



MINUTES

Ordinary Council Meeting

19 March 2024

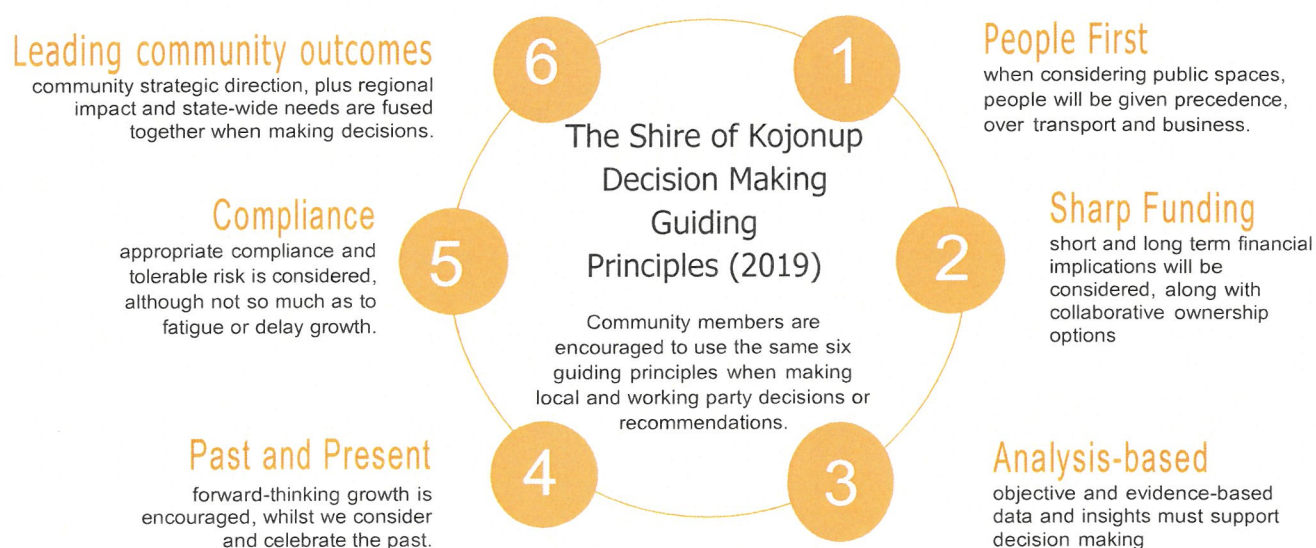
MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 19 MARCH 2024

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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

Judy Stewart

Manager Governance and Administration

Estelle Lottering

Project Manager/Community Services (3.06pm)

3.1 APOLOGIES

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 20 FEBRUARY 2024

Unconfirmed Minutes of an Ordinary Council Meeting held 20 February 2024 are at [Attachment 6.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

22/24 Moved Cr Radford

Seconded Cr Mathwin

That the Minutes of an Ordinary Council Meeting held 20 February 2024 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

6.2 SPECIAL COUNCIL MEETING 5 MARCH 2024

Unconfirmed Minutes of a Special Council Meeting held 5 March 2024 are at [Attachment 6.2.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

23/24 Moved Cr Wieringa

Seconded Cr Egerton-Warburton

That the Minutes of a Special Council Meeting held 5 March 2024 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

Nil

7.3 DEPUTATIONS

Nil

7.4 DELEGATES' REPORTS

Nil

8 METHOD OF DEALING WITH AGENDA BUSINESS

Nil

9 REPORTS

9.1 KEY PILLAR 'LIFESTYLE' REPORTS

Nil

9.2 KEY PILLAR 'ECONOMICS' REPORTS

Nil

9.3 KEY PILLAR 'VISITATION' REPORTS

Nil

9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

9.4.1 DISPOSAL BY LEASE - PORTION OF LOT 9999 THORNBURY CLOSE, KOJONUP

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Friday, 15 March 2024
FILE NO	A22323; LP.PLN.2
ATTACHMENT(S)	9.4.1.1 – Portion A, Lot 9999 Thornbury Close, Kojonup 9.4.1.2 – Sworn Valuation, Portion A Lot 9999 Thornbury Close, Kojonup 9.4.1.3 – Minute Item 9.4.9 - 20 February 2024 Ordinary Meeting 9.4.1.4 – Public Submission - Interested Parties – grain dust concerns (addresses redacted) 9.4.1.5 – Public Submission – Marika Brown – health implication concerns and previous consultation (address redacted) 9.4.1.6 – Excerpts from Town Planning Scheme 3 (TPS3) – Zoning Table 1/definitions – ‘P’ and ‘Industry: Light (a)’ 9.4.1.7 – Townsite Zoning Map UNDER SEPARATE COVER 9.4.1.8 - Correspondence from Syd Matthews & Co Pty Ltd – 9 January 2024

‘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
Economics	5. Assisted New Business	5.1 Industrial Land Release

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider a public submission received from a group of interested parties, as per attachment 9.4.1.4, in response to Council’s public notice of proposal to lease a portion of Lot 9999 Thornbury Close, Kojonup to Syd Matthew’s & Co Pty Ltd for \$12,000 per annum with the lessee being provided first option to buy upon finalisation of the subdivision of this property.

BACKGROUND

Subdivision of Lot 9999 Thornbury Close, Kojonup has taken longer than anticipated and, therefore, the most recent lease of Portion A on the attached map (attachment 9.4.1.1) expired at the end of February 2024 prior to a first option to buy being exercisable by the lessee.

The permitted use for the property, in accordance with the most recent lease, is *transport depot and grain cleaning/storage facility purposes*.

Neville Matthews, Managing Director of Syd Matthews & Co Pty Ltd, indicated in January 2024 that he wished to continue leasing the property until such time as the subdivision is finalised and he can exercise a first option to buy (attachment 9.4.1.6).

In line with legislative requirements, Council was required to obtain a sworn valuation prior to proposing to lease the property again (attachment 9.4.1.2) and to advertise for public submissions.

Council, at its 20 February 2024 Ordinary Meeting, resolved as follows:

That Council advertises its intention to lease Portion A of Lot 9999 Thornbury Close, Kojonup, as shown on the presented map and in accordance with s. 3.58 of the Local Government Act 1995, to Syd Matthews & Co Pty Ltd for \$12,000 inc GST per year or pro rata thereof until such time as the subdivision of Lot 9999, Thornbury Close is finalised and:

- 1. if nil public submissions are received, authorises the Chief Executive Officer to proceed with a new lease to commence on 15 March 2024 as above inclusive of a first option to buy the land upon finalisation of subdivision occurring; or*
- 2. if a public submission/s are received in response to the aforementioned advertising, this matter be returned to Council for further deliberation.*

The property is located within the area zoned light industrial in TPS3.

COMMENT

The timeframe for public submissions relating to the proposed lease of Portion A of Lot 9999 Thornbury Close, Kojonup, closed on 15 March 2024.

On 7 March 2024 a public submission was received from a group of interested parties (attachment 9.4.1.4) in response to the public notice proposing the leasing of this property to Syd Matthews & Co Pty Ltd with first option to buy upon subdivision finalisation. This public submission calls for dust reduction measures to be taken if a grain facility is allowed to be placed on the property.

On 15 March 2024 a public submission was received from Marika Brown (attachment 9.4.1.5) outlining concerns regarding health implications for students at the Kojonup District High School and referring to consultation undertaken with regard to a Cooperative Bulk Handling proposal to lease land in the Kojonup industrial area previously.

The public submissions are based on disposal of the asset via an initial lease and subsequent option to purchase for the purposes of a transport depot and grain cleaning/storage facility. Any future land use of this property will be subject to TPS3 and other relevant legislation requirements.

The 'Zoning Table' definition for *Industry: Light* (attachment 9.4.1.6) addresses, among other matters, dust affecting the amenity of the locality.

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Section 3.58 of the *Local Government Act 1995* – Disposing of Property^{3.58}.

Disposing of property

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The previous lease was valued at \$9,500 + GST (previous sworn valuation) per annum; the proposed new lease agreement would be valued at \$12,000 per annum including GST. Any potential future lease agreements or sale of land value will depend on Council deliberating to accept a relevant new sworn valuation or otherwise.

Disposal of the land places the responsibility for maintenance of the land with the lessee and, therefore, reduces costs associated with same.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risks Description/Cause	Key Controls	Current Action
10 – Management of Facilities, Venues and Events	Lack of Lease/Contract/Agreement/MOU/Licence documentation	Lease agreements for Shire facilities	Develop Lease agreements register for all Shire facilities
<i>Risk Rating – Adequate</i>			
IMPLICATIONS			
The formation of leases for Shire owned or managed land defines the terms that apply to all parties and lessens the ambiguity if an issue arises during the term of the lease. Risk management also applies in relation to the use/maintenance and fire hazard risk reduction.			

ASSET MANAGEMENT IMPLICATIONS

Disposing of this portion of Lot 9999, Thornbury Close, Kojonup transfers asset management implications from the Shire to the Lessee.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

The Project Manager/Community Services officer entered the meeting at 3.06pm.

The Project Manager/Community Services officer left the meeting at 3.08pm and re-entered at 3.09pm.

OFFICER RECOMMENDATION/COUNCIL DECISION

24/24 Moved Cr Webb

Seconded Cr Egerton-Warburton

That Council:

1. receives public submissions from interested parties, as presented, in relation to use of a portion of Lot 9999 Thornbury Close, Kojonup;
2. authorises the Chief Executive Officer to prepare a lease to commence on 5 April 2024 for \$12,000 inc GST per year or pro rata thereof until such time as the subdivision of Lot 9999, Thornbury Close is finalised and Syd Matthews & Co Pty Ltd is offered the first option to buy this land at a sworn valuation rate obtained at the time and subject to any development on the site being required to follow due process and comply with all Town Planning Scheme No. 3 (TPS3) and relevant legislation requirements;
3. writes to Syd Matthews & Co Pty Ltd and advises that any development on the site will be required to follow due process and comply with all TPS3 and relevant legislation requirements; and
4. writes to the interested parties thanking them for their submissions and advising that the TPS3 and relevant legislation will apply for any development undertaken in the industrial zoned area including dust emissions.

CARRIED 7/0

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

9.4.2 MINUTES OF AN ANNUAL MEETING OF ELECTORS HELD 19 JULY 2023

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Tuesday, 12 March 2024
FILE NO	GP.CNM.9
ATTACHMENT(S)	9.4.2.1 - Unconfirmed minutes of an Annual Meeting of Electors held 19 July 2023 9.4.2.2 – Attendance List 9.4.2.3 – Highlights of 2021-2022 - slideshow 9.4.2.4 – Annual Report including Annual Financial Statements for 2021-2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2020-2024”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of an Annual Meeting of Electors held 19 July 2023.

BACKGROUND

An Annual Meeting of Electors must be held within 56 days of adopting an Annual Report that includes Annual Financial Statements.

Council, at its 20 June 2023 Ordinary Meeting, accepted the 2021/2022 Annual Report incorporating the Annual Financial Statements.

COMMENT

This item is solely for Council to receive the minutes of its 19 July 2023 Annual Meeting of Electors.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Division 4, Sections 5.26 to 5.33 of the *Local Government Act 1995* - deal with Electors' General Meetings.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework	External Audits (compliance)	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Presenting minutes of Annual Meetings of Electors at the next available meeting of Council, regardless of whether there are actions to be undertaken or otherwise, ensures Council and the public receive the minutes in a timely manner.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

25/24 Moved Cr Wieringa

Seconded Cr Mathwin

That Council receives the minutes of its Annual Meeting of Electors held 19 July 2023.

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 PARKING (AMENDMENT) LOCAL LAW 2024

AUTHOR	Stephanie Swain – Senior Ranger
DATE	Wednesday, 28 February 2024
FILE NO	LE.LCL.3
ATTACHMENT(S)	9.4.3.1 – Proposed Shire of Kojonup Parking Amendment Local Law 2024 9.4.3.2 – Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.4 - Parking Local Law 9.4.3.3 - Email correspondence received from Department of Local Government, Sport and Cultural Industries – 12 February 2024

'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 for the Council to consider the amended *Shire of Kojonup Parking (Amendment) Local Law 2024* for adoption.

BACKGROUND

At its Ordinary Meeting held 12 December 2023, Council resolved to propose the *Shire of Kojonup Parking (Amendment) Local Law 2024* in conjunction with an agreed undertaking with the Joint Standing Committee on Delegated Legislation (JSCDL).

The *Shire of Kojonup Parking (Amendment) Local Law 2024* was presented 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.

Further background on the *Shire of Kojonup Parking (Amendment) Local Law 2024* is detailed in the Shire of Kojonup Ordinary Council Meeting Minutes from the 26 September 2023 and is attached.

At Council's Ordinary Council Meeting on 12 December 2023, the amended proposed Local Law was presented to Council where it was endorsed for re-advertisement.

On Thursday, 11 January 2024, the Local Laws were publicly advertised with public consultation being open for a period of 6 weeks.

Public notice appeared in the Great Southern Herald, the Shire Website, Kojonup e-news and on noticeboards in both the Shire Administration Office and Library as per the requirements outlined in Section 3.12(3)(a) of the *Local Government Act 1995*.

On Thursday, 11 January 2024, copies of the proposed Shire of Kojonup Parking (Amendment) Local Law 2024 were provided to the Minister for Local Government, Hon Hannah Beazley BA MLA, as per the requirements outlined in Section 3.12(3)(b) of the *Local Government Act 1995*.

On Monday, 12 February 2024 the Shire received a confirmation email from the Department of Local Government, Sport and Cultural Industries acknowledging receiving the proposed local laws; however, did not supply any comments surrounding them.

No further comments or submissions surrounding this proposed local law were received during the public consultation period.

COMMENT

All amendments previously suggested by the DLGSC have been incorporated into the proposed *Shire of Kojonup Parking (Amendment) Local Law 2024*.

A minor amendment to Clause 2.5 of the *Shire of Kojonup Parking (Amendment) Local Law 2024* was made wherein a heading titled '2.5 Subclauses under Clause 4.5 amended' was inserted. No other content was changed.

This minor change to the Local Law is not deemed to be significantly different to what was first proposed to Council on 12 December 2023 and, therefore, should not affect the adoption process.

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

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

26/24 Moved Cr Radford

Seconded Cr Mathwin

That Council:

1. Adopts the *Shire of Kojonup Parking (Amendment) Local Law 2024*, as presented; and

2. Pursuant to the *Local Government Act 1995* section 3.12(5), publish the *Shire of Kojonup Parking (Amendment) Local Law 2024* in the *Western Australian Government Gazette* and provide a copy of the *Shire of Kojonup Parking (Amendment) Local Law 2024* to the Minister for Local Government; and

3. Pursuant to the *Local Government Act 1995* section 3.12(6), provide public notice that the *Shire of Kojonup Parking (Amendment) Local Law 2024* has been published in the *Western Australian Government Gazette* and state the date it comes into effect along 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.

4. Complete the Explanatory Memorandum and Statutory Checklist and supply these along with supporting documentation to the Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

9.4.4 SHIRE OF KOJONUP CAT REPEAL LOCAL LAW 2024 AND SHIRE OF KOJONUP CATS LOCAL LAW 2024

AUTHOR	Stephanie Swain – Senior Ranger
DATE	Friday, 8 March 2024
FILE NO	LE.LCL.3
ATTACHMENT(S)	9.4.4.1 – Proposed Shire of Kojonup Cats Local Law 2024 9.4.4.2 – Proposed Shire of Kojonup Cat Repeal Local Law 2024 9.4.4.3 – Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.3 9.4.4.4 - Email correspondence received from Department of Local Government, Sport and Cultural Industries – 12 February 2024

‘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 for Council to consider the amended *Shire of Kojonup Cats Local Law 2023* and *Shire of Kojonup Repeal Cat Local Law 2023* for adoption.

BACKGROUND

At its Ordinary Meeting held 12 December 2023, Council resolved to propose the *Shire of Kojonup Cats Local Law 2024* and the *Shire of Kojonup Repeal Cat Local Law 2024* in conjunction with an agreed undertaking with the Joint Standing Committee on Delegated Legislation (JSCDL).

The *Shire of Kojonup Repeal Cat Local Law 2024* and the *Shire of Kojonup Cats Local Law 2024* were proposed 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.*

Further background on the *Shire of Kojonup Cat Local Law 2024* and *Shire of Kojonup Cat (Repeal) Local Law 2024* is detailed in the Shire of Kojonup Ordinary Council Meeting Minutes from the 26 September 2023 and is attached.

At Council's Ordinary Council Meeting on 12 December 2023, the amended proposed Local Laws were presented to Council where they were endorsed for re-advertisement.

On Thursday, 11 January 2024, the Local Laws were publicly advertised with public consultation being open for a period of 6 weeks.

Public notice appeared in the Great Southern Herald, the Shire Website, Kojonup e-news and on noticeboards in both the Shire Administration Office and Library as per the requirements outlined in Section 3.12(3)(a) of the *Local Government Act 1995*.

On Thursday, 11 January 2024, copies of the proposed *Shire of Kojonup Cat Local Law 2024* and *Shire of Kojonup Cat (Repeal) Local Law 2024* were provided to the Minister for Local Government, Hon Hannah Beazley BA MLA, as per the requirements outlined in Section 3.12(3)(b) of the *Local Government Act 1995*.

On Monday, 12 February 2024 the Shire received a confirmation email from the Department of Local Government, Sport and Cultural Industries acknowledging receiving the proposed local laws; however, did not supply any comments surrounding them.

No further comments or submissions surrounding this proposed local law were received during the public consultation period.

COMMENT

All suggestions for previous amendments made by the DLGSC have been implemented into the proposed *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Repeal Cat Local Law 2024* (as attached at 9.4.4.1 and 9.4.4.2) for consideration.

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

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

27/24 Moved Cr Radford

Seconded Cr Wieringa

That Council:

1. Adopts both the *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Cat (Repeal) Local Law 2024* as presented; and
2. Pursuant to the *Local Government Act 1995* section 3.12(5), publishes both the *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Cat (Repeal) Local Law 2024* in the *Western Australian Government Gazette* and provide a copy of both Local Laws to the Minister for Local Government; and
3. Pursuant to the *Local Government Act 1995* section 3.12(6), provide public notice that the *Shire of Kojonup Cats Local Law 2024* and *Shire of Kojonup Cat (Repeal) Local Law 2024* have been published in the *Western Australian Government Gazette* and state the date it comes into effect along 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.*

4. Complete the Explanatory Memorandum and Statutory Checklist and supply these along with supporting documentation to the Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

9.4.5 MINUTES OF AN INAUGURAL KOJONUP HISTORICAL, TOURISM AND CULTURAL COMMITTEE MEETING HELD 5 MARCH 2024

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Wednesday, 13 March 2024
FILE NO	GO.CNM.9
ATTACHMENT(S)	9.4.5.1– Unconfirmed minutes of an inaugural Kojonup Historical, Tourism and Cultural Committee meeting held 5 March 2024

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of an inaugural Kojonup Historical, Tourism and Cultural Committee meeting held 5 March 2024.

BACKGROUND

The Kojonup Historical, Tourism and Cultural Committee was established following Council's 2023 Local Government Election with defined terms of reference and a membership consisting of six (6) committee members being four (4) Councillors and two (2) Community Members.

COMMENT

This item is solely the Council receiving the minutes of its inaugural Kojonup Historical, Tourism and Cultural Committee meeting held 5 March 2024.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirement's	3 rd party adverse findings against Shire	Audit and Risk Committee	4 Meetings held per annum
<i>Risk rating: Low</i>			
IMPLICATIONS			
As per s.7.1A of the <i>Local Government Act 1995</i> , a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

28/24 Moved Cr Wieringa

Seconded Cr Mickle

That Council receive the unconfirmed minutes of an inaugural Kojonup Historical, Tourism and Cultural Committee meeting held 5 March 2024.

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

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

13.1 DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY - RESERVES 24407 AND 21212 – REQUEST FOR TRANSFER TO SOUTH WEST NATIVE TITLE SETTLEMENT MANAGEMENT

COUNCIL DECISION

29/24 Moved Cr Mathwin

Seconded Cr Wieringa

That Council receives the request from the Department of Energy, Mines, Industry Regulation and Safety requesting transfer of management of Reserves 24407 and 21212 from the Shire of Kojonup to the South West Native Title Settlement.

CARRIED 6/1

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

Against: Cr Webb

COUNCIL DECISION

30/24 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council replies to the Department of Energy, Mines, Industry Regulation and Safety in the affirmative that the management of reserves 24407 and 21212 be transferred from the Shire of Kojonup to the South West Native Title Settlement and:

1. Requests that Council continues to have access to the gravel on Reserves 24407 and 21212; and
2. That public access continues on Reserves 24407 and 21212.

CARRIED 7/0

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

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.42pm.

16 ATTACHMENTS (SEPARATE)
(USC – Under Separate Cover)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Meeting of Council held on 20 February 2024
6.2	6.2.1	Unconfirmed Minutes of a Special Council Meeting held on 5 March 2024
9.4.1	9.4.1.1	Portion A, Lot 9999 Thornbury Close, Kojonup
	9.4.1.2	Sworn Valuation, Portion A Lot 9999 Thornbury Close, Kojonup
	9.4.1.3	Minute Item 9.4.9 - 20 February 2024 Ordinary Meeting
	9.4.1.4	Public comment - Interested Parties – grain dust concerns
	9.4.1.5	Excerpts from Town Planning Scheme 3 (TPS3) – Zoning Table 1/definitions – ‘P’ and ‘Industry: Light (a)’
	9.4.1.6	Townsite Zoning Map
	9.4.1.7 USC	Correspondence - Syd Matthews & Co Pty Ltd – 9 January 2024
9.4.2	9.4.2.1	Unconfirmed minutes of an Annual Electors Meeting held 19 July 2023
	9.4.2.2	Attendance List
	9.4.2.3	Highlights of 2021-2022 - slideshow
	9.4.2.4	Annual Report including Annual Financial Statements for 2021-2022
9.4.3	9.4.3.1	Proposed Shire of Kojonup Parking Amendment Local Law 2024
	9.4.3.2	Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.4 - Parking Local Law
	9.4.3.3	Email correspondence received from Department of Local Government, Sport and Cultural Industries – 12 February 2024
9.4.4	9.4.4.1	Proposed Shire of Kojonup Cats Local Law 2024
	9.4.4.2	Proposed Shire of Kojonup Cat Repeal Local Law 2024
	9.4.4.3	Attachment - Ordinary Council Meeting Minutes - 26 September 2023 - 9.4.3
	9.4.4.4	Email correspondence received from

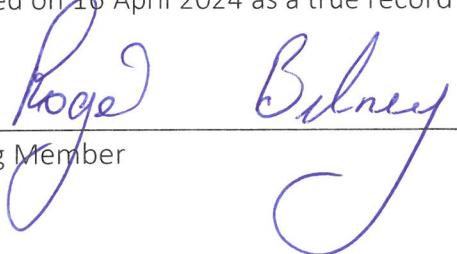
Department of Local Government, Sport
and Cultural Industries – 12 February
2024

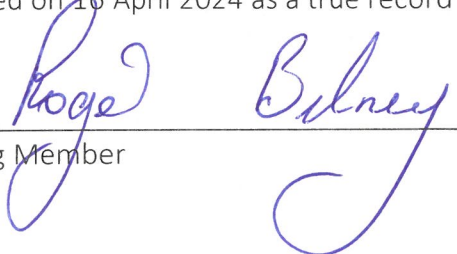
9.4.5

9.4.5.1

Unconfirmed minutes of an inaugural
Kojonup Historical, Tourism and Cultural
Committee meeting held 5 March 2024

Confirmed on 16 April 2024 as a true record –


Presiding Member


Date

16/4/2024.