

SHIRE OF KOJONUP

Kojonup



One community, many choices

MINUTES

Ordinary Council Meeting

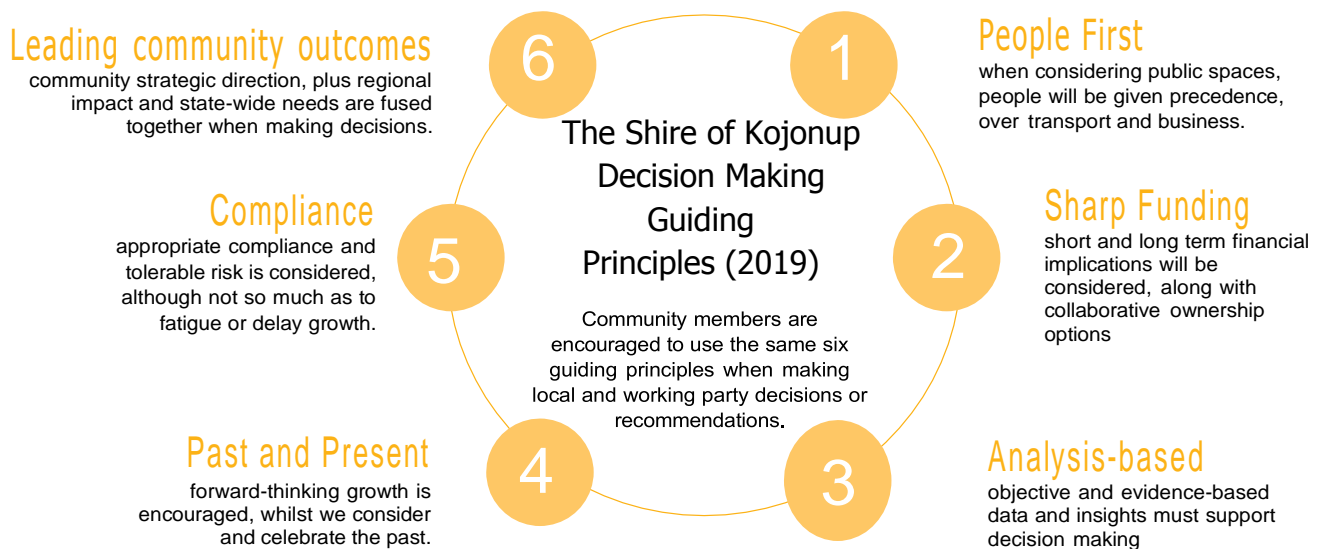
17 November 2020

MINUTES FOR THE COUNCIL MEETING HELD ON 17 NOVEMBER 2020

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



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer – Cr Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.

We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.

Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.

We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on Public Committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.

2 ATTENDANCE AND APOLOGIES

COUNCILLOR

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Fleay

Cr Gale

Cr Pedler

Cr Singh

Cr Webb

Cr Wieringa

STAFF

Rick Mitchell-Collins

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Michelle Dennis

Development Services Coordinator

Heather Marland

Senior Finance Officer

Judy Stewart

Senior Administration Officer

Rob Cowie

Payroll and Emergency Management Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

LEAVE OF ABSENCE

Nil

APOLOGIES

Emily Sleight

Sport and Recreation Officer

GALLERY

Mrs Kay Knopka

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Mrs Knopka addressed Council regarding excess water and the drainage system in Kojonup as a whole. Mrs Knopka advised that she had been told the back lane ((behind her property) and the excess water runoff is not the shire's responsibility but rather, her own.

Mr Knopka enquired why, not everyone is required to comply with the same conditions?

Response from the CEO

Storm water drainage has been installed throughout the shire however, the system does not have the capacity to cope with excess water such as what occurred recently. The volume of water which fell in such a short period of time was considered similar to a one in 100 year

event and the drainage system could not cope with this. Unfortunately it is not possible to capture all properties and the footprint of your property falls within the drainage easement, therefore the engineering standards are required to be different.

The Shire President thanked Mrs Knopka for raising her concerns with Council.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

The Shire President and Chief Executive Officer presented Michelle Dennis (Development Services Coordinator) with a Certificate of Appreciation in recognition of the six years of service to the Shire of Kojonup.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil – Cr Fleay advised that she will be an apology for December Council meeting.

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 20 OCTOBER 2020

Minutes of the Council Meeting which was held on 20 October 2020 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

146/20 Moved Cr Gale, seconded Cr Singh

That the Minutes of the Council Meeting held on 20 October 2020 be confirmed as a true record.

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Item 11.3 – Bushfire Management Plan - Kojonup Waste Transfer Station

Cr Webb declared an Impartiality Interest in this item being a relative of the operator.

Item 11.4 – Great Southern Treasures - Strategic Plan 2020-2023

Cr Fleay declared an Impartiality Interest being the Chairperson of the Great Southern Treasures.

Item 17.1 – Confidential CEO Recruitment

Rick Mitchell-Collins declared a Direct Financial Interest being the present incumbent of the position.

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 THE KODJA PLACE

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Friday, 13 November 2020
FILE NO	ED.IND.1
ATTACHMENT	10.1.1 - Guidelines for Community Events

This item was presented at the Council meeting held 20 October 2020, at which time, Council made the decision to ‘lay the matter on the table’ as Council expressed they “*would like the opportunity to meet with members of the Storyplace/Gallery Work Group, KPCF Inc. and Kojonup Aboriginal Corporation (KAC) to discuss the Funds concerns and/or opportunities contained within the agenda item before a decision is made*”.

COUNCIL DECISION

**133/20 Moved Cr Fleay, seconded Cr Wieringa
That the matter lay on the table.**

CARRIED 8/0

Council met with representatives of the Kodja Place Community Fund Inc. and Storyplace Gallery Workgroup Members on Tuesday 27 October 2020.

This item is presented again and is repeated below in its entirety.

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer
DATE	Thursday, 8 October 2020
FILE NO	ED.IND.1
ATTACHMENT	10.3.1 - Guidelines for Community Events

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018 - 2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1- Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment.	1.1.3 – Grow the Kodja Place to become an iconic WA attraction

DECLARATION OF INTEREST

Nil

SUMMARY

To consider two motions passed at the Kodja Place Community Fund Inc. (KPCFI) meeting held 17 September 2020, namely:

- 1. The Kodja Place Community Fund are seeking agreement from Council to give the KPCFI the autonomy to hold events, upgrade displays and put in place applicable Curatorial Audit recommendations in consultation with stakeholders. If required we will report back to council.***
- 2. Shire President John Benn and Vice President Ned Radford collaborate on a streamlined process which outlines the steps required for community members and groups to follow in order to hold events and functions at Kodja Place.***

BACKGROUND

The Kodja Place Master Plan (KPMP) contains a number of recommendations regarding the architectural, landscaping, digital and multimedia opportunities to revitalise and enrich the visitor experience, enhance the functionality as a cross-cultural community hub and expand its business revenue potential. The KPMP forms a key component of a business case for attracting funds to develop and implement detailed design plans for The Kodja Place Precinct, so that it once again becomes a vital and valued asset to the Kojonup community.

THE MISSION OF 'The Kodja Place':

Is to tell the stories of Kojonup Shire, and to cultivate the continuing development of its culture and community wellbeing.

OUR MANDATE IS:

To collect, preserve and display the oral and visual stories of Kojonup Shire, and provide facilities and services that engage community members and visitors with the historical and contemporary culture of Kojonup.

OUR OBJECTIVES ARE:

1. To be sustainable – financially, socially and culturally
2. To be a place of community pride and engagement
3. To nurture our future storytellers and makers

THE OUTCOME WILL BE

A vibrant and thriving community hub that connects people and ideas, encourages participation and allows Kojonup's cultures to be experienced by a global audience.

For the Kodja Place to achieve the proposed mission and objectives the following three design aims need to be achieved:

1. Increase Revenue Opportunities
2. Develop a Coherent, Consistent Experience
3. Provide Functional, Flexible Spaces and Supporting Infrastructure

The opportunity exists for Council, Stakeholders and the Community to collaboratively work towards achieving the above three design aims and strategic objectives of:

1. Being sustainable – financially, socially and culturally,

2. Be a place of community pride and engagement, and
3. To nurture our future storytellers and makers

COMMENT

The KPCF remains a key stakeholder along with the Kojonup Aboriginal Corporation, Marribank Aboriginal Corporation, Kojonup Historical Society, WA Museum, Great Southern Development Commission, Black Cockatoo Café Lessee, Tourism WA, Community and Council. We must work collaboratively to address each of the Master Plan/Curatorial Audit recommendations and other suggestions in order to rank and prioritise what can realistically be achieved short/medium/long term.

The Storyplace/Gallery Work Group consists of Community/KPCF/KAC and Council representatives and has also identified potential display improvements and new initiatives with Council discussing opportunities with Roz Lipscombe – Manager Regional WA Museum to ascertain the level of curatorial assistance that could be provided to make Master Plan recommendations a reality. Council team members provide support to the CEO and Management to assist Council in its endeavours to deliver Community Strategic Plan objectives that extend beyond the Kodja Place but are still complementary to the cultural and heritage significance of the facility. There has been a pleasing increase in the number of school visits to the Kodja Place which also included a tour of our historical precinct with guide, Barbara Hobbs from the Historical Society. The ultimate aim is to increase visitation to Kojonup and as stated by the KPCF, breathe new life into Kodja Place.

KPCF is an incorporated body with its own rules/constitution and Australian Taxation Office (ATO) tax deductibility gift recipient status for donated funds specifically related to the museum (Storyplace/Gallery).

Tax deductibility gift recipient status is a major advantage not only to philanthropists but other donors given the tax incentive it provides. KPCF was encouraged at its meeting held 17 August 2017 to produce a flyer promoting the Fund and how to make donations to capitalise on such opportunities with Council focussing on marketing, branding and promotion of the Shire and the Kodja Place despite other competing projects and financial pressures which has substantially increased due to COVID-19.

The *Local Government Act 1995* does not allow a Councillor to undertake or streamline processes required for events particularly with operational matters such as, food handling and preparation, public liability, traffic management, waste management, environmental aspects, and COVID-19 requirements. Liquor licensing permits, Workplace Safety, Occupational Safety and Health requirements need to be considered and in most instances are outside the legal jurisdiction of Local Government. The Shire of Kojonup produced 'Guidelines for Community Events' in 2018 which is attached. For example, even though the Rose Maze and Courtyard is not a building, an organised event held within any space would constitute a public building. Where the public building does not currently have an approval under the Public Building Regulations, such as the Rose Maze, approval would need to be applied for and obtained. The Shire does not currently charge an application fee for this application process.

Unfortunately, Australia is a highly litigious society with public liability in excess of \$20M becoming the norm rather than the exception and each event is dealt with in accordance with State Acts, Regulations and local laws to protect the health and safety of the public as well as event organisers.

CONSULTATION

Council Briefing Session – 6 October 2020

STATUTORY REQUIREMENTS

Occupational Safety & Health Act 1984

Workers' Compensation and Injury Management Act 1981

Employers Indemnity Policies (Premium Rates) Act 1990

Employers' Indemnity Supplementation Fund Act 1980

Workers' Compensation (Common Law Proceedings) Act 2004

Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001

The Building Code 2016

Australian Standard for Risk Management (AS/NZS ISO31000:2009)

Local Government Act 1995

POLICY IMPLICATIONS

Council and Management will ensure objectives of following policies are observed:

2.1.8 Financial Governance

2.3.4 Asset Management

2.3.5 Risk Management

2.3.6 Business Continuity

3.16 Community Consultation Charter

FINANCIAL IMPLICATIONS

COVID-19 has restricted Local Government's ability to generate income given the freeze on Rates, Fees and Charges and the State Government insistence that Reserve Funds be used to generate economic activity. At the end of the day these funds have to be replenished if grants are not secured which means rate increases and debt burden being placed on future generations. Sustainability is threatened as we live for today!

Visitor Fees to the Storyplace/Gallery have never achieved the levels envisaged in the initial Business Plan but the Master Plan recognises opportunities that require a unified approach.

RISK MANAGEMENT IMPLICATIONS

OBJECTIVE: To provide a systematic approach to the early identification and management of risks; provide consistent risk assessment criteria, make available accurate and concise risk information that informs decision making including business direction; adopt risk treatment strategies that are cost effective and efficient in reducing risk to an acceptable level; and monitor and review risk levels to ensure that risk exposure remains within an acceptable level.

The Kodja Place is rated as the Shires 5th most important building out of the 91 on our inventory and Council is committed to improving the level of efficiency of operational and

maintenance costs but it will require an allocation of funds from both ratepayers and external sources.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The Kodja Place is:

- One of two Accredited Visitor Information Centres in the Upper Great Southern Region, the other being located at Katanning; and
- A place of sub regional and regional significance and forms integral component of Great Southern Treasures (Bloom Festival)

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. Continues to work collaboratively with all stakeholders to address each of the Master Plan/Curatorial Audit recommendations and other suggestions in order to rank and prioritise what can realistically be achieved short/medium/long term;**
- 2. Upon recommendations being ranked/prioritised determine funding options available and prepare submissions/applications;**
- 3. Requests the Chief Executive Officer to prepare draft Memorandum of Understanding with**
 - I. Kojonup Aboriginal Corporation**
 - II. Kodja Place Community Fund Inc.**
 - III. Kojonup Historical Society****incorporating collaboration, roles, functions, responsibilities and reporting requirements regarding the Storyplace/Gallery and Kodja Place Precinct;**
- 4. Appoint Cr Cindy Wieringa to the Storyplace/Gallery Work Group as an additional Council representative; and**
- 5. Invite the Kodja Place Community Fund Inc. to appoint two additional members to the Storyplace/Gallery Work Group.**

COUNCIL DECISION

147/20 Moved Fleay, seconded Cr Wieringa

That Council:

- 1. Continues to work collaboratively with all stakeholders to address each of the Master Plan/Curatorial Audit recommendations and other suggestions in order to rank and prioritise what can realistically be achieved short/medium/long term;**
- 2. Upon recommendations being ranked/prioritised determine funding options available and prepare submissions/applications;**
- 3. Requests the Chief Executive Officer to prepare draft Memorandum of Understanding with**
 - IV. Kojonup Aboriginal Corporation**
 - V. Kodja Place Community Fund Inc.**
 - VI. Kojonup Historical Society****incorporating collaboration, roles, functions, responsibilities and reporting requirements regarding the Storyplace/Gallery and Kodja Place Precinct;**
- 4. Appoint Cr Cindy Wieringa to the Storyplace/Gallery Work Group as an additional Council representative.**

CARRIED 8/0

Reason: Council believes The Kodja Place Community Fund Inc. has sufficient representation on the Storyplace/Gallery Workgroup to achieve its function and an additional two members is not warranted.

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES -29 OCTOBER 2020

AUTHOR	Rob Cowie, Payroll and Emergency Management Officer
DATE	Friday, 6 November 2020
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.1.1 - Kojonup Bush Fire Advisory Committee Minutes 29 October 2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Bush Fire Advisory Committee meeting held 29 October 2020.

BACKGROUND

The Bush Fire Advisory Committee (BFAC) is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision making process. Minutes of these meetings are presented to Council to be received and to consider the following recommendation:

4/20 “that the date that all firebreaks and fire hazard reduction measures be completed within the gazetted townsites within the Shire be brought forward to 2 November 2021 and to remain at this date in subsequent years”

COMMENT

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

The Fire Break Order currently requires land within the townsite to:

- Have all firebreaks and fire hazard reduction measures completed on land within the gazetted townsite by 1 December; and
- Urban Land (Land within a gazetted townsite)

“During the period from the 3 December to 31 May inclusive, you shall have the following firebreaks:

- *On all land, regardless of size or how the land is zoned, a firebreak of no less than 20metres wide cleared of all inflammable material surrounding the perimeter of any homestead building, fuel installation (included drums), or group of such structures or installations. If burning is the method of hazard reduction employed; the inner and outer 2.4 metres of the firebreak must be totally cleared of all inflammable material prior to a burn being undertaken.*
- *On all land that is 4,000 square metres or less, regardless of how the land is zoned, all remaining flammable material to be reduced to a height of less than 50mm.*
- *Owners of property with an area greater than 4,000 square meters adjacent to developed residential property, a 20 metre boundary firebreak cleared of all flammable material on the land abutting residential land.*
- *Where chemical spraying is the method chosen as the means by which firebreaks are constructed, this is to be completed to the Shire’s satisfaction by 15th September. If not, the Shire will do the work at the landowners’ expense.”*

Based on a lack of incidents in previous years, it is considered that the townsite represents a low risk, however, the move in dates is supported.

CONSULTATION

Members of the Bush Fire Advisory Committee.

STATUTORY REQUIREMENTS

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			

IMPLICATIONS

Under legislation, the Shire may establish and maintain a BFAC. The risk of not having a BFAC is that staff, Councillors do not necessarily possess the relevant knowledge or experience regarding bushfires, The Shire is reliant on Community members to be able to provide this knowledge.

ASSET MANAGEMENT IMPLICATIONS

Nil.

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

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

<p>148/20 Moved Cr Radford, seconded Cr Gale</p>

<p>That the minutes of the Bush Fire Advisory Committee Meeting held 29 October 2020 be received and the suggestion regarding a possible change to the 20/21 Fire Break Order be considered by Council at the April 2021 Council Meeting.</p>
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<p>CARRIED 8/0</p>

11.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES 26 OCTOBER 2020

AUTHOR	Rob Cowie – Payroll & Emergency Management Officer
DATE	Friday 7 August 2020
FILE NO	ES.MET.1
ATTACHMENT(S)	<p>11.2.1 - LEMC Minutes 26 Oct 2020</p> <p>11.2.2 - Standalone Bushfire Plan 2020-2021 Farm</p> <p>11.2.3 - Standalone Bushfire Plan 2020-2021</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Local Emergency Management Committee meeting held 26 October 2020 including the recommendation 9/20 regarding the 2020-2021 Bushfire Plans for the Kojonup District High School and the School Farm.

BACKGROUND

The Local Emergency Management Committee (LEMC) is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council’s decision making process. Minutes of these meetings are presented to Council to be received and to consider the following recommendation:

“9/20 It was recommended that Mr Mitchell-Collins seek endorsement from the Council for the Standalone bushfire plan 2020–2021 Kojonup District High School Farm and the Standalone bushfire plan 2020–2021 Kojonup District High School.”

COMMENT

The Kojonup District High School’s Standalone Bushfire Plan 2020-2021 Farm and Standalone Bushfire Plan 2020-2021 are attached.

The Shire’s Emergency Management Arrangements include as an appendix, emergency and fire plans from major businesses and facilities within the Shire. These two plans can be added to this document as a valuable resource in the event of an emergency.

CONSULTATION

Members of the Local Emergency Management Committee

STATUTORY REQUIREMENTS

Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
The Shire is legislated to establish and maintain a LEMC. The risk of not having a LEMC is that all staff, Councilors and relevant Community members need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION/COUNCIL DECISION

149/20 Moved Gale, seconded Cr Singh

That:

- 1. The minutes of the Local Emergency Management Committee Meeting held 26 October 2020 be received; and**
- 2. The Standalone bushfire plan 2020–2021 Kojonup District High School Farm and the Standalone bushfire plan 2020–2021 Kojonup District High School be endorsed.**

CARRIED 8/0

Cr Webb declared an Impartiality Interest and left the meeting at 3.16pm

11.3 BUSHFIRE MANAGEMENT PLAN - KOJONUP WASTE TRANSFER STATION

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer	
DATE	Friday, 6 November 2020	
FILE NO	CP.DAC.15	
ATTACHMENT	11.3.1 - Kojonup Waste Facilities – Bushfire Management Plan 11.3.2 - L8735 DWER letter	
STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil.

SUMMARY

To seek Council adoption of the Bushfire Management Plan (Refer attachment 1) prepared by CESM – Kevin Bransby in conjunction with operator – Warren Blackwood Waste (WBW) for the Kojonup Waste Transfer Facility .

BACKGROUND

The annual licence renewal from the Department of Water and Environmental Regulation for the Waste Transfer Facility was issued conditional upon the Shire and operator WBW preparing and submitting a Shire adopted Bush Fire Management Plan. (Refer attachment 2)

COMMENT

The Warren Blackwood Waste Management Facility has been determined by State Planning Policy 3.7 (SPP3.7) – Planning in Bushfire Prone Areas to be of a high-risk land use.

The SPP3.7 Part 7 definition of high-risk land use is: - *A land use which may lead to the potential ignition, prolonged duration and/or increased intensity of a bushfire. Such uses may also expose the community, site workers, roadway, firefighters and the surrounding environment to dangerous, uncontrolled substances during a bushfire event.*

The WA Planning Commission’s Guidelines for Planning in Bushfire Prone Areas version 1.3 of Dec 2017, Part 5.6 provides examples of what constitutes a high-risk land use presented but not limited to; *service stations, landfill sites, bulk storage of hazardous materials, fuel depots and certain heavy industries as well as military bases, power generating land uses, saw-mills, highways and railways.* As such, the Waste Management Facility incorporates the high risks of landfill sites and bulk storage of hazardous materials.

Further, proposals for non-residential high-risk land uses in bushfire prone areas are to comply with policy measure 6.6 (of the Guidelines) which requires a Bushfire Management Plan jointly endorsed by the local government and the Department of Fire and Emergency Services. This may include establishing an appropriate Asset Protection Zone (APZ) and should be supported by a risk management plan that addresses bushfire risk management measures for any flammable on-site hazards.

A risk management plan may determine that a reduction in on-site flammable material, or appropriate storage of such material, would be required to reduce the threat.

The site at Tunney Road, Kojonup is within a Bushfire Prone Area as identified and designated by the Fire and Emergency Services Commissioner under the *Fire and Emergency Services Act 1998* (as amended) as “*Designation of an area as being bushfire prone reflects the potential of bushfire to affect that site*”.

CONSULTATION

Mat Webb – Warren Blackwood Waste

Rick Mitchell-Collins – Chief Executive Officer

STATUTORY REQUIREMENTS

- *Fire and Emergency Services Act 1998*
- State Planning Policy 3.7 (SPP3.7) – Planning in Bushfire Prone Areas
- WA Planning Commission’s Guidelines for Planning in Bushfire Prone Areas version 1.3 of Dec 2017, Part 5.6

POLICY IMPLICATIONS

Policy 2.3.5 Risk Management - The objective of this Policy is to state the Shire of Kojonup’s (the ‘Shire’s’) intention to identify potential risks before they occur so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

Policy 6.1 Fire Management Plan - The Wheatbelt Regional Fire Management Plan 2012-2017 is adopted in its entirety to be the Council’s policy, however the Waste Facilities Bushfire Management Plan is now specifically related to the Waste Transfer Facility and surrounding land.

FINANCIAL IMPLICATIONS

Council allocates funds in the Annual Budget towards fire mitigation (GL Code 2292) which includes slashing, spraying, and arranging working bees with Volunteer Fire Brigade and Community members, Senior Ranger/Building Maintenance Coordinator and Landcare/NRM officer on Council owned or managed reserves/properties, however effectiveness is very much weather dependent. The absence of Bush Fire Management Plans for reserves, etc., allowing Council to access part of the \$1.6M annual DFES funding for fire mitigation is being addressed by the appointment of the CESM to achieve a planned proactive approach in the future.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business and Community 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 Emergency resources and support budget Fire break/fuel load inspections and enforcement Risk register (BRMP) Bushfire Risk Management Plan	Draft Bushfire Risk Management Plan
Risk Rating - Adequate			
IMPLICATIONS			
<p>Lack of a written waste facility bush fire management plan is representative of failing to adequately prepare for events that can cause disruption to our local community and normal business activities.</p> <p>The formation of the Kojonup Waste Facility Bushfire Management Plan provides direction and the actions required to contain fire spread and mitigate fire risk within and around the waste facility area.</p> <p>The Shire’s community fire and emergency education includes training of volunteer firefighters to stay and defend essential infrastructure such as Springhaven, Kojonup Health Service, Independent Living Units etc.</p>			

ASSET MANAGEMENT IMPLICATIONS

The Bush Fire Advisory and Local Emergency Management Committees have highlighted the North West area incorporating Myrtle Benn and the Transfer Station as a major fire risk to the town of Kojonup in particular safe guarding community assets and occupants within the Health Precinct consisting of Springhaven, Hospital and surrounding buildings should a catastrophic fire event occur.

Controlled burns have occurred over the past 4 years as conditions allow to reduce fuel loads at Myrtle Benn and the Transfer Station however high temperatures, strong winds and lightning still pose a significant risk each summer.

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

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

150/20 Moved Cr Gale, seconded Cr Fleay

That Council adopts the Kojonup Waste Facilities – Bushfire Management Plan for the Kojonup Waste Transfer Station as tabled.

CARRIED 7/0

Cr Webb returned to the meeting at 3.17pm

Cr Fleay declared an Impartiality Interest as the Chairperson of the Great Southern Treasures and left the meeting at 3.18pm.

11.4 GREAT SOUTHERN TREASURES – STRATEGIC PLAN 2020-2023

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 28 October 2020
FILE NO	ED.IND.2
ATTACHMENT(S)	11.4.1 - Great Southern Treasures Strategic Plan and Forward Directions 2020 - 2023

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP2 – Connected	2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances	2.1.1 – Build partnerships with WA recreation, business and tourism 2.1.2 – Promote and facilitate Kojonup as a short term tourism destination to and from Albany 2.1.7 – Support local tourism initiatives
KP3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.1 – Build partnerships with WA recreation, business and tourism
KP3 – Performance	3.2 – Be exceptional in two-way communication with our community, and market our brand outside of our community	3.2.6 – Define and grow our brand and continually promote and activate the diverse features of Kojonup.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider endorsing the Great Southern Treasures’ *Strategic Plan and Forward Directions 2020 - 2023*.

BACKGROUND

The Great Southern Treasures (GST) Committee has been reviewing its governance arrangements and long term plans. Presently no strategic plan exists for GST.

COMMENT

The development of a strategic plan for GST represents an excellent opportunity for GST to focus its efforts on the bigger picture in a more coordinated manner.

The Plan (as attached) sets the purpose, mission and vision of GST as follows:

PURPOSE

To build the brand and awareness of the tourism assets within Great Southern Treasures locally, nationally and worldwide.

MISSION

Collectively plan and promote the tourism assets, experiences and events across member local governments.

VISION

The communities of Great Southern Treasures are the most visited and known in Australia's South West.'

The Plan is divided in to 5 main areas (*'Our Bold Steps'*) which have the following themes:

1. Branding and Communications;
2. BLOOM Festival;
3. Festivals;
4. Operations; and
5. Governance.

The Plan sets the future direction of a membership based group made up of great southern local governments who concentrate on tourism, promotion and events in the inland great southern region. The pursuits of this group have obvious possible benefits for local economic activity and The Kodja Place and, as such, the Shire has a long history of supporting GST.

The attached plan represents a good 'first document' for GST and has received agreement from all member's representatives at the GST Meeting, prior to being circulated for endorsement by each member local government. This plan will evolve and improve with each review and its endorsement is recommended to the Council.

CONSULTATION

Great Southern Treasures
Chief Executive Officer
Cr Fleay, Chair of Great Southern Treasures

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire contributes financially to GST each year both operationally and for special projects, typically between \$7,000 and \$11,000 per annum and this is expected to continue into the future to a greater extent.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6. Engagement	Relationship breakdowns with community groups.	Community-based Committees, forums & workshops.	Nil.
	Leadership inattention to current issues.	Community engagement/networking.	
	Inadequate documentation or procedures.	Public Notices/Local papers/website communication.	
	Inadequate Regional or District Committee attendance.	Advisory committees/groups.	
Risk rating - Moderate			
IMPLICATIONS			
In a period where regional tourism funds have become more competitive, with previous government tourism promotion and funding seeming to focus on the coastal shires of the Great Southern it is important that the upper Great Southern Shires continue to have a voice and presence to ensure that economic benefits from tourism flows through to the smaller regional Shires.			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

All VROC members are part of GST. The Plan will provide a regional strategy for tourism and promotion.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

151/20 Moved Cr Pedler, seconded Cr Gale

That the Great Southern Treasures' *Strategic Plan and Forward Directions 2020 - 2023*, as attached, be endorsed.

CARRIED 7/0

Cr Fleay returned to the meeting at 3.19pm

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

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

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 10 November 2020
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – October 2020 Monthly Financial Statements

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

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 October 2020.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2020 to 31 October 2020 represents four (4) months, or 33% of the year.

The following items are worthy of noting:

- Closing surplus position of \$2.93m;
- Operating results:
 - 50% of budgeted operating revenue has been received; and
 - 37% of budgeted operating expenditure spent;
- Capital expenditure achieved 10% of budgeted projects;

- Cash holdings of \$6.4m of which \$3.54m is held in cash backed reserve accounts and \$702,894 is a grant held for other parties; and
- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

152/20 Moved Singh, seconded Wieringa

That the monthly financial statements for the period 1 July 2020 to 31 October 2020, as attached, be noted.

CARRIED 8/0

12.2 MONTHLY PAYMENTS LISTING OCTOBER 2020

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Monday 9 November 2020
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/10/2020 to 31/10/2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of October 2020.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate and Community Services prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council’s Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

153/20 Moved Cr Fleay, seconded Cr Singh

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

FROM – 1 October 2020		TO – 31 October 2020
Municipal Cheques	14265 - 14272	\$16,313.96
EFTs	26770 - 27004	\$711,657.95
Direct Debits		\$577,656.06
Total		\$1,305,627.97

be received.

CARRIED 8/0

12.3 ANNUAL MEETING OF ELECTORS - 2018/2019 FINANCIAL YEAR

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Friday, 6 November 2020
FILE NO	FM.AUD.2 & FM.FNR.1
ATTACHMENT(S)	Nil.

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

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to set a date for the 2018/2019 Annual Electors Meeting, which has been unable to be held due to the declared state of emergency resulting from COVID-19.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire’s activities for the financial year and is an integral part of the accountability principles established for local governments in WA.

At its meeting held on 16 June 2020, the Council resolved (motion 79/20) as follows:

“That:

- 1. The 2018/2019 Annual Report, including the Annual Financial Report, as attached be adopted; and**
- 2. In accordance with section 4 of the Local Government (COVID-19 Response) Order 2020, the Annual Meeting of Electors be deferred until the revocation of the state of emergency declaration made under the Emergency Management Act 2005 section 56 on 15 March 2020 in relation to the COVID-19 pandemic.”**

A Ministerial Order has been made taking effect from 4 November 2020 that allows electors’ general meetings and electors’ special meetings to take place if they operate in a COVID-19 safe environment.

COMMENT

Ordinarily, the Annual Electors Meeting must be held within 56 days of accepting the annual report, with appropriate time being allowed after adoption to give notice of the meeting, say 14 days. Due to the COVID-19 Pandemic, the government previously released the *Local Government (COVID-19 Response) Order 2020* which amended certain provisions of the *Local Government Act 1995*. One of these amended provisions was the deferral of the Annual Electors Meeting, which is now “to be held on a day selected by the local government but not more than 56 days after cessation day” (Note – “cessation day means the day on which the state of emergency declaration made under the *Emergency Management Act 2005* section 56 on 15 March 2020 in relation to the COVID-19 pandemic is revoked or otherwise ceases to have effect”).

This effectively means that the Annual Electors Meeting needs to be held between 1 December 2020 and 30 December 2020. In previous years, the Annual Electors Meeting has been held in the evening following the Council Meeting, however given the Annual Report relates to the 2018/19 Financial year and we are now in the second quarter of 2020/21, it is recommended that the meeting be held on Tuesday 8 December 2020 at the Sporting Complex commencing 1.00pm.

The Annual Electors Meeting will be publicised in the Great Southern Herald, Shire web site and Shire Facebook page as soon as possible after the date is set, and in the next available Kojonup News and Shire E-News.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Section 5.26 to 5.33; 5.53 & 5.54 of the *Local Government Act 1995*
Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996*
Section 4 of the *Local Government (COVID-19 Response) Order 2020*

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

154/20 Moved Cr Gale, seconded Cr Radford

That the 2018/2019 Annual Meeting of Electors be held on Tuesday 8 December 2020 in the Sporting Complex, Kojonup, commencing at 1.00pm.

CARRIED 8/0

12.4 OCCUPATIONAL HEALTH AND SAFETY AUDIT REPORT 2020

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Monday 9 November 2020
FILE NO	PE.OHS.5
ATTACHMENT(S)	12.4.1 – Audit Assessment June 2017 12.4.2 – Audit Assessment October 2020

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	3.4.3 – Commit to future state-wide measurement systems testing local government performance

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is for Council to consider the Tier 2 Occupational Health and Safety (OSH) report provided by Katherine Kempin, independent consultant to the Local Government Insurance Service (LGIS).

BACKGROUND

LGIS conducts a 3 Steps to Safety program in which the Shire participates.

The 3 Steps to Safety program comprises the following steps:



The Shire of Kojonup were last assessed at a Tier 2 level in June 2017, with a final score of 39/80 (49%). As we are part of the regional risk program through LGIS, Monty Archdale, Regional Risk Coordinator with LGIS, was tasked with assisting the Shire in the development and implementation of an OSH Action Plan. This action plan set out the steps to be taken to address the areas requiring improvement highlighted by the 2017 Audit.

It was these areas, as well as any identified by staff, management, LGIS and the OSH Committee, that had significant resources expended on improvements prior to the audit conducted 28 October 2020.

COMMENT

Extensive work has been put into the management, tracking and implementation of the policies and procedures involving OSH components throughout all Shire work locations in the three years following the 2017 LGIS OSH Audit process.

The improvements are clearly shown by the increase in score from 49% in 2017 to 98% in 2020.

The inaugural OSH Annual Management Review took place over two days in August 2020, with all Managers in attendance for both or one of the days. This review highlighted the noted improvements from all departments, which is reflected in the results of the 2020 LGIS OSH Audit.

Employees, management and contractors should be congratulated on their efforts to improve our OSH performance over this period.

CONSULTATION

Judy Stewart – Senior Administration Officer
Monty Archdale – LGIS Regional Risk Coordinator

STATUTORY REQUIREMENTS

Occupational Health and Safety Act 1984
Occupational Health and Safety Regulations 1996

POLICY IMPLICATIONS

2.2.14 Occupational Safety and Health Policy

The objectives of this policy are to:

1. Reduce, eliminate and control work place hazards;
2. Provide employees with safety information, supervision, training and learning appropriate to the hazards they are likely to encounter;
3. Ensure that Hazards, Incidents and Accidents are reported, investigated and remedied;
4. Ensure that Safety be priority in the mind of the Councillors, management and employees of the Council; and
5. Ensure that the financial viability of the Council is maintained by sound and ethical practices.

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Safety & Security</i>	<i>Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants.</i>	<i>Workplace inspections / audits</i>	<i>Nil</i>
<i>Risk rating: Moderate</i>			
IMPLICATIONS			
<i>Non-compliance with any portion of the Occupational Safety and Health Act 1984 or the Occupational Health and Safety Regulations 1996 puts the Shire at risk of legal action. With the likely introduction of the new WHS Act and the associated increase in financial and incarceration penalties, maintaining extremely high standards of Occupational Health and Safety across the workforce is imperative.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

155/20 Moved Cr Fleay, seconded Cr Singh

That the Local Government Insurance Service Tier 2 Occupational Safety and Health Audit report tabled in Attachment 12.4.2 be received and Council congratulates the CEO and Team on an excellent result.

CARRIED 8/0

12.5 POLICY MANUAL REVIEW

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Friday, 6 November 2020
FILE NO	CM.POL.2
ATTACHMENT(S)	12.5 1 - Existing Policy Manual showing proposed changes 12.5 .2 - Policy Manual with proposed changes incorporated

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.5 – Implement strategies to improve Councillors’ role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

Council’s Policy Manual is reviewed, in its entirety, on an annual basis and was last reviewed by Council in November 2019. Amendments to and formation of individual policies have been presented to Council for its consideration on an as needs basis in the interim, being incorporated into the Policy Manual at the time of amendment or formation.

COMMENT

The annual review of the Policy Manual has been undertaken by staff and proposed amendments are shown (tracked) in the first of the attachments to this item with the resultant document, inclusive of changes, being the second attachment. A summary of policies with recommended, consequential changes is as follows (other inconsequential changes include amendments relating to improved formatting, consistency throughout the document, and reference to local laws):

- 2.1.2 - Purchasing Policy
- 2.1.6 - Monthly Financial Statements
- 2.2.3 - Employee Conferences, Seminars & Workshops
- 2.2.14 - Occupational Safety & Health (OSH) – as endorsed by OSH Committee
- 2.2.15 - Grievances, Investigation & Resolution
- 3.2 - Economic Development Incentives – Building & Planning Fees and Rates
- 3.3 - Cr Induction & Training

CONSULTATION

Chief Executive Officer and Senior Management Team
Administration Staff via Administration Staff Meetings – review of a different policy on a regular basis to ensure relevance of content

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

This item recommends amendments to several existing Council policies, as outlined under *Comment*.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation. Ineffective monitoring of changes to legislation. Any advice that is not consistent with legislative requirements or local laws.	Tender and Procurement process	Nil
8 Errors, Omissions and Delays	Changes to legislation.	Policies and Procedures	Nil

Risk rating - Adequate
IMPLICATIONS
Robust systems and controls, including guidance documents such as Council’s Policy Manual, reduce inconsistencies and risks associated with Shire operations. A lack of effective policies and processes can contribute to impulsive decision making (causes of compliance risk).
Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

156/20 Moved Pedler, seconded Radford

That the attached Shire of Kojonup Policy Manual, dated November 2020 and including amendments as presented, be adopted.

CARRIED 8/0

12.6 KOJONUP SALEYARDS

AUTHOR	Michelle Dennis – Development Services Coordinator
DATE	Monday, 9 November 2020
FILE NO	CP.MTC.19
ATTACHMENT(S)	12.6.1 – Kojonup Saleyard & Truckwash Review 2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3	3.3 – Use a Building Assessment Framework and control our investment in building maintenance	3.3.5 – Define, document and implement “Levels of Service” for all assets and services.
KP – 4	4.3 – Be attracting support industries and diverse and new business sectors to the region.	4.3.1 – Whilst growing business, advocate and manage for expected water efficiency, energy efficiency and waste management to support regional and state-wide environmental standards.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the closure and decommission of the Kojonup Saleyards, including showgrounds holding pens.

BACKGROUND

Council has considered several officer reports outlining the options for the use of the Kojonup Saleyards i.e. Ordinary Council Meetings held November 2014, June 2015, July 2016 and March 2019. These reports were in response to the need to obtain, and the operating implications of, a saleyard operating licence from the Department of Water and Environmental Regulation (DWER) as well as considerations regarding public liability and risk.

At its August 2020 meeting and in response to a recent audit by a Senior Environmental Compliance Officer from the Compliance and Enforcement branch of DWER Council resolved:

“That:

1. An appropriately qualified consultant be engaged to provide a holistic review of the use and operation of the Kojonup saleyards and wash down bay, not exceeding the value of \$10,000 in consultancy fees and to include:
 - i. Shire public liability risk management obligations (as per LGIS report)
 - ii. Shire OSH obligations
 - iii. DWER licencing obligations

- iv. *Current and emerging animal welfare standards*
 - v. *Alternative sale options for current users*
 - vi. *Alternative uses for the existing site*
 - vii. *Alternative location for the saleyards and wash down bay/provision of saleyards in Kojonup;*
2. *The Saleyards Reserve be used to undertake the holistic review of the use and operation of the Kojonup saleyards and wash down bay; and*
 3. *The CEO implement administrative checklists, signage and inspections as required by DWER licensing requirements”.*

Denbar Pastoral Pty Ltd was engaged to provide the holistic review and the attached report covers items (i) to (v) and (vii) of point 1 above.

COMMENT

Dave Saunders, of Denbar Pastoral Pty Ltd, presented his preliminary findings to Council's October briefing session. At the request of Council, Mr Saunders then presented the findings of the report to a meeting of identified key stakeholders on 29 October 2020. Mr Saunders also spoke to members of the general public on a one-on-one basis as calls were received at the Shire office regarding the future availability of the saleyards in Kojonup.

Based on the report findings it has been identified that significant infrastructure expenditure and the introduction of extensive, written safety and operating procedures (including designated operating staff) would be required to make the saleyards compliant with animal welfare, occupational safety and health, risk and DWER licencing requirements i.e. the saleyards are not fit for purpose and currently expose the Shire to an unacceptable level of risk. The report further identifies that the significant investment required for the upgrade or construction of new fit for purpose saleyards is not considered financially or industrially viable given:

- The cost of the project would be significant and require funding from loans or grants. Given the close proximity to the Katanning saleyards, grants may not be available.
- Additional capacity is unlikely to generate sufficient income for the saleyard to be viable.
- Other selling methods are available to producers e.g. weight and grade, on property, other saleyards within an acceptable travel distance, electronic sales.
- The continued downturn in the State's total sheep flock will impact on the numbers of stock available.

The report, provided by Denbar Pastoral Pty Ltd, made the following recommendations:

- That the Kojonup Saleyards be decommissioned
- That a new or refurbished Shire owned Saleyard not be considered
- That the Kojonup Shire encourage private investment for a replacement Saleyard
- That the Shire investigate the feasibility of retaining a section of the saleyard as a holding facility
- That the truck wash continue to operate for the following reasons:
 - o Provides an important service to local users and is part of the State's truck wash network
 - o Returns a modest income on a regular basis
 - o Has no significant environmental or safety issues
 - o Can be improved with minimal expenditure

- Does not require a DWER licence if the saleyard is decommissioned
- As it has a restricted controlled number of users any liability risk the Shire is exposed to is greatly reduced
- That expressions of interest for the private management of the truck wash be called for
- That a feasibility of the provision of a small holding area/ transit facility be investigated

While not included in the report, the use of the Showgrounds yards was also reviewed and they display some of the infrastructure issues present at the Saleyards. Disposal of these yards is therefore also recommended.

CONSULTATION

Council October briefing session

Meeting with stakeholders:

N Matthews, Jeff Miotti, D Stretch, I Robertson, Elders and Nutrien representatives, R House, G Cavanaugh and S McGuire.

The CEO and Mr. Saunders have lodged a proposal with DWER seeking permission for the proposed sales for November and December 2020 to proceed subject to specific use conditions. It is anticipated DWER will make a decision prior to the Council Meeting.

STATUTORY REQUIREMENTS

Environmental Protection Act 1986 – outlines the licensing requirements as well as to prevent pollution to the environment.

Animal Welfare Act 2002 – outlines the obligations for the welfare, safety and health of animals.

Biosecurity and Agriculture Management Act 2007 – outlines obligations of recording animal movement throughout the State.

Occupational Safety and Health Act 1984 – place an onus to provide safe places and systems of work with an emphasis on continual improvement.

Civil Liability Act (WA), Occupiers Liability Act (WA) – confers a duty of care to those who enter and use the site by the organisation that manages and controls the site.

POLICY IMPLICATIONS

2.1.8 – Financial Governance – establishes financial management and governance principles to be applied to general financial decision making including those required to manage and maintain physical assets to achieve the maximum useful life from the initial investment. Budget items are required to be assessed against factors including demonstrated community need, estimated annual costs for operation and maintenance and economic or community development advantages to the area.

2.3.4 – Asset Management Plan – aims to guide the management of the Shire’s infrastructure assets to meet agreed service delivery and performance expectations. The saleyards does not contain any buildings so has not as yet been considered in the context of the adopted Building Assessment Framework.

FINANCIAL IMPLICATIONS

There are funds available in account C055 that could be used to fund the officer recommendation.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1) Asset Sustainability	Insufficient budget to maintain or replace assets. Inadequate design (not fit for purpose)	Nil	Nil – Saleyards currently not incorporated into the Risk Management Framework
3) Compliance	Ineffective policies and procedures		
4) Document Management	High workloads and time pressures		
6) Engagement	Inadequate documentation or procedures		
7) Environment Management	Inadequate reporting/oversight frameworks		
8) Errors, Omissions, Delays	Inadequate formal procedures or training; poor internal communication between teams		
13) Project/Change Management	Lack of investment	Clear/formal project ownership	
14) Safety & Security	Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, contractors and/or tenants; Inadequate signage, barriers or other exclusion techniques	Workplace inspections/Audits (all sites)	
IMPLICATIONS			
<p>While the Shire’s Risk Assessment and Acceptance Criteria has been updated since the LGIS report, the new criteria largely aligns with the consequences table outlined within the LGIS report. The LGIS report has identified a number of extreme risks, as well as some high and moderate risks regarding public liability necessitating intervention as outlined below:</p>			

Risk Rank	Description	Criteria	Responsibility
Extreme	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO/Council
High	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Executive Manager/CEO
Moderate	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager

ASSET MANAGEMENT IMPLICATIONS

Nil, as the Saleyards have not been identified in the long term financial plan for the Shire.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

The VROC represent independent communities working together to achieve mutually beneficial outcomes.

The Shire of Katanning have requested to become a party to the existing VROC. The Shire of Katanning currently owns and operates an undercover sheep specific saleyard within 40kms of the Kojonup saleyard. Any change to the operation of the Kojonup saleyards may have an impact on the Katanning saleyards.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That:

- 1. The “Kojonup Saleyard & Truckwash Review 2020” report prepared by Denbar Pastoral Pty Ltd October 2020 be received.**
- 2. Endorses CEO and Mr. Saunders approach to DWER for conditional use of the Saleyards until 31 December 2020.**
- 3. The Kojonup Saleyards be closed effective 1 January 2021.**
- 4. Council authorise the Chief Executive Officer to dispose, by expression of interest, the existing yard infrastructure at the Kojonup Saleyards.**
- 5. The truckwash be maintained for use and that Council investigate its disposal via agreement within the 2021/2022 financial year.**

COUNCIL DECISION

157/20 Moved C Radford, seconded Cr Gale

That:

- 1. The “Kojonup Saleyard & Truckwash Review 2020” report prepared by Denbar Pastoral Pty Ltd October 2020 be received.**
- 2. Endorses CEO and Mr. Saunders approach to DWER for conditional use of the Saleyards until 31 December 2020.**
- 3. The Kojonup Saleyards be closed effective 1 January 2021.**
- 4. Council authorise the Chief Executive Officer to call for expressions of interest from the community or from a corporate body for the future management and /or purchase of the Saleyard with expressions closing 30 April 2021.**
- 5. The truckwash be retained for use and be maintained by Council.**

CARRIED 8/0

Reason: Council believes that there are parties within the community who may wish to operate the Saleyard and therefore determined it was prudent to create the opportunity to seek expressions of interest to do so.

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

Nil

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

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 HOUSING – GEORGE CHURCH COMMUNITY MEDICAL CENTRE INC.

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Wednesday, 21 October 2020
FILE NO	CP.ACD.7; PH.SVP.1
ATTACHMENT	15.1.1 - Policy 2.2.7 Staff Housing

STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 – Connected	2.2 Have enhanced our aged-care and health provisions by progressing our connections with regional and state-wide groups.	2.2.1 Work with regional, state and national health providers to develop innovative health services. 2.2.2 Enhance alliances with state and local health providers to grow a sustainable and modern health system. 2.2.3 Establish formal networks between all health service providers within Kojonup. 2.2.5 Advocate for the Department of Health to maintain the presence of existing health services and promote their availability throughout the region.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a ‘Notice of Motion’ from the Shire President.

“The George Church Community Medical Centre Inc., (GCCMC) have approached the Council for assistance with finding a house for the doctor. The Shire of Kojonup has provided a house for the local doctor for more than 25 years. I believe the GCCMC has been very successful in overseeing the project and the Shire need to support this new business where ever possible to make sure it is successful and provides excellent premises for the Kojonup Community.”

Motion:

The Shire of Kojonup rent the house at 39 Vanzuilecom Street, Kojonup to the George Church Community Medical Centre Inc., for a period of twelve (12) months with the first six months being rent free.

BACKGROUND

Council at its meeting held 28 July 2020 passed the following resolution 92/20:

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

1. The request for a cash contribution of \$250,000 or any amount for Housing is not supported as the Shire of Kojonup’s intent and that of the late Mr George Church has always been the construction of a new Medical Centre;

2. Council does have vacant land available as per the attached plan which it would consider transferring one lot to the George Church Community Medical Centre Inc. for \$1, however the issue is what type of dwelling, unit or lifestyle property will be negotiated with prospective tenants, noting that this is a matter specifically for the George Church Community Medical Centre Inc., to progress ‘Commercial in Confidence’ via the Expression of Interest process the Committee is undertaking not the Shire of Kojonup; and

3. If the lots referred in point 2. above are unsuitable, Council is willing to explore with the George Church Community Medical Centre Inc., other lots on Shire of Kojonup owned land that may become available as part of future residential subdivision.

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

The Shire Presidents ‘Notice of Motion’ is new business to that contained in Point 3 of Decision 92/20.

COMMENT

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

“The Objects of the entity are:

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

The above objects also form the basis of incorporation.

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

The GCCMC Business Plan also states:

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

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

The GCCMC Inc. and Business Plan was prepared after the community forum held 3 December 2018 in which approximately 170 people attended and identified that:

1. *The community wishes to ensure that we have adequate coverage and retain access to General Practitioners and allied health services first and foremost rather than focusing entirely on bricks and mortar.*
2. *Building a new Medical Centre does not necessarily guarantee improved patient access times or attracting/retaining GP’s.*
3. *Acknowledged the following comments made by Mr David Naughton - Regional Director, WA Country Health Service - Great Southern that:*
 - *Health Services is a core State Government responsibility with Kojonup Health Service being a Level 2 facility with Katanning as the hub which is supplemented by Commonwealth Initiatives such as funding GP’s to rural areas.*
 - *Medical Practices are businesses and as such look for the best return on investment.*
 - *Contractual obligations and service provision for ‘Rosters, On-Call, Call-Outs’ is determined by the State via WACHS for providers such as St Luke’s Family Practice. (I.e. Local government cannot be involved in such arrangements).*
 - *GP’s require a work/life balance and look Australia wide for the ‘best fit’ which places rural areas at a disadvantage if you don’t have a coast line or close proximity to metropolitan services/amenities.*
 - *E Health (Telehealth) is now the norm not the exception for patient needs as WA is a vast area with sparse populations outside metropolitan Perth.*
4. *The community are experiencing frustration and delays when trying to make an appointment at St Luke’s Family Practice, leading to more residents travelling elsewhere such as Bunbury to see Dr Anthony King.*
5. *Even if patient service provision improved at the St Luke’s Family Practice some residents because of their long association with Dr King would continue to travel to Bunbury.*
6. *Claims from a section of the community that a greenfield site build, complete with ‘fit out’ in accordance with Australian Standards for Medical Centre/Doctor Consulting Rooms, etc., (excluding an operations plan of how the building and surrounds would be managed and operated) consisting initially of 4 consulting rooms if undertaken by a ‘Community Committee’ can be achieved around \$1.2M utilising George Church Bequest if ‘Walker’s Block’ sold to community committee for \$1.00. This statement of intent needs to be clearly demonstrated by a contractor providing a formal written ‘Cost of Construction’ quote to the Shire for comparison against the Quantity Surveyor costs already possessed by Council.*
7. *Based on previous quantity survey costings, Council will need to secure up to \$1.4 million in addition to Mr Church’s bequest to build a new Medical Centre on a Greenfield site that complies with Australian Standards. Expanding and improving the existing site in Katanning Road including new sealed Car Park, Landscaping, covered walkway,*

Ambulance access, 2 additional treatment rooms, plus contingency provision has been costed at \$872,300 by Quantity Surveyor – Chris O’Keefe as per “concepts” displayed at the Community Forum and at Attachment 11.1.1.

8. *The 2019/20 Shire Budget could include provision for the additional \$350,000 enabling the extensions and enhancements to be completed on or before November 2020.*
9. *The time frame for constructing a new facility would remain dependent upon securing an additional \$900,000 +/- in addition to Mr Church’s bequest.*

It has been reiterated in the adopted Health Precinct report by NAJA consulting, by Dr Du Preez - St Luke’s Family Practice and Mr Naughton that the delivery of Medical services is changing so rapidly that a facility built even five years ago would be different to the requirements of today.

Virtual consultations are already a reality and patient records can be made available to Specialists without the need for a physical visit. Follow up appointments with Specialist services will in many instances be able to occur this way negating the need for patients to travel long distances by simply attending the local Medical/Multi-Purpose Centre for a long-distance appointment.

Mr Naughton indicated that Primary Health Care is increasing at such a rate that the likelihood of a dedicated online Doctor on call 24/7 is very real for country areas. Such changes may be very different to what we are accustomed to but will result in better access and health outcomes for regional communities.

Council has considered whether funding can be found and what the ongoing cost implications to rate payers would be of building a new facility as opposed to improving the existing site.

Mr Stevens indicated that the most recent 6 – 7 room Medical Centre built in Albany was \$1.4M excluding GST with all infrastructure services on-site prior to commencement.”

GCCMC have not indicated what process has been undertaken with private landowners or real estate agents to ascertain what existing housing stock is available for purchase or rent other than commenting at the 14 July 2020 briefing session that there are no housing options or rental properties suitable and a new build would take 12 months.

Council does not know what type of dwelling, unit, and lifestyle property will be negotiated with prospective tenants? Is housing to suit one professional or more on a rotational basis to cover a 5 day roster and what is the extent of attracting and retaining Medical Centre support staff and other allied professional’s if accommodation whether one night or 5 nights is required? What are the equity aspects in relation to the existing medical practice(s) presently operating in Kojonup and the new Medical Centre?

These are matters for GCCMC to progress not the Shire in accordance with Objective 2 of the GCCMC incorporation rules.

The Shire President states that the Shire has provided a house for the local doctor for more than 25 years. To clarify the Shire Presidents statement, the Shire of Kojonup until 2015, has

rented not provided a house to a GP in accordance with Councils Fees and Charges register which in the case of the previous resident GP was \$110.00 per week until the practice was sold to St Luke's Family Practice in the first quarter of 2015. The Shire President also did not indicate in the preamble that as a past councillor, he and the Council of the day, following an approach from the resident GP, amended the rental allocation via a 'Commercial in Confidence' agreement.

St Lukes Family Practice has been operating from premises at 34 Katanning Road since 2013, employing local people but have not been provided Shire housing for any GP even after Dr King sold his practice. This leads to the assertion that unless the GP is aligned to the new Medical Centre, housing GP's from other medical practices is irrelevant?

Had it not been for the Great Southern Regional Housing Initiative funding from the Commonwealth, Council would be in a quandary on how to attract and retain Local Government staff without suitable housing. To have the Shire President express by way of a motion to allocate staff housing for a GP who prior to 6 November 2020 was unknown and is not a local government employee is inappropriate and possibly discriminatory especially if it prevents a staff member who is eligible for housing in accordance with Council Policy 2.2.7.

The Kojonup News, Volume 39, No 21, edition issued 6 November 2020, Page 3 printed the following Joint Press release:

"The GCCMC Inc. Board and St Luke's Family Practice are pleased to advise our community that the offer from the Board to St Luke's Family Practice to lease 30 Spring Street, Kojonup and provide medical and allied health services from the new Medical Centre has been accepted by St Luke's.

The Board and St Luke's are now working together to finalise the lease contract and the service agreement, initially for a three-year period. St Luke's will be open four days each week (Monday to Thursday – as is happening in their current premises) and the support of the community will assist future development of the medical services and allied health services too. The Board understands that developing these will take time, hence an initial three-year contract.

It is expected that St Luke's will open in the Medical Centre in early February 2021. The practice will still operate from Katanning Road premises until then though there may be a few days without a doctor being available as the computers and other equipment will take time to move to their new home.

*Robert Sexton on behalf of the GCCMC Inc. Board
Dr Nickie Du Preez on behalf of St Luke's Family Practice"*

Given the above joint statement (almost 2 years after the community forum in December 2018), Kojonup has retained the status quo of St Luke's Family Practice being the prime GP provider and responsible for incorporating/expanding allied health services over the next 3 years, but will be moving from one side of the Albany Highway to the other into a new \$1.3M+- facility and the Shire of Kojonup revenue reduces by approximately \$13,000 per

annum in lost rent from the present Lessee if St Luke's provides 2 months' notice of its intention to terminate the lease agreement for 34 Katanning Road.

This then raises the question – What happens to the Council owned Katanning Road Surgery after February/March/April 2021? Council has not discussed this matter as now that the GCCMC Inc. and St Lukes Family Practice lease agreement is public knowledge, the Shire President's motion should lapse as 39 Vanzuilecom Street is required for Council Staff accommodation and an alternative option for 34 Katanning Road needs to be considered.

What is known by Council is that 34 Katanning Road will possibly become vacant as a Medical Practice when St Luke's permanently relocates and therefore 34 Katanning Road could be leased in accordance with section 3.58 of the *Local Government Act 1995* to the GCCMC Inc. on an 'As is Where is' basis for \$X per week for an initial 3 year period, conditional on the Lessee at its own cost renovating the premises back to a residential building and Council upon achieving subdivision approval and separate title to 34 Katanning Road, selling the property for \$Y amount.

Alternatively, St Luke's Medical Practice still has two years remaining on its current lease for 34 Katanning Road and may very well wish to continue the lease, as a fallback position should the move to Spring Street not be secured.

The above scenario's and any other options regarding 34 Katanning Road need to be workshopped by Council, further supporting the withdrawal of the Shire President's motion.

CONSULTATION

Briefing Session – 6 October 2020 and 14 July 2020

Council Workshop – Capital Evaluation Framework 21 July 2020

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Policy 2.2.7 Staff Housing was reviewed and adopted by Council at the 19 May 2020 Ordinary Meeting with 39 Vanzuilecom Street, Kojonup being specifically allocated to the Manager Aged Care Services. Due to the shortage in attracting a registered Nurse to Springhaven the CEO in accordance with the Staff Housing policy offered the house for rental to the Registered Nurse with the new Manager Springhaven being allocated Unit 12b Elverd Street via Tenancy Agreements.

Springhaven is currently trying to replace the vacant RN position which has been advertised on numerous occasions and includes provision for accommodation.

In the event that any Council provided accommodation is, at any time, not required for entitled Council employees identified in the staff housing policy, then the CEO is delegated authority to rent the accommodation to other persons, including other Shire employees, provided the tenancy arrangement is on a fixed basis and includes a clause that the property will be vacated if required for the positions listed in the policy.

The policy does not provide the CEO authority to waive rent and would require a resolution of Council conditional upon that the property will be vacated if required for the positions listed in the policy.

FINANCIAL IMPLICATIONS

Staff Housing attached to the Great Southern Regional Housing Initiative and Federal Funding is restricted to Shire Employees in accordance with the Grant Agreement.

This is understandable as the Federal funds were allocated for a very specific purpose.

Fees and Charges list rental of 39 Vanzuilecom Street at \$315 per week or \$16,380 per annum. Six (6) months free rent = \$8,190 in lost income to the Shire.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	Failure to fulfil Compliance Requirements (Statutory Regulatory); Ineffective policies & processes; Ineffective monitoring of changes to legislation	Councillor/Staff Training	Adhere to Legislative requirements and undertake governance reviews
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
<p><i>The intent of the late Mr George Church was always the building of a Medical Centre. "I wish to see the bequest used on a new Medical Centre for Kojonup. I could not think of a better way of serving more people of Kojonup."</i></p> <p>The same intent on which the GCCMC was formed. The request for GP Housing does not align with this original intent.</p>			

ASSET MANAGEMENT IMPLICATIONS

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

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

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

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

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

It is noted that the Federal Government has provided \$500,000 for a new Medical Centre to be established in the old shire admin building at Katanning. In the absence of a full business plan for the Great Southern Hinterland will Medical Services infrastructure be duplicated allowing prospective Medical Practices to negotiate to the party who provides them the greatest benefit/incentives?

VOTING REQUIREMENTS

Simple Majority

Cr J BENN – NOTICE OF MOTION

The Shire of Kojonup rent the house at 39 Vanzuilecom Street, Kojonup to the George Church Community Medical Centre Inc., for a period of twelve (12) months with the first six months being rent free.

CEO RECOMMENDATION

**Moved Fleay, seconded Cr Radford,
That:**

- 1. Cr J Benn's notice of motion be withdrawn as 39 Vanzuilecom Street Kojonup is required staff housing in accordance with Policy 2.2.7 and therefore is not available for renting by the GCCMC Inc.**
- 2. Given the joint public notification by GCCMC Inc. and St Luke's Family Practice that the new Medical Centre will be leased to St Luke's Medical Practice for initially 3 years from February 2021, Council will give due consideration to disposal (Lease/Sale) options for 34 Katanning Road, Kojonup on or before 16 March 2021.**

FORESHADOWED MOTION

Councillor Cr Radford foreshadowed the following motion should the current motion not succeed:

That the Shire of Kojonup inform the GCCMC that they are willing to finance a self-supporting loan to be determined towards a Doctors house. This loan would also cover an available house if the situation arose, under the provision that the Shire hold first mortgage on the said GCCMC house.

Cr Fleay requested that the original motion be put.

Moved Fleay, seconded Cr Radford

1. Cr J Benn's notice of motion be withdrawn as 39 Vanzuilecom Street Kojonup is required staff housing in accordance with Policy 2.2.7 and therefore is not available for renting by the GCCMC Inc.
2. Given the joint public notification by GCCMC Inc. and St Luke's Family Practice that the new Medical Centre will be leased to St Luke's Medical Practice for initially 3 years from February 2021, Council will give due consideration to disposal (Lease/Sale) options for 34 Katanning Road, Kojonup on or before 16 March 2021.

AMENDMENT

Moved: Cr Wieringa, seconded Cr Gale

That,

1. Cr J Benn's notice of motion be withdrawn as 39 Vanzuilecom Street Kojonup is required staff housing in accordance with Policy 2.2.7 and therefore is not available for renting by the GCCMC Inc.
2. Given the joint public notification by GCCMC Inc. and St Luke's Family Practice that the new Medical Centre will be leased to St Luke's Medical Practice for initially 3 years from February 2021, Council will give due consideration to disposal (Lease/Sale) options for 34 Katanning Road, including self-supporting loan considerations on or before 16 March 2021.

CARRIED 8/0

THE AMENDMENT BECAME THE MOTION, WAS PUT AND CARRIED 8/0

Reason: Council believed that it was prudent to have options for consideration at the appropriate time

16 NEW BUSINESS

Nil

All staff except for the Executive / Human Resources Assistant left the meeting at 4.11pm.

17 CONFIDENTIAL REPORTS

17.1 CEO Recruitment

AUTHOR	Lorraine Wyatt – Executive/Human Resource Coordinator
DATE	11 November 2020
FILE NO	PE.RCR.9

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

PROCEDURAL MOTION

157/20 Moved Cr Pedler, seconded Cr Gale

That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* at 4.11pm.

CARRIED 8/0

COUNCIL DECISION

Moved Cr Wieringa, seconded Cr Fleay

That:

- 1. A CEO Recruitment and Selection Committee, be established under Section 5.8 of the Act, comprising of all Elected Members and that the Committee's proposed Terms of Reference are:
 - i) To be an advisory Committee for the duration of the CEO recruitment process;**
 - ii) To coordinate the recruitment process in an appropriately confidential manner, including working with the suitably qualified appointed independent recruitment consultant to attract, screen and select appropriate candidates for interview;****
- 2. To report back to Council throughout the process and provide Council with sufficient advice to permit a determining decision to be made at an Ordinary Meeting of Council regarding the final selection, appointment and contracting of the CEO;**
- 3. A budget of \$6,000 specifically be applied for the CEO recruitment advertising at the mid-year budget review for the 20/21 financial year.**

CARRIED BY ABSOLUTE MAJORITY 7/1

Cr Pedler requested her vote in the negative be recorded.

PROCEDURAL MOTION

157/20 Moved Fleay, seconded Radford

That the meeting be reopened to the public at 4.44pm.

CARRIED 8/0

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 8 December 2020 commencing at 3.00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.45pm.

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Ordinary Council Meeting held 20 October 2020
Item 10.1	10.1.1	Guidelines for Community Events
Item 11.1	11.1.1	Kojonup Bush Fire Advisory Committee Minutes 29 October 2020
Item 11.2	11.2.1	LEMC Minutes 26 Oct 2020
	11.2.2	Standalone Bushfire Plan 2020-2021 Farm
	11.2.3	Standalone Bushfire Plan 2020-2021
Item 11.3	11.3.1	Kojonup Waste Facilities – Bushfire Management Plan
	11.3.2	L8735 DWER letter
Item 11.4	11.4.1	Great Southern Treasures Strategic Plan and Forward Directions 2020 – 2023
Item 12.1	12.1.1	October 2020 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 1/10/2020 to 31/10/2020
Item 12.4	12.4.1	Audit Assessment June 2017
	12.4.2	Audit Assessment October 2020
Item 12.5	12.5.1	Existing Policy Manual showing proposed changes
	12.5.2	Policy Manual with proposed changes incorporated
Item 12.6	12.6.1	Kojonup Saleyard & Truckwash Review 2020
Item 15.1	15.1.1	Policy 2.2.7 Staff Housing