-named Kojonup Aging in Place Committee.

The current Terms of Reference for Council's Advisory Committees are at attachment 9.4.10.1.

Councillors, at their 7 November 2023 Briefing Session, also discussed the formation of a committee to advise on Works and Services matters. The formation and terms of reference for this new committee are addressed previously in this agenda for Council's consideration.

#### COMMENT

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate, or to add diversity to existing groups to ensure the appropriate mix of skills are present.

The *Act* does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the *Local Government Act 1995* is built, is for better decision-making and more efficient and effective local government (*Ref: Section 1.3 (2)*). Consequently, there is nothing that precludes Council from appointing deputies for each Committee.

#### FORMAL ADVISORY COMMITTEES

Established under the *Local Government Act 1995*, these Committees are an immediate extension of the Council. Each meeting shall be called, conducted and recorded in accordance with the *Act* (i.e. local public notice of meetings, public question time, Local Government (Council Meetings) Local Law 2020, formal minutes, etc.).

Minutes of these meetings will be presented to the Council and all recommendations are considered through a written report.

Formal Advisory Committees include:

Audit and Risk Committee  
Bush Fire Advisory Committee  
Kojonup Natural Resource Management (NRM) Advisory Committee  
Disability Access and Inclusion Committee

Earlier in this agenda (see Item 9.4.8), Council will have considered amending Councillor representation on its Bush Fire Advisory Committee (BFAC); Councillor representation on the BFAC will be dependent on the outcome of Item 9.4.8.

To date, one Expression of Interest has been received for a Community representative position on Council's Audit and Risk Committee; please see Under Separate Cover attachment 9.4.10.2.

#### **OTHER SHIRE COMMITTEES**

These Committees are less formal groups established by the Council. While they play an equally important advisory role to the Council's decision making process, they are not established in accordance with *Section 5.8* of the *Local Government Act 1995* and are deliberately less formal than the Advisory Committee's to better reflect the subject matter concerned.

Minutes of these meetings will be presented to the Council to ensure information flow.

Other Shire Committees include:

Kojonup Spring Advisory Committee  
Kojonup Aging in Place Committee  
Historical, Tourism and Cultural Committee  
Road and Technical Services Advisory Committee

The following Council Advisory Committee's were appointed Council and Employee delegates for the previous 2021 to 2023 term as follows:

#### *AUDIT AND RISK COMMITTEE*

*James Hope*  
*Roger House*  
*Cr Paul Webb*  
*Cr Roger Bilney*  
*Cr Alan Egerton-Warburton*  
*Cr Kevin Gale*

#### *BUSHFIRE ADVISORY COMMITTEE*

*Voting Members*  
*Cr Ned Radford*  
*Cr Paul Webb*

*The President of the Kojonup Bushfire Association;*  
*The Chief Bush Fire Control Officer;*  
*The Deputy Chief Bush Fire Control Officer;*  
*Senior Fire Control Officer (Zulu)*  
*Senior Fire control Officer (Zulu)*  
*Secretary of the Kojonup Bushfire Association*  
*Captain of the Volunteer Fire and rescue Service*

*KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE*

*Kath Mathwin*  
*Jennifer Edgerton-Warburton*  
*Cr Roger Bilney*  
*Cr Felicity Webb*

*DISABILITY ACCESS AND INCLUSION*

*Community members – Nick Trethowan, Cathy Shand and Goldie Hendricks;*  
*Community organisations – up to four Carers/Service providers who work with people covered by the DAIP and will be represented by one representative of each;*  
*Elected members:*  
*Cr Parminder Singh*  
*Cr Gale (proxy delegate)*  
*Chief Executive Officer or delegate will act as Chair;*

*KOJONUP SPRING ADVISORY COMMITTEE*

*Three (3) members from the Kojonup Aboriginal Corporation;*  
*Cr Cindy Wieringa;*  
*Cr Felicity Webb;*  
*Cr Alan Egerton Warburton;*

*SPRINGHAVEN WORKING GROUP*

*Cr Radford*  
*Cr Bilney*  
*Cr Egerton-Warburton*

**CONSULTATION**

Briefing Sessions – 7 November 2023

**STATUTORY REQUIREMENTS**

The appointment of members to Committees and their operation is set out in *Sections 5.8 to 5.25 of the Act and Regulations 14 to 14B of the Local Government (Administration) Regulations, 1995.*

A local government may, by absolute majority, establish Committees comprising of 3 or more persons, be it elected members, employees and/ or other persons, to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees.

*Section 5.10* allows the Shire President to be a member on any Committee that has an elected member and also the CEO (or their representative) to be on any Committee that has an employee as a member.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**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

Moved Cr Mathwin

Seconded Cr Egerton-Warburton

1. That Council appoints the following membership to its Formal Advisory Committees as follows:

AUDIT AND RISK COMMITTEE

Community Member – Cathrine Ivey

Community Member

Cr Mickle

Cr Mathwin

Cr Webb

Cr Bilney (Chairperson)

BUSHFIRE ADVISORY COMMITTEE

Voting Members

Cr Radford

Cr Webb

Cr Mathwin

Cr Bilney

The President of the Kojonup Bushfire Association

The Chief Bush Fire Control Officer

The Deputy Chief Bush Fire Control Officer

Senior Fire Control Officer (Zulu)

Senior Fire control Officer (Zulu)

Secretary of the Kojonup Bushfire Association

Captain of the Volunteer Fire and rescue Service

KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE

Community Member - None

Community Member

Community Member

Cr Egerton-Warburton

Cr Bilney

DISABILITY ACCESS AND INCLUSION

Community Member

Community Member

Community Organisation

Community Organisation

Elected members:

Cr Mickle

Cr Mathwin (proxy delegate)

Chief Executive Officer or delegate will act as Chair



AMENDMENT TO THE MOTION

144/23 Moved Cr Egerton-Warburton Seconded Cr Mickle

1. That the Terms of Reference for the Kojonup Spring Advisory Committee and the Historical, Tourism and Cultural Committee be amended to be two Council delegates each without a proxy delegate and that those two Council delegates for each Committee will be the same two people for both Committees.

2. That the above amendment to the Terms of Reference for the Kojonup Spring Advisory Committee and the Historical, Tourism and Cultural Committee be incorporated into this Motion.

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

THE SECOND DOT POINT OF THE AMENDMENT WAS INCORPORATED INTO THE FOLLOWING SECTION OF THE MOTION

2. That Council appoints the following membership to its other Shire Advisory Committees as follows:

KOJONUP SPRING ADVISORY COMMITTEE

Three (3) Members from the Kojonup Aboriginal Corporation

Two (2) Council Delegates:

Cr Wieringa

Cr Mickle

KOJONUP HISTORICAL, TOURISM AND CULTURAL COMMITTEE

Three (3) Community Members:

Ronice Blair

Barbara Hobbs

Two (2) Council Delegates:

Cr Wieringa

Cr Mickle

KOJONUP AGING IN PLACE COMMITTEE

External Independent Persons with relevant expertise (as determined by Council)

Cr Mathwin

Cr Egerton-Warburton

Cr Bilney

ROADS AND TECHNICAL SERVICES ADVISORY COMMITTEE

Cr Webb

Cr Radford

Cr Egerton-Warburton

Cr Mathwin (proxy delegate)

Cr Mickle (proxy delegate)

THE ORIGINAL MOTION INCORPORATING THE AMENDMENT WAS PUT

145/23 Moved Cr Mathwin                      Seconded Cr Egerton-Warburton

1. That Council appoints the following membership to its Formal Advisory Committees as follows:

AUDIT AND RISK COMMITTEE

Community Member – Cathrine Ivey

Community Member

Cr Mickle

Cr Mathwin

Cr Webb

Cr Bilney (Chairperson)

BUSHFIRE ADVISORY COMMITTEE

Voting Members

Cr Radford

Cr Webb

Cr Mathwin

Cr Bilney

The President of the Kojonup Bushfire Association

The Chief Bush Fire Control Officer

The Deputy Chief Bush Fire Control Officer

Senior Fire Control Officer (Zulu)

Senior Fire control Officer (Zulu)

Secretary of the Kojonup Bushfire Association

Captain of the Volunteer Fire and Rescue Service

KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE

Community Member - None

Community Member

Community Member

Cr Egerton-Warburton

Cr Bilney

DISABILITY ACCESS AND INCLUSION

Community Member

Community Member

Community Organisation

Community Organisation

Elected members:

Cr Mickle

Cr Mathwin (proxy delegate)

Chief Executive Officer or delegate will act as Chair

2. That Council appoints the following membership to its other Shire Advisory Committees as follows:

**KOJONUP SPRING ADVISORY COMMITTEE**

Three (3) Members from the Kojonup Aboriginal Corporation

Two (2) Council Delegates:

Cr Wieringa

Cr Mickle

**KOJONUP HISTORICAL, TOURISM AND CULTURAL COMMITTEE**

Three (3) Community Members:

Ronice Blair

Barbara Hobbs

Sharon Malane

Two (2) Council Delegates:

Cr Wieringa

Cr Mickle

**KOJONUP AGING IN PLACE COMMITTEE**

External Independent Persons with relevant expertise (as determined by Council)

Cr Mathwin

Cr Egerton-Warburton

Cr Bilney

**ROADS AND TECHNICAL SERVICES ADVISORY COMMITTEE**

Cr Webb

Cr Radford

Cr Egerton-Warburton

Cr Mathwin (proxy delegate)

Cr Mickle (proxy delegate)

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

**COUNCIL MOTION**

146/23 Moved Cr Egerton-Warburton Seconded Cr Webb

That the Chief Executive Officer readvertises and seeks nominations for Community members of Committees that did not receive nominations.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

COUNCIL DECISION

147/23 Moved Cr Mathwin

Seconded Cr Mickle

That Council appoints Cr Bilney as the Chairperson of the Kojonup Aging in Place Committee.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

**9.4.11 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES – 7 AUGUST 2023 AND 6 NOVEMBER 2023**

AUTHOR	Estelle Lottering – Project Manager and Community Services
DATE	Monday, 4 December 2023
FILE NO	ES.MET.1
ATTACHMENT(S)	9.4.11.1 – Confirmed LEMC Meeting Minutes – 7 August 2023 9.4.11.2 – Unconfirmed LEMC Meeting minutes – 6 November 2023

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to receive the confirmed minutes of LEMC Meeting held 7 August 2023 and the unconfirmed minutes of a LEMC meeting held 6 November 2023.

**BACKGROUND**

The LEMC is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council's decision-making process. Minutes of these meetings are presented to Council to be received.

**COMMENT**

All matters contained within the minutes are considered in this agenda item.

**CONSULTATION**

Members of the Local Emergency Management Committee.

**STATUTORY REQUIREMENTS**

Section 38 of the *Emergency Management Act 2005*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

#### RISK MANAGEMENT IMPLICATIONS

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

#### ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

148/23 Moved Cr Radford                      Seconded Cr Wieringa

1. That the confirmed minutes of a Local Emergency Management Committee Meeting held 7 August 2023 be received.
2. That the unconfirmed minutes of a Local Emergency Management Committee Meeting held 6 November 2023 be received.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

9.4.12 JINGALUP GOLF COURSE - RESERVE 18033 - MANDATE REVOCATION

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 8 December 2023
FILE NO	R18033
ATTACHMENT(S)	9.4.12.1 – Email - Department of Planning, Lands and Heritage – Reserve 18033 9.4.12.2 – Email – A Caldwell – confirmation of Jingalup Golf Club being defunct 9.4.12.3 – Landgate – Reserve 18033

<p align="center"><b>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033</b>  <b>To be “The Cultural Experience Centre of the Great Southern”</b>  <b>STRATEGIC/CORPORATE IMPLICATIONS</b></p>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
4. Performance	12. A High Performing Council	12.6 SOK Asset Management

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To request the revocation of the Management Order on Reserve 18033 (Reserve) related to the Jingalup Golf Course.

**BACKGROUND**

As Council is aware, the Shire of Kojonup (Shire) is requesting the Management Order be lifted from Reserve 18033 in relation to the Jingalup Golf Club and transferred to the Shire due to the fact that the Jingalup Golf Club (Incorporated) is defunct and no longer exists. Currently, the golf course is not being managed and looked after.

**COMMENT**

Officers are recommending that the Council request the Management Order be lifted from Reserve 18033 (currently under the management of Jingalup Golf Club Inc.) with a view to the Shire eventually taking on the Management Order and responsibility of the Reserve on behalf of the Jingalup Community.

The Management Order will require the Shire at all times to be responsible for:

1. Use of the Reserve for the Designated Purpose and any activities or services to be carried out for the Designated Purpose;
2. Its care, control and management of the Reserve;
3. Use of the Infrastructure;
4. Any works to be done on the Reserve or to the Infrastructure;
5. Obtain and comply with all Authorisations required for any conduct, activity or use undertaken by the Management Body on the Reserve before that conduct, activity or use is undertaken;



6. Complying with the requirements of any other Written Law applicable to management of the land comprising the Reserve including the *Land Administration Act 1997*, *Local Government Act 1995*, *Bush Fires Act 1954*, *Wildlife Conservation Act 1950* and the *Environmental Protection Act 1986*.

#### **CONSULTATION**

Jingalup townsite Community  
Council Briefing Sessions  
Tanya McLean – Department of Planning, Lands and Heritage  
R Radford - previous Jingalup Golf Club Treasurer

#### **STATUTORY REQUIREMENTS**

*Land Administration Act 1997*  
*Bush Fires Act 1954*  
*Wildlife Conservation Act 1950*  
*Environmental Protection Act 1986*  
*Local Government Act 1995*

#### **POLICY IMPLICATIONS**

There are no policy implications for this report other than identifying and establishing achievable and realistic goals and policies that meet mandatory ongoing governance and compliance of the Reserve.

#### **FINANCIAL IMPLICATIONS**

Upfront costs in this budget year of approximately \$20,000 is already budgeted and will be spent on securing the site and natural reserve activities such as weeding of the Reserve.

#### **RISK MANAGEMENT IMPLICATIONS**

Nil

#### **ASSET MANAGEMENT IMPLICATIONS**

The Shire will be responsible for the future management of the Reserve.

#### **VOTING REQUIREMENTS**

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

149/23 Moved Cr Webb

Seconded Cr Radford

That:

1. In the absence of an Agreement from the Jingalup Golf Club (now defunct), Council notes and supports the revocation of the Management Order on Reserve 18033 (Reserve) from the Jingalup Golf Club for transferral to the Shire of Kojonup (Shire) on an 'as is' basis;
2. Council instructs the Chief Executive Officer to:
  - a. prepare a Management Plan which addresses the Shire's financial, strategic, risk and asset management implications of the Reserve and which also enables Reserve 18033 to continue supplying water to the Jingalup community;
  - b. Request the Minister for Lands (Minister) to revoke the current Management Order to 'Jingalup Golf Club Inc', pursuant to section 50(2) of the *Land Administration Act 1997 (LAA)*, providing appropriate justification (due to the absence of agreement from the recorded management body) that revoking the Management order is in the public interest; and
3. Council approves a request to the Minister for transferral of the Management Order over Reserve 18033 to the Shire of Kojonup, pursuant to section 46 of the LAA and, if applicable, requests an amendment/change in Reserve purpose, pursuant to section 51 LAA.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:31 pm.

ATTACHMENTS (SEPARATE)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Meeting of Council held on 21 November 2023
7.4	7.4.1	Cr Bilney – Western Australian Local Government Association (WALGA) Great Southern Zone meeting 24 November 2023
9.1.1	9.1.1.1	Excerpt from 20 October 2020 Ordinary Council Meeting Minutes
	9.1.1.2	Kojonup Community Men's Shed Inc. – correspondence
	9.1.1.3	Excerpt from 27 July 2021 Ordinary Council Meeting Minutes
	9.1.1.4	Excerpt from 7 February 2023 Ordinary Council Meeting Minutes
	9.1.1.5	Excerpt from 28 February 2023 Special Council Meeting Minutes
	9.1.1.6	Excerpt from 16 May 2023 Ordinary Council Meeting Minutes
UNDER SEPARATE COVER	9.1.1.7	Licence Agreement and Appendix A

9.4.1	9.4.1.1	Monthly Financial Statements – 1 to 31 October 2023
	9.4.1.2	Monthly Financial Statements – 1 to 30 November 2023
9.4.2	9.4.2.1	Monthly Payments Listing – 1 to 31 October 2023
	9.4.2.2	Monthly Payments Listing – 1 to 30 November 2023
9.4.3	9.4.3.1	Proposed Shire of Kojonup Cats Local Law 2023 – Draft
	9.4.3.2	Proposed Shire of Kojonup Cat Repeal Local Law 2023 – Draft
	9.4.3.3	Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.3 - Cat Local Law
	9.4.3.4	Email correspondence received from Department of Local Government, Sport and Cultural Industries – 3 November 2023
9.4.4	9.4.4.1	Proposed Shire of Kojonup Parking Amendment Local Law 2023 - Draft

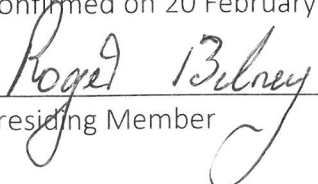
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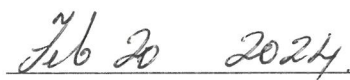
Shire of Kojonup – Ordinary Council Meeting – Minutes – 12 December 2023

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	9.4.4.2	Proposed Shire of Kojonup Parking Local Law 2022 (Consolidated version) - Draft
	9.4.4.3	Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.3 - Parking Local Law
	9.4.4.4	Email correspondence received from Department of Local Government, Sport and Cultural Industries – 3 November 2023
9.4.5	9.4.5.1	BFAC Minutes – 8 August 2023 – Confirmed
	9.4.5.2	BFAC Minutes – 7 November 2023 – Unconfirmed
	9.4.5.3	Appointment of Dual Fire Control Officer for the 2023/2024 Fire Season
9.4.6	9.4.6.1	Delegation Register – existing (2022) copy – showing changes
9.4.7	9.4.7.1	Policy Manual – existing (November 2022) copy showing proposed changes
9.4.8	9.4.8.1	Bush Fire Advisory Committee Terms of Reference - showing changes
9.4.9	9.4.9.1	Roads and Technical Services Advisory Committee Terms of Reference
9.4.10	9.4.10.1	Advisory Committees of Council – Terms of Reference
UNDER SEPARATE COVER	9.4.10.2	Expression of Interest – Community Representative Position – Audit and Risk Committee
9.4.11	9.4.11.1	Confirmed LEMC Meeting Minutes – 7 August 2023
	9.4.11.2	Unconfirmed LEMC Meeting minutes – 6 November 2023
9.4.12	9.4.12.1	Email - Department of Planning, Lands and Heritage – Reserve 18033
	9.4.12.2	Email – A Caldwell – confirmation of Jingalup Golf Club being defunct
	9.4.12.3	Landgate – Reserve 18033

Confirmed on 20 February 2024 as a true record –

  
Presiding Member

  
Date