

Kojonup



SHIRE OF KOJONUP

MINUTES

Ordinary Council Meeting

20 May 2025

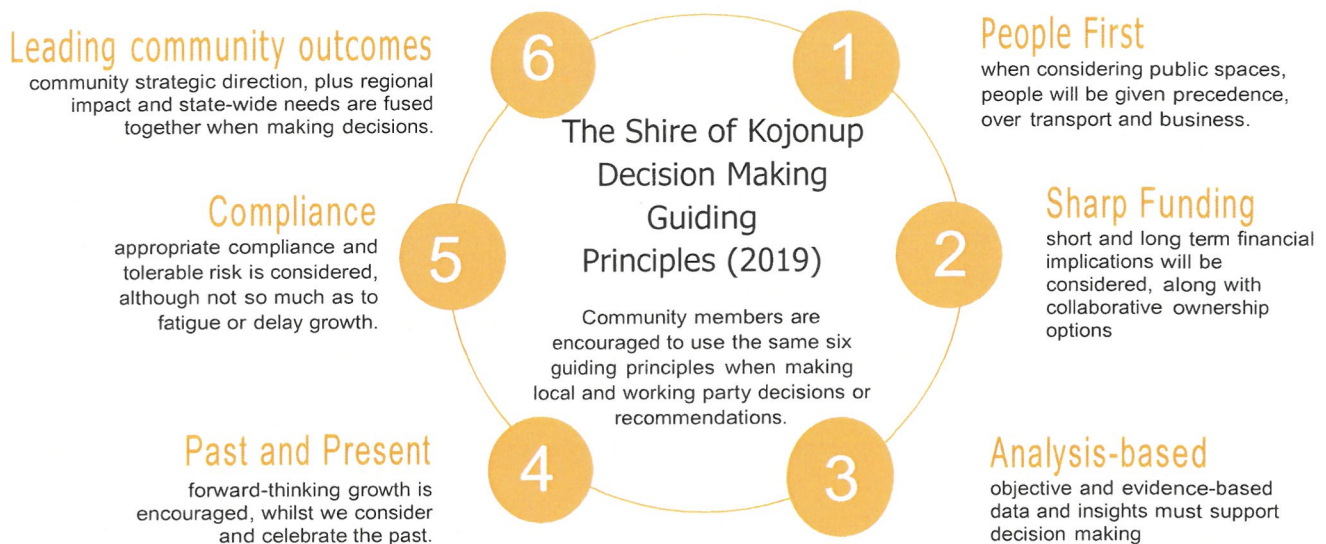
MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 20 MAY 2025

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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 shall declare the meeting open at 3.00pm and draw the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging.

Prayer

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**

Council to table a written statement given by Andrew Chandler

3 **ATTENDANCE**
COUNCILLORS

Cr Bilney	Shire President
Cr Wieringa	Deputy Shire President
Cr Radford	
Cr Egerton-Warburton	
Cr Mathwin	
Cr Mickle	

STAFF

Grant Thompson	Chief Executive Officer
Tonya Pearce	Governance and Rates Officer

3.1 **APOLOGIES**

3.2 **APPROVED LEAVE OF ABSENCE**

Cr Webb

MEMBERS OF THE PUBLIC

Andrew Chandler
Ronice Blair
Barbara Hobbs
Ross Goodall

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**

Public Question: We understand that you have spoken with the RSL, are you able to discuss what was spoken about, in regards to the Memorial Hall?

Response: There is \$55,000 allocated to undertake the works at the Memorial Hall. There will be two (2) phases, one (1) to deal with the pigeons and one (1) for the repairs and cleaning that is required. These works may take up to two (2) months to complete.

Estimated time of completion aiming to meet dates for commemorative occasions in November. It was not an easy process finding the right contractors for the job.

It is unlikely that it will be ready for the Theatrical Society to use in June or July.

Comment: The Memorial Hall has had to be closed for health reasons, due to the damage inside the hall. There has been a significant growth in the number of birds and damage. Once the birds have been removed, the exterior will be sealed, to stop the birds from coming back.

Public Question: Can Andrew Chandler report this back to the Theatrical Society?

Response: Yes, it will not be available before the 31 July 2025. Works may even go longer.

Public Question: Will the hall be available for 11 November?

Response: Yes, aiming for before November.

Comment: A discussion was had with RSL in regard to the access to the Memorial for the respect of the hall.

Public Question: Is there any intention on fixing the big display case? Are you able to claim any insurance?

Response: There are no plans yet and are unable to claim insurance.

Ronice Blair left the meeting at 3.09pm

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 29 APRIL 2025

Unconfirmed Minutes of an Ordinary Council Meeting held 29 April 2025 are at **attachment 6.1.1.**

OFFICER RECOMMENDATION/COUNCIL DECISION

52/25 Moved Cr Mathwin

Seconded Cr Mickle

That the Minutes of an Ordinary Council Meeting held 29 April 2025 be confirmed as a true record.

CARRIED 6/0

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

7 PRESENTATIONS

7.1 PETITIONS
Nil

7.2 PRESENTATIONS
Nil

7.3 DEPUTATIONS
Nil

7.4 DELEGATES' REPORTS
Nil

Andrew Chandler and Barbara Hobbs left the meeting at 3.11pm

8 METHOD OF DEALING WITH AGENDA BUSINESS
Nil

REPORTS**9.1 KEY PILLAR ‘LIFESTYLE’ REPORTS****9.1.1 HALL AND PRIOR PROPERTY LEASE AGREEMENT AND RESIDENTIAL AGREEMENTS REASSIGNMENT REQUEST – SPRINGHAVEN FRAIL AGED LODGE**

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Tuesday, 13 May 2025
FILE NO	CP.LEA.1
ATTACHMENT(S)	<p>9.1.1.1 - 3445-2193-5673-v2 - Deed of Assignment of Lease - 8A Newton Street Lease</p> <p>9.1.1.2 - 3448-9241-7593-v2 - Deed of Assignment of Lease - 15 Barracks Place (002)</p> <p>9.1.1.3 - 3458-3259-0649-v3 - Deed of Assignment of Lease - 8B Newton Street Lease (002)</p> <p>9.1.1.4 - 3469-4231-1993-v3 - Deed of Assignment of Lease - 12B Elverd Street</p> <p>9.1.1.5 - Notice of Lease Assignment_Springhaven_110425</p> <p>9.1.1.6 - (UNDER SEPARATE COVER) Springhaven - FFAC accounts</p>

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033

To be “The Cultural Experience Centre of the Great Southern”

STRATEGIC/CORPORATE IMPLICATIONS

Key Pillar	Community Outcomes	Corporate Actions
Lifestyle	1. Diverse Accommodation Options	1.3 Future-proof aged care

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a notice of lease assignment for Springhaven, **attachment 9.1.1.5**, from Hall & Prior to reassign the Springhaven Property Lease and Residential Tenancy Agreements from Fresh Fields Management (NSW) No 2 Pty Ltd (FFM) to Fresh Fields Aged Care Pty Ltd (FFAC).

BACKGROUND

At its March 2023 Ordinary Council meeting, in a confidential session, the Council resolved as follows:

59/24 Moved Cr Egerton-Warburton Seconded Cr Webb

That Council ratifies the Execution of Heads of Agreement with Hall and Prior (Fresh Fields Management (NSW) No. 2 Pty Ltd (ABN 35 624 674 380)) and retrospectively authorises the Chief Executive Officer to execute the agreement, as presented.

In October 2024 the transition of Springhaven from the Shire to a Hall & Prior (H&P) company, Fresh Fields Management (NSW) No 2 Pty Ltd (FFM), concluded. The seamless Business Sale Transaction took place on the 14 October 2024 with the RAD bonds and all other obligations related to Team Member leave accruals being transferred to Hall & Prior.

COMMENT

Hall & Prior (H&P) wrote to Council recently requesting that it consider a reassignment of the lease and tenancy agreements due to an internal corporate structural change with the aim to streamline its structure.

The attached, [9.1.1.1](#), [9.1.1.2](#), [9.1.1.3](#), [9.1.1.4](#), Property Lease and Residential Lease agreements (Agreements) are the outputs from the discussions with Hall and Prior, aligned to the reassignment.

This report is seeking the approval from Council to reply to H&P and note the reassignment of the Springhaven Property Lease and Residential Tenancy Agreements from Fresh Fields Management (NSW) No 2 Pty Ltd (FFM) to Fresh Fields Aged Care Pty Ltd (FFAC).

Proposed Transaction:

- FFM proposes transferring and assigning the Aged Care Business (Springhaven Frail Aged Lodge) Lease and the Residential Tenancy Leases to Fresh Fields Aged Care Pty Ltd (FFAC) as part of its current group restructure.
- The proposed transfer date is no later than 30 June 2025.
- FFAC is a well-established wholly owned approved provider entity within the Hall & Prior Group holding a number of assets in its own name.
- The restructure is driven largely by a desire on the part of the H&P Group directors to simplify and streamline the Group structure.
- The restructure will not result in a change in control of either FFM or FFAC within the Hall & Prior Group.

Under the Lease, the consent of the Lessor is not required to transfer the Lease to a Related Person, subject to the lessee not being in default and the assignee signing a Landgate transfer form to give effect to the assignment. The Lessor also needs to be given reasonable prior notice of the assignment. H&P have fulfilled this clause.

In addition, FFM can obtain an absolute release under the Lease on the assignment occurring, provided that FFM can demonstrate to the reasonable satisfaction of the Lessor that the assignee has the ability to meet the financial obligations under the Lease and to carry on the Permitted Use from the premises, and the requirements of clause 12.5(d) of the Lease are complied with by the assignee.

- FFAC is a Related Person of FFM, as defined in the Lease, and meets the above tests.
- Attached is also a simplified Hall & Prior corporate structure diagram, which shows the relationship of FFM and FFAC to each other within the Group
- Clause 12.1 of the Lease does not apply as the proposed assignment will occur under clause 12.5 of the Lease.
- Under a separate cover is [attachment 9.1.1.6](#), the FFAC financials.

In the authors opinion is the re-assignment is not detrimental to the agreement, nor the relationship with the Shire, and the arrangement continues to meet the key objectives of the transaction. Hall & Prior are meeting their lease obligations.

Please note the Audit, Risk & Improvement Committee (ARIC) and the Kojonup Ageing in Place Committee (KAIP) have recommended Council approve the reassignment.

For Council consideration.

CONSULTATION

Briefing Session

Audit, Risk & Improvement Committee (ARIC)

STATUTORY REQUIREMENTS

Local Government Act 1995

Aged Care Act 2024

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
15. Supplier - Contracts	Inadequate management of external Suppliers, Contractors, IT Vendors or Consultants engaged for core operations. Inadequate contract management practices	Contract Management Documented authorisation and approvals process for contracts	Nil
Risk rating – <i>Adequate</i>			
IMPLICATIONS			
Lack of contract management can cause value to be diminished and/or errors and omissions to occur.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

53/25 Moved Cr Wieringa

Seconded Cr Mickle

That Council:

1. Notes and approves the reassignment of the Property Lease Agreement and the three (3) Residential Agreements, as presented, from Hall and Prior Fresh Fields Management (NSW) No. 2 Pty Ltd (ABN 35 624 674 380) to Fresh Fields Aged Care Pty Ltd (ACN 063 959 759).
2. Delegates the management of the reassignment to the Shire Chief Executive Officer and when the CEO is satisfied the documentation is adequate, authorises the President and Chief Executive Officer to execute the Deed of Assignment and correspond with Hall & Prior to note support of the transfer of lease.

CARRIED 6/0

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

Question: What is this item about?

Response: There are four (4) leases, one (1) for Springhaven and three (3) residential leases. Hall & Prior are changing from one entity to another as a part of a corporate re-structure.

9.2 KEY PILLAR ‘ECONOMICS’ REPORTS

Nil

9.3 KEY PILLAR ‘VISITATION’ REPORTS

Nil

9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

9.4.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (APRIL 2025)

AUTHOR	Jill Johnson – Manager Financial and Corporate Services
DATE	Tuesday, 13 May 2025
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.4.1.1 – Monthly Financial Statements; 1 April 2025 to 30 April 2025

‘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 note the Monthly Financial Statement for the month ending 30 April 2025.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 April 2025 to 30 April 2025 represents ten (10) months, or 83% of the year.

The following items are worthy of noting:

- Closing surplus position of \$3,084,141.
- Capital expenditure achieved 49.2% of budgeted projects.
- Cash holdings of \$4,598m of which \$1,133m is held in cash backed reserve accounts and \$3,465 is unrestricted cash.
- Rates debtors outstanding equate to 7% of total rates raised for 2024/2025.

- 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

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.5 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

54/25 Moved Cr Radford

Seconded Cr Egerton-Warburton

That the monthly financial statements for the period ending 30 April 2025, as attached, be noted.

CARRIED 6/0

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

9.4.2 MONTHLY PAYMENTS LISTING – APRIL 2025

AUTHOR	Rachael Egerton-Warburton – Finance Officer
DATE	Tuesday, 13 May 2025
FILE NO	FM.AUT.1
ATTACHMENT	9.4.2.1 - Monthly Payment Listing April 2025

'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 month of April 2025.

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 2.1.1 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

55/25 Moved Cr Egerton-Warburton Seconded Cr Mickle

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

FROM – 1 April 2025		TO – 30 April 2025
Municipal Cheques	-	-
EFTs	35889-35606	\$813,334.69
Direct Debits		\$424,509.20
Total		\$1,237,843.89

be received.

CARRIED 6/0

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

9.4.3 FINANCIAL MANAGEMENT – RATES WRITE-OFFS

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Thursday, 17 April 2025
FILE NO	FM.POL.01
ATTACHMENT(S)	9.4.3.1 - Rate Write-offs

'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 to consider the write-off of interest rates that were raised against properties during the time the Shire of Kojonup reviewed rate issues in respect to the properties listed.

BACKGROUND

Interest continues to accrue daily in the rate system.

COMMENT

An attachment of properties has been listed, for consideration.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations 1996 relate to property rating requirements and procedures.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

56/25 Moved Cr Radford

Seconded Cr Mathwin

That the rate amounts, as presented, be credited due to being incorrectly charged by the Shire of Kojonup rates system.

CARRIED 6/0

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

9.4.4 TERMINATION OF MEMORANDUM OF UNDERSTANDING (MOU) – BROOMEHILL REGIONAL ARCHIVE REPOSITORY

AUTHOR	Grant Thompson – Chief Executive Officer
ATE	Monday, 12 May 2025
FILE NO	GO.CNM.6
ATTACHMENT(S)	9.4.4.1 – Termination of Memorandum of Understanding (MOU) – Broomehill Regional Archive Repository

'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 the termination of Memorandum of Understanding (MOU), for the Broomehill Regional Archive Repository.

BACKGROUND

On 1 July 2013, the shires of Broomehill-Tambellup, Kojonup, and Plantagenet entered a 21-year MOU and utilised funding made available through the State Governments Royalties for Regions Scheme to refurbish a portion of the former Shire of Broomehill Council Chambers and Administration building as a Regional Archive Storage Repository (Repository) for use by the parties subject to the MOU.

In subsequent years additional Local Governments have become a party to the MOU.

COMMENT

Broomehill Tambellup has written to the Local Governments involved in the repository, requesting the MOU be wound up and the MOU arrangements be terminated as at 30 June 2026.

An MOU is not a legally binding contract and is only as good as the goodwill of the participants and the requirement to have an MOU in place.

It is understood Broomehill requires the office space to be reclaimed for their own growth opportunities.

This agenda report is mainly for information but also to seek permission to abandon the MOU and authorize the CEO and President to sign attachment 9.4.4.1.

At this point it will be a self-fulfilling conclusion as the other Shires have agreed to dissolve the MOU.

The Author recommends signing of the agreement to dissolve the MOU and hand back the rights to the repository to Broomehill-Tambellup for their use.

The Grant funding has more than reached its statutory time limitations where all obligations to the Grantor have been fulfilled.

CONSULTATION

Chief Executive Officer
Shire of Broomehill-Tambellup

STATUTORY REQUIREMENTS

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will be required to find an alternative solution and this may incur a capital cost yet to be determined.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
4. Document Management Process	Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation	Document security (physical and electronic) Document Disaster Recovery Plan	Nil
Risk rating – <i>Adequate</i>			
IMPLICATIONS			
This item will now need to be placed on the risk register. Risk that Records may be destroyed through fire and other, or not properly maintained or not disposed of correctly. Solutions will be required to store the Shire of Kojonup's records. There will be a cost (TBD) involved in any future solution the Shire may approve.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

57/25 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council:

1. Authorise the Chief Executive Officer and the Shire President to sign the letter of termination of the Memorandum of Understanding (MOU); and
2. Instruct the Chief Executive Officer to commence an investigation into alternative options for the Shire of Kojonup records repository requirements.

CARRIED 6/0

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

Question: When do we lose the repository?

Response: 30 June 2026. Gives time to find a new space. May require funding in the next budget.

Question: Did they give a reason?

Response: They identified they are growing and require the office space.

Question: Was the Repository funded?

Response: There was grant funding, which was supported at least 11 years ago. Obligations of the grant have been fulfilled.

Comment: This will benefit the Shire with travel and time having the records at hand.

Question: Broomehill received grant funding for the repository. Is there any other funding?

Answer: This is to be investigated.

9.4.5 MINUTES OF AN AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 7 MAY 2025

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 12 May 2025
FILE NO	FM.AUD.3
ATTACHMENT(S)	9.4.5.1 - Unconfirmed minutes of an Audit, Risk and Improvement Committee Meeting held 7 May 2025

'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 to receive the unconfirmed minutes of the Audit, Risk and Improvement Committee meeting held 7 May 2025.

BACKGROUND

The Audit and Risk Committee is established under Section 71A of the *Local Government Act 1995* ensuring transparency in the Shire of Kojonup's financial management and decision making process. The Audit and Risk Committee was established with defined terms of reference and a membership consisting of six (6) committee members being four (4) Councillors and two (2) Community Members.

The Local Government Amendment Act 2024, which advances a range of reforms to the Local Government Act 1995 and associated regulations, became law on 6 December 2024. This new legislation affects local government audit committees as follows:

1. A local government must establish a committee of its council to be called the Audit, Risk and Improvement Committee (ARIC). Audit committees to have an improved focus as 'audit, risk and improvement' that are independently chaired, with greater clarity on how council committees should operate.

COMMENT

This item is the Council receiving the minutes of its Audit, Risk and Improvement Committee meeting held 7 May 2025.

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, Risk and Improvement 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, Risk and Improvement 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

58/25 Moved Cr Mathwin

Seconded Cr Egerton Warburton

That Council receive the unconfirmed minutes of an Audit and Risk Committee meeting held 7 May 2025.

CARRIED 6/0

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

COMMITTEE RECOMMENDATION/COUNCIL DECISION

59/25 Moved Cr Mathwin

Seconded Cr Mickle

The Audit, Risk and Improvement Committee recommend to Council that the 2025 reserve appropriateness review consider creating a reserve fund specifically to be used for unplanned capital and maintenance expenditure on properties and assets.

CARRIED 6/0

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

COUNCIL DECISION

60/25 Moved Cr Mathwin

Seconded Cr Mickle

That Council instruct the CEO to investigate creating a reserve appropriateness reserve fund specifically to be used for unplanned capital and maintenance expenditure on properties and assets.

CARRIED 6/0

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

Comment: Any idea on how much money for this reserve?

Response: This will form a part of the review. There is a gap in the reserves for asset maintenance. This will be up to the Council to consider what that amount will be, once the review is complete.

COMMITTEE RECOMMENDATION/COUNCIL DECISION

61/25 Moved Cr Mickle

Seconded Cr Wieringa

The Audit, Risk and Improvement Committee recommend to the Council that it undertakes a review of the leave provision reserve to specifically investigate the total funds required as a percentage of the total employee benefit liability and determine the funding amount required that adequately addresses the Shires fiduciary and regulatory obligations related to employee benefits and provisions.

CARRIED 6/0

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

COUNCIL DECISION

62/25 Moved Cr Mathwin

Seconded Cr Mickle

That Council instruct the CEO to undertake a review of the leave provision reserve to specifically investigate the total funds required as a percentage of the total employee benefit liability and determine the funding amount required that adequately addresses the Shires fiduciary and regulatory obligations related to employee benefits and provisions.

CARRIED 6/0

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

COMMITTEE RECOMMENDATION/COUNCIL DECISION

63/25 Moved Cr Mickle

Seconded Cr Radford

That the Audit, Risk and Improvement Committee recommends to Council it supports the request from Fresh Fields Management (NSW) No 2 Pty Ltd to reassign the 'Springhaven' lease and the Residential tenancy Leases to Fresh Fields Aged Care Pty Ltd, as part of its group re-structure to streamline its corporate entities.

CARRIED 6/0

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

COMMITTEE RECOMMENDATION/COUNCIL DECISION

64/25 Moved Cr Mathwin

Seconded Cr Mickle

That the Audit, Risk and Improvement Committee recommend to Council that a separate land use policy is created for renewable energy to include Solar and Battery storage facilities.

CARRIED 6/0

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

Question: Is this including some farms putting in a heap of solar and batteries, that we have control of?

Response: What they are asking the Council to do, is look into a Land Use policy as a part of the Shires Planning Scheme review, to also include, how land can be used for solar and battery storage facilities. It is about the extensive use of solar panels and battery storage. It would have to be apart of our land use policy, which covers all our land usage.

Question: Where it says a separate land use policy, it would be a land use policy incorporated into the planning scheme, not setting up a whole new policy?

Response: Will be looking at the land use policy as a part of the town planning scheme. Will also be looking at the renewable energy policy, as a guideline, like the Shire has undertaken with the windfarm policy.

COUNCIL DECISION

65/25 Moved Cr Mickle

Seconded Cr Mathwin

That Council Instruct the CEO to investigate a separate land use policy for renewable energy to include solar and battery storage facilities.

CARRIED 6/0

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

9.4.6 BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN – ANNUAL REVIEW

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 28 April 2025
FILE NO	CM.PLN.1; RM.POL.1
ATTACHMENT(S)	9.4.6.1 – Business Continuity and Disaster Recovery Plan (BCDRP) May 2025 (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

To consider and recommend to Council the reviewed and updated Business Continuity and Disaster Recovery Plan.

BACKGROUND

The Council last reviewed its Business Continuity and Disaster Recovery Plan (Plan) in May 2024.

COMMENT

A Business Continuity and Disaster Recovery Plan, provides guidance at a time when an organisation may be under considerable duress following a disaster that has affected, or in the event of a pandemic continues for some time to affect, the ability to provide essential or required services. Such a Plan identifies priorities and the resources required to return services in as quick and efficient manner as possible or to guide the organisation through a sustained event, aiming to minimise negative impact. Due to the upheaval that may be caused by such events, including dealing with the confusion that may accompany them, a well thought out Plan containing current, up to date information is a vital resource.

Changes to the current Plan are tracked and shown in coloured font in the attachments and relate to changes in personnel roles and contact details.

CONSULTATION

Chief Executive Officer
All Managers
Governance and Rates Officer
Audit, Risk and Improvement Committee

STATUTORY REQUIREMENTS

Local Government Act (1995): s 5.56. Planning for the future

(1) A local government is to plan for the future of the district.

- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

POLICY IMPLICATIONS

The Plan is completed in accordance with Council's Risk Management Policy 2.3.4.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The Plan represents part of the Shire's Risk Management documentation. It is vital, from a business continuity and disaster recovery perspective, that details within such a Plan are as current as possible and regular reviews are undertaken.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION /COMMITTEE RECOMMENDATION/COUNCIL DECISION

66/25 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That the updated Business Continuity and Disaster Recovery Plan May 2025, as presented, be adopted.

CARRIED 6/0

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

Question: It is mostly names, contacts and job titles updated?

Response: Yes.

9.4.7 MINUTES OF A KOJONUP AGING IN PLACE COMMITTEE MEETING 8 MAY 2025

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 12 May 2025
FILE NO	GP.CNM.9
ATTACHMENT(S)	9.4.7.1 - Unconfirmed minutes of a Kojonup Aging in Place Committee Meeting held 8 May 2025

'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 to receive the unconfirmed minutes of a Kojonup Aging in Place Committee meeting held 8 May 2025.

BACKGROUND

The Kojonup Aging in Place Committee replaced the Springhaven Working Group in November 2023 with an objective of recommending to Council on matters related to future proofing infrastructure and facilities for the aged and aged care in Kojonup. The Kojonup Aging in Place Committee held its first meeting on 7 February 2024.

COMMENT

This item is solely the Council receiving the minutes of its Kojonup Aging in Place Committee meeting held 8 May 2025.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Sections 5.22 and 5.25 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			
The Kojonup Aging in Place Committee is an advisory committee that reports and makes recommendations for Council consideration; timely receipt of the minutes of this Committee and consideration of items, if any, is conducive to quality management of accommodation, infrastructure and services for the aged and aged care in Kojonup.			

ASSET MANAGEMENT IMPLICATIONS

Nil

GREAT SOUTHER ALLIANCE IMPLICATIONS (Formerly VROC, VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

67/25 Moved Cr Radford

Seconded Cr Wieringa

That Council receive the unconfirmed minutes of a Kojonup Aging in Place Committee meeting held 8 May 2025.

CARRIED 6/0

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

COMMITTEE RECOMMENDATION/COUNCIL DECISION

68/25 Moved Cr Wieringa

Seconded Cr Egerton-Warburton

That the Kojonup Aging in Place Committee recommend to Council to merge the Disability Access and Inclusion Committee with the Kojonup Aging in Place Committee.

CARRIED 6/0

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

COMMITTEE RECOMMENDATION/ COUNCIL DECISION

69/25 Moved Cr Radford

Seconded Cr Mickle

That the Kojonup Aging in Place Committee recommends the Council write a letter of support to Hall & Prior in its endeavour to request grant funding for renovations to the Springhaven facility.

CARRIED 6/0

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

Question: Are there any ideas of the renovations, that are going to be done?

Response: Hall & Prior will be coming to the next Briefing Session to discuss.

Note: It will be a significant project.

COMMITTEE RECOMMENDATION/COUNCIL DECISION

70/25 Moved Cr Egerton-Warburton

Seconded Cr Mickle

That the Kojonup Aging in Place Committee recommends to Council it supports the request from Fresh Fields Management (NSW) No 2 Pty Ltd to reassign the 'Springhaven' lease and the Residential tenancy Leases to Fresh Fields Aged Care Pty Ltd, as part of its group re-structure to streamline its corporate entities.

CARRIED 6/0

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

9.4.8 UPDATE TERMS OF REFERENCE – MERGER OF TWO COUNCIL COMMITTEES – Kojonup Ageing in Place Committee and Disability Access and Inclusion Committee.

AUTHOR	Tonya Pearce – Governance and Rates Officer
ATE	Monday, 12 May 2025
FILE NO	GO.CNM.6
ATTACHMENT(S)	9.4.8.1 – Updated Terms of Reference for the merge of two committees

'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

Council to consider updated Terms of Reference (ToR) for its Kojonup Aging, Disability, Access, Inclusion and Medical Committee.

BACKGROUND

Council spoke about merging the Disability Access and Inclusion Committee with the Kojonup Aging in Place Committee at the 6 May 2025 Briefing Session.

The Kojonup Aging in Place Committee at their 8 May 2025 meeting, would like to recommend to Council at the 20 May 2025 Council Meeting:

"COMMITTEE RECOMMENDATION/DECISION

2KAIP/25 Moved C Ivey

Seconded J Mathwin

That the Kojonup Aging in Place Committee recommend to Council to merge the Disability Access and Inclusion Committee with the Kojonup Aging in Place Committee.

CARRIED 4/0

For: Cr Bilney, C Ivey, J Mathwin, K Broom"

Reason for the recommendation is the Disability Access and Inclusion Committee, does not have a quorum to continue holding meetings.

COMMENT

Attachment 9.4.8.1 contains the proposed updated version of existing ToR's.

The benefit of this merger include:

- focusing on all matters that are relevant to the wellbeing and health of Kojonup residents;

- Utilising the number of members of each Committee to bolster the continuity of discussion and ensure a quorum exists in each instance making the committees more effective.

CONSULTATION

Briefing Session

Kojonup Aging in Place Committee

Chief Executive Officer

Governance and Rates Officer

STATUTORY REQUIREMENTS

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

Local Government Amendment Act 2024

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 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. Utilise the volunteers and community residents more effectively.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION/COUNCIL DECISION

71/25 Moved Cr Mickle

Seconded Cr Egerton-Warburton

That Council:

Approve the merger of the Disability Access and Inclusion Committee with the Kojonup Aging in Place Committee in line with the terms of reference, as presented.

CARRIED 6/0

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

9.4.9 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 7 MAY 2025

AUTHOR	Estelle Lottering – Manager Projects and Regulatory Services
DATE	Monday, 12 May 2025
FILE NO	ES.CIR.2
ATTACHMENT(S)	<p>9.4.9.1 – Unconfirmed BFAC Meeting Minutes – 7 May 2025</p> <p>9.4.9.2 – Unconfirmed Bush Fire Association Annual General Meeting Minutes – 7 April 2025</p> <p>9.4.9.3 – Shire of Kojonup – Permits issued 2024-2025 Season</p> <p>9.4.9.4 – Shire of Kojonup – BFAC Issues-Actions-Status Report 2025</p>

<p>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS</p>		
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 unconfirmed minutes of a BFAC meeting held 7 May 2025.

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.

COMMENT

Unconfirmed minutes of a BFAC meeting held 7 May 2025 are attached. A recommendation to appoint bush fire control officers is addressed separately.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 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

72/25 Moved Cr Egerton-Warburton

Seconded Cr Radford

That Council receive the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 7 May 2025.

CARRIED 6/0

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

9.4.10 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

AUTHOR	Estelle Lottering – Projects and Regulatory Services Manager
DATE	Monday, 12 May 2025
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.4.10.1- Unconfirmed Bush Fire Advisory Committee (BFAC) Minutes - 7 May 2025 9.4.10.2 – Unconfirmed Kojonup Bush Fire Association Annual General Meeting Minutes – 7 April 2025

'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 to consider the recommendations of the BFAC for the appointment of Bush Fire Control Officers for the 2025/2026 bush fire season.

BACKGROUND

The AGM of the Association was held on 7 April 2025. The BFAC endorsed the Association's recommendations at its meeting held 7 May 2025.

COMMENT

The BFAC made the following recommendations for 2025/2026, at its 7 May 2025 meeting:

- a) *"Tony Fisher be recommended for the Chief Bush Fire Control Officer (CBFCO);*
- b) *Ross Fryer-Smith be recommended for the Deputy Chief Bush Fire Control Officer (DCBFCO);*
- c) *Ben Blewett and Paul Norrish be recommended for the Senior Bush Fire Control Officers (SBFCO);*
- d) *The CBFCO and the DCBFCO are recommended for the Fire Weather Officer and Deputy Fire Weather Officer respectively;*
- e) *The CBFCO and the DCBFCO are recommended to be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire; and*
- f) *The CBFCO, DCBFCO and the two Senior SBFCO's be authorised to advise the Chief Executive Officer of the Shire of Kojonup on the imposition of harvesting and movement of vehicles bans in the Shire of Kojonup for the 2025/2026 year."*

CONSULTATION

Kojonup Bushfire Association
Kojonup Bushfire Advisory Committee

STATUTORY REQUIREMENTS

Section 38 of the *Bush Fires Act 1954*

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

IMPLICATIONS

Appointment of these positions is legislated by the *Bushfires Act 1954 (Act)*; compliance with this *Act* demonstrates processes are followed at management and governance levels that will assist in minimising the risks of bush fire upon the greater community.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

73/25 Moved Cr Radford

Seconded Cr Mickle

- A) That the Council appoints to the following positions for the 2025/2026 year:
1. Tony Fisher - Chief Bush Fire Control Officer and Bush Fire Weather Officer;
 2. Ross Fryer-Smith - Deputy Chief Bush Fire Control Officer and Deputy Fire Weather Officer;
 3. Paul Norrish and Ben Blewett - Senior Bush Fire Control Officers;
 4. The Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire;
 5. The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and the two Senior Bush Fire Control Officers be authorised to recommend to the Chief Executive Officer of the Shire of Kojonup on the imposition of Harvest and Vehicle Movement Bans.

The nominees listed below be appointed to their respective Bush Fire Brigades subject to each person having successfully completed the Fire Control Officer's (FCO) course as conducted by the Department of Fire and Emergency Services:

Ben Johnston	Captain/FCO, Boilup Brigade
Craig Ivey	Captain/FCO, Boscabel Brigade
Murray Magini	Captain/FCO, Changerup Brigade
Peter Kowald	Captain/FCO, Cherry Tree Pool Brigade
Chris Wright	Captain/FCO, Jingalup Brigade
Matt Bilney	Captain/FCO, Kojonup Brigade
Lochi Thorn	Captain/FCO, Lumeah Brigade
Digby Stretch	Captain/FCO, Mobrup Brigade
Kent Stone	Captain/FCO, Muradup Brigade
Griff Chomley	Captain/FCO, Orchid Valley Brigade
Shannon Binns	Captain/FCO, Qualeup Brigade
Stuart Tohl	Captain/FCO, Ryan's Brook Brigade
Bevan Brown	FCO, Kojonup Town

- B) That the Council expresses its sincere appreciation to the Kojonup Bushfire Association and Bush Fire Advisory Committee members and Zulus for continuing to provide essential bush fire services to our community.

CARRIED 6/0

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

9.4.11 SHIRE OF KOJONUP FIRE BREAK ORDER 2025/2026

AUTHOR	Estelle Lottering – Projects and Regulatory Services Manager
DATE	Monday, 12 May 2025
FILE NO	LE.NOT.2
ATTACHMENT(S)	9.4.11.1 - Shire of Kojonup Fire Break Order 2025-2026 9.4.11.2 - Western Australian Government Gazette - Friday, 3 February 2012 No. 16 – (Pages 611-619)

'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 adopting the Shire of Kojonup Fire Break Order for the year 2025/2026.

BACKGROUND

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

COMMENT

The format of the Fire Break Order will be similar to previous years.

The proposed 2025/2026 Fire Break Order is in alignment with the current gazetted Prohibited and Restricted Burning Times issued by the Fire and Emergency Services (FES) Commissioner.

Under Sections 17(7) and 18(5) of the *Bush Fires Act 1954*, Local Governments do have the power to amend these gazetted Prohibited and Restricted Burning Times; however, should this occur, Local Government must provide notification to adjoining Local Governments, the FES Commissioner and the general public.

Under recommendation from the FES Commissioner, the Minister for Emergency Services may rescind or vary the Local Government's amended Prohibited and Restricted Burning Times.

Should the Shire of Kojonup wish to vary these times, it will be undertaken in accordance to these legislative requirements. The variation of these dates will be advertised separately to the Fire Break Order as they will be seasonal changes generally made after the Fire Break Order's publication.

Other changes such as updated Brigade contact information has been confirmed with Denise Berryman (Secretary) and implemented into the proposed 2025/2026 Fire Break Order.

The attached document will only show content; the final format will be a folded, flip chart type document approximately 10cm X 20cm with a double magnet on the back page so that it can be placed on the refrigerator for easy reference as required.

Adoption of the proposed 2025/2026 Fire Break Order at this meeting will allow time for printing of the notices for inclusion with the Council annual Rate Notice mail out scheduled for July 2025.

CONSULTATION

On Wednesday, 7 May 2025 at the Bush Fire Advisory Committee (BFAC) meeting, the proposed Fire Break Order was presented. The BFAC endorsed the 2025/2026 Fire Break Order inclusive of the above and other changes as detailed in the minutes at attachment 9.4.10.1, and agreed to have it proposed to Council.

STATUTORY REQUIREMENTS

Section 17(1) of the Bush Fires Act 1954 – Prohibited Burning Periods

17. Prohibited burning times may be declared by Minister

(1) The Minister may, by declaration published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.

18. Restricted burning times may be declared by FES Commissioner

(1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.

(2) The FES Commissioner may, by notice published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.

Section 33 of the Bush Fires Act 1954 – Local government may require occupier of land to plough or clear fire-break.

(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

(a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;

(b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so

(c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and

(d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

(2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.4 Risk Management

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

	documentation. Ineffective policies & processes		
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<p>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.</p> <p>Advertising of the dates of the burning period is required as per the <i>Bush Fires Act 1954</i>; compliance with this <i>Act</i> demonstrates processes are being followed at a governance level that will assist in minimising the risks of bushfire upon the greater community.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

74/25 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council adopt the 2025/2026 Fire Break Order, as presented.

CARRIED 6/0

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

Comments: There are things in the Fire Break Order that need to be well advertised. For instance, all blocks over 4000m² in the gazetted townsite are to have a three (3) metre fire break. Height of material is different for different land areas.

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM ELECTED MEMBERS WITHOUT NOTICE

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 3.47pm.

16 ATTACHMENTS (SEPARATE)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Council Meeting held on 29 April 2025
9.1.1	9.1.1.1	3445-2193-5673-v2 - Deed of Assignment of Lease - 8A Newton Street Lease
	9.1.1.2	3448-9241-7593-v2 - Deed of Assignment of Lease - 15 Barracks Place (002)
	9.1.1.3	3458-3259-0649-v3 - Deed of Assignment of Lease - 8B Newton Street Lease (002)
	9.1.1.4	3469-4231-1993-v3 - Deed of Assignment of Lease - 12B Elverd Street
	9.1.1.5	Notice of Lease Assignment Springhaven_110425
	9.1.1.6	(UNDER SEPARATE COVER) Springhaven - FFAC accounts
9.4.1	9.4.1.1	Monthly Financial Statements; 1 April 2025 to 30 April 2025
9.4.2	9.4.2.1	Monthly Payment Listing April 2025
9.4.3	9.4.3.1	Rate Write-offs
9.4.4	9.4.4.1	Termination of Memorandum of Understanding (MOU) – Broomehill Regional Archive Repository
9.4.5	9.4.5.1	Unconfirmed minutes of an Audit, Risk and Improvement Committee Meeting held 7 May 2025
9.4.6	9.4.6.1	Business Continuity and Disaster Recovery Plan (BCDRP) May 2025 (showing changes)
9.4.7	9.4.7.1	Unconfirmed minutes of a Kojonup Aging in Place Committee Meeting held 8 May 2025
9.4.8	9.4.8.1	Updated Terms of Reference for the merge of two committees
9.4.9	9.4.9.1	Unconfirmed BFAC Meeting Minutes – 7 May 2025

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|--------|----------|--|
| | 9.4.9.2 | Unconfirmed Bush Fire Association
Annual General Meeting Minutes – 7
April 2025 |
| | 9.4.9.3 | Shire of Kojonup – Permits issued 2024-
2025 Season |
| | 9.4.9.4 | Shire of Kojonup – BFAC Issues-Actions-
Status Report 2025 |
| 9.4.10 | 9.4.10.1 | Unconfirmed Bush Fire Advisory
Committee (BFAC) Minutes - 7 May
2025 |
| | 9.4.10.2 | Unconfirmed Kojonup Bush Fire
Association Annual General Meeting
Minutes – 7 April 2025 |
| 9.4.11 | 9.4.11.1 | Shire of Kojonup Fire Break Order 2025-
2026 |
| | 9.4.11.2 | Western Australian Government
Gazette - Friday, 3 February 2012 No. 16
– (Pages 611-619) |

Confirmed on 24 June 2025 as a true record –



Presiding Member

24/06/2025
Date