

SHIRE OF KOJONUP
Kojonup



AGENDA

Ordinary Council Meeting

18 May 2021

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 18 May 2021 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.


RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

14 May 2021

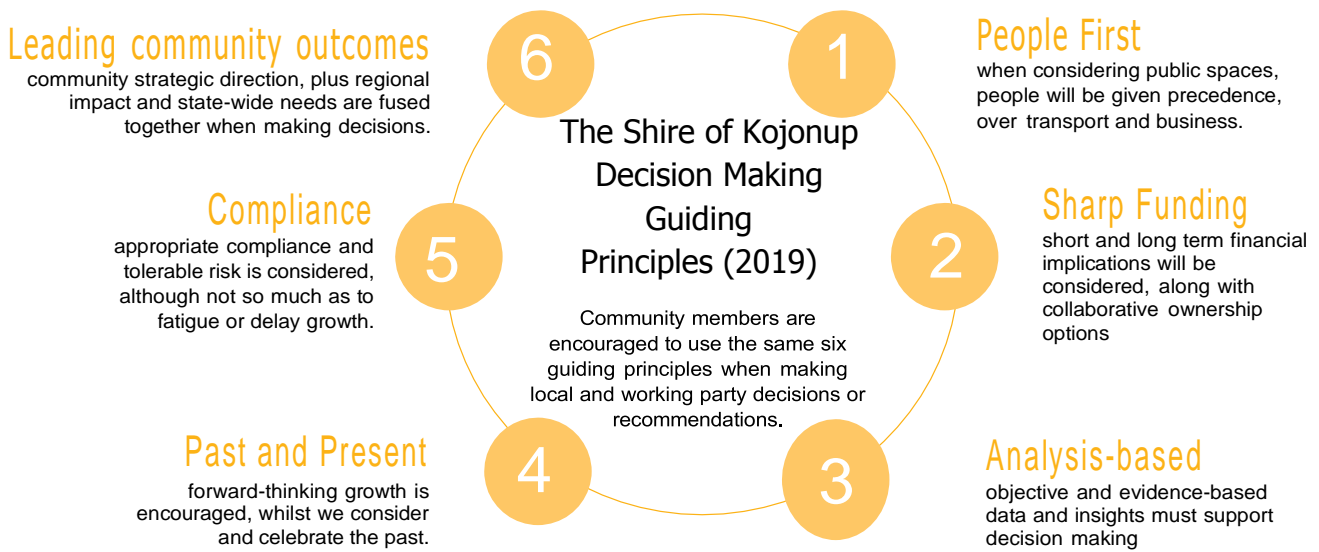
AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 18 MAY 2021

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



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at__ and draw the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer – 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 Webb

Cr Wieringa

Cr Singh

STAFF

Rick Mitchell-Collins

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Emily Sleight

Sport and Recreation Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

Judy Stewart

Senior Administration Officer

LEAVE OF ABSENCE

Nil

APOLOGIES

Robert Jehu

Manager Regulatory Services

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Questions may be submitted using the special email address for Council Meeting Public Question Time being cmpqt@kojonup.wa.gov.au

The Manager Corporate and Community Services will table all correspondence received.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 20 APRIL 2021

Minutes of the Council Meeting which was held on 20 April 2021 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION

That the Minutes of the Council Meeting held on 20 April 2021 be confirmed as a true record.

7.2 SPECIAL COUNCIL MEETING 6 MAY 2021

Minutes of the Special Council Meeting which was held on 6 May 2021 were previously circulated under separate cover and are at [Attachment 7.2.1](#).

OFFICER RECOMMENDATION

That the minutes of the Special Council Meeting held on 6 May 2021 be confirmed as a true record

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 BENN PARADE CO-LOCATION DISCUSSION MINUTES

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Thursday 6 May 2021
FILE NO	CS.SRP.1
ATTACHMENT(S)	10.1.1 – Benn Parade Co-Location Discussion Minutes 10.1.2 – Benn Parade Co Location Facility First Draft Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment	1.1.21 – Co-location of Men’s Shed, Kojonup Tourist Railway and Kojonup Historical Society to heritage rail precinct

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to receive the minutes from the Benn Parade Co-Location discussion meeting held 28 April 2021, Attachment 10.1.1

BACKGROUND

At the ordinary council meeting held 20 April 2021, Council resolved as follows:

Decision 31/21

That Council receive the minutes of the Benn Parade Co-Location Discussion meeting held 29 March 2021

A second meeting between members of the Kojonup Historical Society, Kojonup Men’s Shed and Manager Corporate and Community Services Anthony Middleton was held to progress the initial discussions held on 28 April 2021.

COMMENT

The minutes contained as Attachment 10.1.1 contain relevant discussion points from the meeting. Initial concept plans were discussed at length which are shown at Attachment 10.1.2

CONSULTATION

Kojonup Community Men’s Shed Inc.

Kojonup Tourist Railway Inc.

Kojonup Historical Society Inc.

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>1. Asset Sustainability</i>	<i>Insufficient budget to maintain or replace assets</i>	<i>Routine maintenance schedule - buildings</i>	<i>Nil</i>
<i>6. Engagement</i>	<i>Inadequate involvement with or support of community groups</i>	<i>Community based committees / forums / workshops</i>	<i>Review and assess Community Engagement Strategy & Plan</i>
<i>13. Project/Change Management</i>	<i>Lack of communication and consultation</i>	<i>Project management procedures</i>	<i>Informal project management guidelines</i>
<i>Risk rating LOW</i>			
IMPLICATIONS			
<i>By ensuring that early lines of communication and engagement with relevant groups are established, the risk implications of continuing with this project are reduced. The ability for all members of each group to participate in discussions at such an early stage ensures that all participants have the opportunity to voice opinions and make suggestions in regards to the planning and design processes.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council accept the minutes of the Benn Parade Co-Location discussions meeting held 28 April 2021.

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 KOJONUP BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES 29 APRIL 2021

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Thursday, 6 May 2021
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.1.1 - Kojonup Bush Fire Advisory Committee Minutes 29 April 2021

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 (BFAC) meeting held 29 April 2021.

BACKGROUND

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

COMMENT

Nil

CONSULTATION

Members of the Bush Fire Advisory Committee.

STATUTORY REQUIREMENTS

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That;

- 1. The minutes of the Bush Fire Advisory Committee Meeting held 29 April 2021 be received;**
- 2. The nominees listed below be appointed to their respective Brigades subject to each person having successfully completed the Fire Control Officer’s course as conducted by DFES**

Bevan Bignell	Captain/FCO, Boilup Brigade
Doug Harrison	Captain/FCO, Boscabel Brigade
Paul Norrish	Captain/FCO, Changerup Brigade
Daniel Ladyman	Captain/FCO, Cherry Tree Pool Brigade
Matt Webb	Captain/FCO, Jinalup Brigade
Gavin Norrish	Captain/FCO, Kojonup Brigade
John O’Halloran	Captain/FCO, Lumeah Brigade
Rob Warburton	Captain/FCO, Mobrurup Brigade
Ben Blewett	Captain/FCO, Muradup Brigade
Daniel Simpson	Captain/FCO, Orchid Valley Brigade
Clayton Simcock	Captain/FCO, Qualeup Brigade
Stuart Tohl	Captain/FCO, Ryans Brook Brigade
Bob Francis	FCO, Muradup Town
Myles Reid	FCO, Kojonup Town; and
Kevin Bransby	CESM

- 3. The Shire of Kojonup secure green flashing lights for placement on Fire Control Officer Vehicles via the Emergency Services Levy.**

11.2 BUSHFIRE CONTROL OFFICER RECOMMENDATION 2021/2022

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Friday, 30 April 2021
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.2.1– Kojonup Volunteer Bushfire Association AGM Minutes 21 April 2021

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 recommendations of the Kojonup Bushfire Association for the appointments of Officers for the 2021/2022 bushfire season.

BACKGROUND

The Annual General Meeting of the Kojonup Bushfire Association was held at the Sports Complex on Wednesday, 21 April 2021 to recommend to the Shire of Kojonup, officers for the 21/22 fire season. The Bushfire Advisory Committee (BFAC) endorsed the Associations recommendations at its meeting held 29 April 2021.

COMMENT

The Shire of Kojonup and the Kojonup Bushfire Association have utilised the same Operational structure for many years and it has found it to be the most effective structure to ensure the safety of the community.

The association made the following recommendations:

- a) Tony Fisher be recommended for the Chief Bushfire Control Officer for the 2021/2022 year
- b) Roger House be recommended for the Deputy Chief Bushfire Control Officer for the 2021/2022 year
- c) Ross Fryer-Smith and Nick Trethowan be recommended for the Senior Bushfire Control Officers for the 2021/2022 year
- d) The CBCO and the DCBCO are recommended for the Fire Weather Officer and Deputy Fire Weather Officer respectively for the 2021/2022 year

- e) The CBCO and the DCBCO are recommended to be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire for the 2021/2022 year
- f) The CBCO, DCBCO and the two Senior FCO’s be authorised to advise the CEO of the Shire of Kojonup on the imposition of Harvest and Vehicle Movement Bans for the 2021/2022 year

CONSULTATION

Kojonup Volunteer Bushfire Association AGM – 21 April 2021

STATUTORY REQUIREMENTS

Section 38 of the *Bush Fires Act 1954*

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>2 Business Continuity</i>	<i>Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.</i>	<i>Community fire and emergency education Maintain regular communications with agencies and support services</i>	<i>Nil</i>
<i>3 Compliance</i>	<i>Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative</i>	<i>External Audits (compliance)</i>	<i>Nil</i>

	<p><i>changes, in addition to the failure to maintain updated internal & public domain legal documentation.</i></p> <p><i>Ineffective policies & processes</i></p>		
Risk Rating - Adequate			
IMPLICATIONS			
<p><i>Appointment of these positions within the Kojonup Bushfire Association is legislated by the Bushfires Act 1954 (Act); compliance with this Act demonstrates processes are followed at management and governance levels that will assist in minimising the risks of bushfire upon the greater community.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Council appoint to the following positions for the 2021/2022 year:**
 - a) Tony Fisher - Chief Bushfire Control Officer and Fire Weather Officer,**
 - b) Roger House - Deputy Chief Bushfire Control Officer and Deputy Fire Weather Officer,**
 - c) Ross Fryer-Smith and Nick Trethowan - Senior Bushfire Control Officers,**
 - d) The Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer be appointed as authorised officers to issue permits to burn for the collection of clover seed in the Shire,**
 - e) The Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer and the two Senior Bush Fire Control Officer’s be authorised to recommend to the Chief Executive Officer on the imposition of Harvest and Vehicle Movement Bans; and**

- 2. Council expresses its sincere appreciation to the Kojonup Bushfire Association Members and Zulu’s for continuing to provide essential bushfire services to our community.**

11.3 FIRE BREAK ORDER 2021/2022

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Friday, 30 April 2021
FILE NO	LE.NOT.02
ATTACHMENT(S)	11.3.1 - Fire Break Order 2021/2022

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 content of the Fire Break Order 2021/2022.

BACKGROUND

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

COMMENT

The format of the Fire Break Order will be similar to previous years with one major exception as discussed at the BFAC Meetings held 29 October 2020 and 25 February 2021, whereby the dates for the firebreak inspections within the gazetted town site boundaries of Kojonup and Muradup are recommended to Council to be moved forward by four weeks to 2 November 2021.

The change in date will allow the Council to ensure that there is sufficient time to enforce any measures that are taken on properties that are not up to the required standards as prescribed in the Fire Break notices produced each year.

The dates for all land outside of the gazetted town sites are to remain unchanged.

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

Adoption of the Fire Break Order at this meeting will allow time for printing of the notices for inclusion with the Council annual Rate Notice mail out scheduled for July 2021.

CONSULTATION

Kojonup Volunteer Bushfire Association

STATUTORY REQUIREMENTS

Section 17 of the *Bush Fires Act 1954*

Section 33 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

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

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the 2021/2022 Fire Break Order, which includes new dates for the firebreak inspections within the gazetted town site boundaries of Kojonup and Muradup being moved forward by four weeks to 2 November 2021 as presented at Attachment 11.3.1.

11.4 BUSHFIRE STRUCTURE 2021/2022

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Thursday, 6 May 2021
FILE NO	LE.NOT.02
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
Key Pillar		Community Outcomes
"Smart Possibilities – Kojonup 2027+"		"Smart Implementation – Kojonup 2018 - 2022"
KP 3 – 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 provision.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to update the Bushfire Structure for the Shire of Kojonup as it relates to the 21/22 financial year given changes to nominated officers and Fire Break Inspection dates within the gazette townsites.

BACKGROUND

Bushfire is arguably the largest threat to all those who live in the Shire of Kojonup. The Council and residents continue to take a proactive approach to minimising fire risk with our volunteer network. The Shire of Kojonup Fire Break Order captures the requirements of the State Legislation and local conditions as set out below and included on the Shire Web site.

Long serving residents within the Shire of Kojonup, particularly those living in the rural areas, are very aware of the valuable role played by our Bushfire Volunteers. No doubt they have spent many an hour on the fire ground or providing back up support. However, for newer residents the sight of smoke from December to March may instil a sense of fear, anxiety or conversely apathy that the "System" will take care of the emergency as it always has! Fires within the Kojonup town site are dealt with by the Kojonup Voluntary Fire & Rescue Service (VFRS), who are all local volunteers.

So, what is the Bush Fire structure for the Shire of Kojonup?

Twelve Brigades form the "on ground" bushfire support for the Shire, namely:

- Boilup
- Boscabel
- Changerup
- Cherry Tree Pool
- Jingalup
- Kojonup

- Lumeah
- Mobrup
- Muradup
- Orchid Valley
- Qualeup
- Ryan’s Brook

Each Brigade has volunteer member fire fighters (usually all landholders and tenants) who prevent, control and extinguish bushfires. The brigades have an extensive radio network which consists of a “signing in” schedule each morning during the fire season. The radio network provides feedback to the Chief Bush Fire Control Officer (CBFCO) from the whole Shire on weather conditions and other factors that may influence firefighting decisions or the declaration of a Harvest & Vehicle Movement (HVMB) Ban (not to be confused with a Total Fire Ban which is enacted by the Department of Fire & Emergency Services (DFES). Monitors for the bushfire radio network can be purchased locally.

Brigade members may be called upon to assist other community emergencies such as search and rescue, flood clean up or a personal disaster to an individual. The Brigade and its members are independent to a large degree for the area they cover and do not hesitate to provide assistance to other Brigade areas as requested.

The Brigades elect their own office bearers, conduct meetings and training sessions and even maintain their own income/expenditure for items not covered by the Emergency Services Levy or are in addition to minimum standard requirements.

In a bushfire the Brigade(s) will endeavour to provide as many members as the CBFCO and other Captains and Fire Control Officers (FCOs) deem necessary. The members will invariably turn out in their own privately owned and maintained fire units. As a whole, members are very competent fire fighters with a good knowledge of the district and its geography and they are tremendous volunteers in the full sense of the word.

The Shire of Kojonup establishes the 12 Brigades, however the Kojonup Bush Fire Association liaises with Brigades and their members, and meets at least once a year to elect its own office bearers, President, Vice President, Secretary and Treasurer. The Association recommends to Council the names of members for consideration to the positions of:

- Chief Bushfire Control Officer (CBFCO or Zulu Base) – Tony Fisher
- Deputy Bush Fire Control Officer (DBFCO or Zulu 2) – Roger House
- Two Senior Bush Fire Control Officers (SBFCO’s or Zulu 3 & Zulu 4) – Ross Fryer-Smith & Nick Trethowan, and
- Brigade Captains/Fire Control Officers following the Association’s AGM – listed below be appointed to their respective Brigades subject to each person having successfully completed the FCO’s course as conducted by DFES.

Bevan Bignell
Doug Harrison
Paul Norrish
Daniel Ladyman
Matt Webb

Captain/FCO, Boilup Brigade
Captain/FCO, Boscabel Brigade
Captain/FCO, Changerup Brigade
Captain/FCO, Cherry Tree Pool Brigade
Captain/FCO, Jingalup Brigade

Gavin Norrish	Captain/FCO, Kojonup Brigade
John O'Halloran	Captain/FCO, Lumeah Brigade
Rob Warburton	Captain/FCO, Mobrup Brigade
Ben Blewett	Captain/FCO, Muradup Brigade
Daniel Simpson	Captain/FCO, Orchid Valley Brigade
Clayton Simcock	Captain/FCO, Qualeup Brigade
Stuart Tohl	Captain/FCO, Ryans Brook Brigade
Bob Francis	FCO, Muradup Town
Myles Reid	FCO, Kojonup Town
Kevin Bransby	CESM

Once officially appointed by Council the CBFCO, DBFCO, SBFCO's and Association President become representatives on the Kojonup Bush Fire Advisory Committee (also known as BFAC). The Association provides a public forum for the discussion of fire matters at a district level with all members having a right to speak and vote. The Association does not have executive powers however an executive decision will be presented to the Councillors of the Shire of Kojonup (Council).

ADVISORY COMMITTEE

The Kojonup Bush Fire Advisory Committee is established in accordance with *Section 67 of the Bush Fires Act 1954*. The Committee's membership and terms of reference as adopted at the 22 October 2015 Council Meeting are:

S67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of cooperation and coordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may;
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

CHIEF BUSH FIRE CONTROL OFFICER

The CBFCO heads the operations team and has the legal authority under the *Bushfires Act 1954* to direct resources and personnel to control and extinguish bush fires.

The CBFCO makes the determination in consultation with team members how:

- A bushfire may be attacked,
- How many Brigades to deploy or have on standby,
- To request other agencies' assistance or Council resources, etc.

The CBFCO is ably assisted by fellow Zulu's and this very important position demands a high level of commitment and Bush Fire knowledge and the cooperation of Brigades and members.

SHIRE OF KOJONUP (COUNCIL)

The Shire is the statutory body with the power and responsibility to administer the various legal requirements regarding the *Bush Fires Act 1954*, *Fire Brigades Act 1942* and *Local Government Act 1995*. As previously indicated, Council appoints members to the Advisory Committee upon receipt of recommendations from the Association.

Council creates, via the Firebreak Order, rules designed to keep residents safe by mitigating the accumulation of flammable items on residential properties or requiring fire breaks and other safety precautions around rural buildings/equipment, etc.

In the event of a bushfire (wildfire) the Chief Executive Officer has the power to commit Council resources at the request and advice of the CBFCO.

Council has the power to impose bans on the lighting of fires or restrict the movement of vehicles such as Harvesters, also at the request and advice of the CBFCO. This type of ban is known as a 'Harvest & Vehicle Movement Ban' (HVMB). It differs to a 'Total Fire Ban' (TFB) which may only be imposed by DFES as previously mentioned.

POWERS of FIRE AND EMERGENCY SERVICES COMMISSIONER

(1) *The FES Commissioner shall —*

- (a) *report to the Minister as often as the FES Commissioner thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;*
- (b) *perform and undertake such powers and duties as may be entrusted to the FES Commissioner by the Minister;*
- (c) *subject to the general control of and direction by the Minister, be responsible for the administration of this Act;*
- (d) *recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;*
- (e) *carry out such fire prevention measures as the FES Commissioner considers necessary;*

- (f) *carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;*
- (g) *conduct publicity campaigns for the purpose of improving fire prevention measures.*

FIRE PERMITS

Zulus and Fire Control Officers are responsible during Restricted Burning Periods to issue conditional Fire Permits to property owners which are counter signed by the property owner.

PROHIBITED BURNING TIME: 5 November – 13 February

Permits may be issued between 5 November – 15 December for protective burning only. Between 16 December – 13 February no fires may be lit without the express permission of the Chief Bush Fire Control Officer. The Shire Council has authority to extend this date and you should consult with your local Fire Control Officer or ring the hotline on 9831 0145.

RESTRICTED BURNING TIME: 1 October – 4 November and 14 February – 14 April

Permits are required for all fires lit during these Restricted Burning times and must be obtained from your local Fire Control Officer who will explain the conditions under which fires may be lit. Permits will not be issued for townsite burning between 14 February – 14 April. Please note restricted burning times may be extended by the CBFCO, you should consult with your local Fire Control Officer or ring the hotline on 9831 0145.

NON-RESTRICTED BURNING TIME: 14 April – 30 September

Landholders must still take necessary precautions to keep their fires under control and on their own properties.

SPRAYING REMINDER:

Chemical spraying of firebreaks on land within a gazetted townsite is to be completed to the Shire's satisfaction by the 15 September.

FIREBREAK INSPECTION WARNING:

- 2 November – All firebreaks and fire hazard reduction measures to be completed on land **within the gazetted townsite.**
- 4 November – Council will conduct its annual firebreak inspection of all land **within the gazetted townsite.**
- 11 December – All protective burning and firebreak precautions to be completed on land **outside the gazetted townsite.**
- 13 December – Council will commence its aerial and ground inspection process of all land **outside the gazetted townsite.**

BURNING RULES

1. Patrolling of all fires is the responsibility of the landowner or occupier for as long as the fire poses a risk. These include clearing fires as well as protective burning.
2. All adjoining landowners must be notified on the morning of the intended burn whether clearing grass or protective burning is carried out.

3. No fire to be lit before 1300 hours (1pm). As from the 1st April, lighting times may be at the discretion of the Chief Bush Fire Control Officer.
4. For all grass and stubble fires, no trees or heaps of logs are to be burning within 40 metres of the outside of the perimeter break.
5. All stubble/grass burns conducted within the restricted burning period must have a 2.4-metre-wide perimeter break cleared of all flammable material.
6. All other conditions on a WRITTEN PERMIT to burn must be complied with.

NON-COMPLIANCE WITH THE ABOVE MAY LEAD TO PROSECUTION.

The above rules are to be observed in all cases unless your Fire Control Officer gives special approval to any alternative provisions.

Do you require a Permit to Burn?

If so, the person who takes out the permit is solely responsible for all conditions agreed to on the permit. Any damage or injuries that are caused due to negligence, are the permit holder's responsibility and may result in penalties being lodged.

There have been too many fires caused by permit burns in the Great Southern. Please take care and ensure all burns are monitored until they are extinguished.

PENALTIES

Section 28 Occupier of land to extinguish bush fire occurring on own land

(1) Where a bush fire is burning on any land —

(a) at any time in any year during the restricted burning times; or

(b) during the prohibited burning times,

and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.

(1B) Where he requires assistance for the purpose he shall if practicable, without leaving the fire unattended, inform or cause to be informed the nearest available bush fire control officer, or bush fire brigade officer, of the existence and locality of the fire.

(2) For the purposes of this section, a fire lit before the commencement of a period of prohibited burning times relating to the district where the fire is situated, and which is still burning at the commencement of those prohibited burning times, is to be regarded as being a bush fire which is not part of the burning operation being carried on upon the land in accordance with the provisions of this Act.

Penalty: \$10 000

(3) Where the occupier of the land upon which a bush fire is burning fails to take measures to extinguish it as required by subsection (1), a bush fire liaison officer, a bush fire control officer of any local government or an authorised CALM Act officer employed in connection with any forest land which is within 3 km of the land where the fire is burning may enter upon the land where the fire is burning and take all proper measures to extinguish it.

(4) In so far as the measures taken by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer are necessitated by reason of the failure of

the occupier of the land to comply with subsection (1), any expenses incurred by the bush fire liaison officer, bush fire control officer or authorised CALM Act officer, in taking measures to extinguish the fire, shall be a debt owing by the occupier of the land to the State, local government or CALM Act CEO, respectively.

- (5) *The FES Commissioner (on behalf of the State), local government, or CALM Act CEO, as the case may be, may recover the expenses from the occupier in any court of competent jurisdiction.*

Section 35. Permit may be refused if danger of escape

The authorised officer may refuse to issue or grant a permit where he is satisfied that, notwithstanding that all the precautions required to be taken under these regulations in connection with the proposed burning are taken, the proposed burning may nevertheless be or become a source of danger by escaping from the land on which it is intended to carry out the burning.

Bush Fires (Infringements) Regulations 1978:

Section 28(1) Failure of occupier of land to extinguish a bush fire burning on that land \$250

Prescribed officers:

For the purposes of section 59A(5) of the Act a prescribed officer is —

- (a) *in the case of an infringement notice issued by a local government, or at the request of a local government, or by a person acting pursuant to a delegation made by a local government pursuant to section 59(3) of the Act — the chief executive officer, mayor or president of the local government;*
- (b) *in the case of an infringement notice issued by a person authorised by the Minister or issued by a person employed in the Department for the purposes of this Act — the FES Commissioner or a person employed in the Department authorised by the FES Commissioner;*
- (c) *in the case of an infringement notice issued by a member of the Police Force — any commissioned officer of the Police Force;*
- (d) *in the case of an infringement notice issued by an authorised CALM Act officer — the chief executive officer of the department of the Public Service principally assisting the Minister in the administration of the Conservation and Land Management Act 1984.*

COMMENT

The above background is very extensive and ultimately the onus of responsibility for fire management rests with the land owner 365 days, 24/7 including exercising a 'Duty of Care', appropriate Risk Management measures and Occupational Health and Safety principles to reduce or diminish negligence.

The Fire Break Order clearly articulates types of burning periods and rules which apply regardless of who owns/manages/occupies a property. The *Bush Fires Act 1954* stipulates compliance requirements and the hierarchy of responsibility from the Minister, Commissioner down.

Council relies heavily on its volunteer brigades and Zulu's to first and foremost respond and mitigate the fire threat in our shire. If a fire is beyond our volunteer capacity, then the fire

ground is ultimately handed to DFES. This occurrence is rare which speaks volumes for Kojonup's ability to provide immediate response and support to property owners.

Unfortunately, some fires for whatever reason whether during open burning periods or permit periods escape fire breaks. The Fire Break Order and Act makes it very clear that all fires need to be contained within the property and extinguished prior to the prohibited burning period. To not do so should automatically result in the Shire of Kojonup issuing an Infringement Notice to the property owner for \$250 in accordance with the current regulation.

The DFES Commissioner may also seek to impose a maximum penalty through the courts of \$10 000 as per Section 28 of the *Bush Fires Act 1954* although the costs of prosecution and defence may exceed the penalty amount.

We must also remember that Permit Officers (Authorised Officers) are volunteers and are no doubt under enormous pressure from landowners/Managers, etc., to issue permits to meet farming schedules. Past Councils and administration have had the authority to issue infringement notices and decisions should not be the sole responsibility of one person such as the Chief Bushfire Control Officer (Zulu 1). It must be a majority decision made by the Shire of Kojonup based on the requirements of legislation, adopted Council Policies and Fire Break Order.

Section 35 of the *Bush Fires Act 1954* allows some protection:

“The authorized officer may refuse to issue or grant a permit where he is satisfied that, notwithstanding that all the precautions required to be taken under these regulations in connection with the proposed burning are taken, the proposed burning may nevertheless be or become a source of danger by escaping from the land on which it is intended to carry out the burning.”

Permit Officers are not obliged to issue a permit because a landowner seeks to burn and may also apply other conditions/restrictions to the 'Burning Rules' listed above. These conditions/restrictions are applied to minimize risk not only to the property owner but the community in general as fire can be a catastrophic risk placing community member and volunteer fire brigade volunteer lives at risk and possible death.

STATUTORY REQUIREMENTS

Local Government Act 1995

Bush Fires Act 1954

Bush Fires (Infringements) Regulations 1978

POLICY IMPLICATIONS

6.1 Fire Management Plan

The Wheatbelt Regional Fire Management Plan 2012-2017 is adopted in its entirety to be policy for the Council.

Extract from Robert Sexton, precis August 2017:

The Regional Fire Management Plan (RFMP) is a comprehensive document of more than one hundred pages, it was first prepared by DEC in 2012 with a major review in 2017. Coupled with annual reviews the next major review is scheduled for 2022. The RFMP covers all aspects

of Fire management, vegetation, Cultural values, prescribed burning, bushfire suppression, biodiversity conservation, fire knowledge, management objectives, fire modelling just to name a few aspects.

Although the document is primarily prepared for DEC officers as a guideline for the management of reserves, the principles discussed are applicable to the management of fire in all areas including privately owned land, road reserves and other reserves controlled by other agencies both State and Federal.

Some of the key parts from the strategy development should be stated here.

- *“...protect and promote biodiversity and natural values whilst also providing for protection of human life and community assets...” P6*
- *“...identify bushfire threat to the community assets...” P7*
- *“...fire management will be planned and implemented in partnership with other landowners, land managers, fire authority’s and the community...” P6*
- *“... Prescribed burns planned to achieve ecological outcomes have the potential to achieve protection outcomes...” “...create a mosaic of fuel age classes across reserves will in turn minimise the movement of bushfire through land...” P24*
- *“... This plan provides guidance to fire managers...” P6*
- *“... the plan will be used to establish principles, objectives and success criteria for fire management activities...” P6*
- *“... The plan will be reviewed annually to encompass new knowledge...” P6*

It soon becomes apparent that the plan prepared by DEC addresses in a very comprehensive manner the issues surrounding fire management that Kojonup has been discussing and trying to set a policy that will take into account all of the community concerns and aspirations.

An important theme of the plan is that the plan is meant as a guideline of principle for managers, it is not absolute and recognises that fire management is a dynamic and not a fixed regime.”

It is important to note that the effectiveness of Fire Management Planning is the relationship and attitudes of community members collectively striving to achieve common goals and outcomes which extends beyond harvest periods.

FINANCIAL IMPLICATIONS

As previously stated, the *Bush Fires (Infringements) Regulations 1978*, Section 28(1) has a \$250 fine attached for the failure of occupier of land to extinguish a bush fire burning on that land. Processing and issuing the infringement notice would absorb most of the fine and therefore the question to be asked is this a suitable financial deterrent?

The DFES Commissioner may also seek to impose a maximum penalty through the courts of \$10 000 as per Section 28 of the *Bush Fires Act 1954* although the costs of prosecution and defence may exceed the penalty amount.

The Shire of Kojonup 2020/21 Annual Budget includes \$193,872 operating costs towards Emergency Management, Fire Hazard Reduction, Ground and Aerial Inspections, Shire Fire Fighting Resources, Brigade expenses and administration/depreciation less \$51,547 retained from the Emergency Services Levy.

The community cost of fires can be enormous and what price do we place on the loss of life?

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>2 Business Continuity</i>	<i>Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities.</i>	<i>Community fire and emergency education</i> <i>Maintain regular communications with agencies and support services</i>	<i>Nil</i>
<i>3 Compliance</i>	<i>Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation.</i> <i>Ineffective policies & processes</i>	<i>External Audits (compliance)</i>	<i>Nil</i>
Risk Rating - Adequate			
IMPLICATIONS			
<i>Appointment of these positions within the Kojonup Bushfire Association is legislated by the Bushfires Act 1954 (Act); compliance with this Act demonstrates processes are followed at management and governance levels that will assist in minimising the risks of bushfire upon the greater community.</i>			

DFES undertake extensive marketing and media promotions requesting Landowners and the general community to have Fire Management Plans prepared ready for activation, especially during summer. Protection of human life is foremost in DFES risk management planning as insurance cover does not bring back loved ones. Farmers plan to harvest crops without any fires but should they occur, minimising the economic loss by extinguishing the fire as soon as practicable is paramount. Residents within rural townships plan to minimise the likelihood of fire embers igniting their properties by reducing fuel loads and cleaning gutters.

Council as part of its emergency management planning is required to have evacuation or stay and defend plans established for Springhaven residents and staff, the activation of Community Evacuation Centres/Communication Headquarters and business continuity plans for IT backups, loss of power and community assets. The Community Emergency Services Manager is preparing same.

ASSET MANAGEMENT IMPLICATIONS

The Shire of Kojonup has two (2) DFES supplied fire trucks situated at Kojonup and Muradup with volunteers predominantly using small tanks on the back of 4WD as fast fill attack units. Ideally, it would be preferable to double the number of DFES supplied fire trucks to expand coverage of our area, including neighbouring shires. Communication is vital in any emergency management situation as is the planned resourcing and functions of emergency personnel and community volunteers, hence the need for training of personnel, volunteers and latest equipment including radios.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

It is noted that all VROC member shires share Community Emergency Services Manager via MOU's.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the updated Bushfire Structure for the Shire of Kojonup as it relates to the 21/22 financial year given changes to nominated officers and Fire Break Inspection dates within the gazetted townsites.

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

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

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 27 April 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – March 2021 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 March 2021.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2020 to 31 March 2021 represents nine (9) months, or 75% of the year.

The following items are worthy of noting:

- Closing surplus position of \$881,625;
- Operating results:
 - 66% of budgeted operating revenue has been received; and
 - 77% of budgeted operating expenditure spent;
- Capital expenditure achieved 28% of budgeted projects;
- Cash holdings of \$4.16m of which \$3.48m is held in cash backed reserve accounts and \$235,788 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

That the monthly financial statements for the 31 March 2021, as attached, be noted.

12.2 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (APRIL 2021)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 12 May 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.2.1 – April 2021 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 30 April 2021.

BACKGROUND

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

COMMENT

The attached Statement of Financial Activity for the period 1 July 2020 to 30 April 2021 represents ten (10) months, or 83% of the year.

The following items are worthy of noting:

- Closing surplus position of \$135,057;
- Operating results:
 - 68% of budgeted operating revenue has been received; and
 - 87% of budgeted operating expenditure spent;
- Capital expenditure achieved 31% of budgeted projects;
- Cash holdings of \$4.0m of which \$3.48m is held in cash backed reserve accounts and \$235,788 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

That the monthly financial statements for the 30 April 2021, as attached, be noted.

12.3 MONTHLY PAYMENTS LISTING APRIL 2021

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Sunday 09 May 2021
FILE NO	FM.AUT.1
ATTACHMENT	12.3.1 – Monthly Payment Listing 1/04/2021 to 30/04/2021

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 April 2021.

BACKGROUND

Not applicable.

COMMENT

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

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

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then

a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments 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

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

FROM – 1 April 2021		TO – 30 April 2021
Municipal Cheques	14293 - 14294	\$4,487.00
EFTs	27945 - 28050	\$253,755.73
Direct Debits		\$565,930.22
Total		\$824,172.95

be received.

12.4 KOJONUP HISTORICAL SOCIETY INC – MACHINERY SHED

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Wednesday, 5 May 2021
FILE NO	A265
ATTACHMENT(S)	12.4.1 – ICR26867 Kojonup Historical Society Intent for land

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 – Place	<p>1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment.</p> <p>1.4 – Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way.</p>	<p>1.1.2 – Celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups.</p> <p>1.1.3 – Grow the Kodja Place to become an iconic WA attraction.</p> <p>1.4.5 – Review and implement a townscape plan and “main street” development (N.2.2.3)</p>
KP 2 – Connected	2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances.	<p>2.1.1 – Build partnerships with WA recreation, business and tourism.</p> <p>2.1.2 – Promote and facilitate Kojonup as a short term tourism destination to and from Albany</p>
KP 3– Performance	<p>3.2 – Be exceptional in two-way communication within our community and market our brand outside of our community.</p> <p>3.3 – Use a Building Assessment Framework and control our investment in building maintenance.</p>	<p>3.2.3 – Develop and implement a formal media and two-way communication strategy.</p> <p>3.2.6 – Define and grow our brand and continually promote and activate the diverse features of Kojonup.</p> <p>3.3.1 – Implement an asset rationalisation process based on the Building Assessment Framework.</p>

		3.3.3 – Develop a Capital Assessment Framework for all new asset decisions
KP 5 - Digital	5.4 – Have used technology to become a smart, safe, collaborative and informed region.	5.4.2 – Set up Kojonup so industry can increase productivity, better connect to the global market place or work remotely, through enhanced technology provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek Council consideration regarding the Kojonup Historical Society position to have a portion of part of Lot 2 Soldier Road owned by Jim and Robyn Potter subdivided as this was the original intent of the Historical Society in 2004.

BACKGROUND

(Extract from report tabled at 14 November 2017 Council Meeting Item 12.1)

“In 2003 the Historical Society approached Jim and Robyn Potter regarding selling a portion of part Lot 2 Soldier Road, Kojonup to the Historical Society for the purpose of building a shed to store their collection of large historical items. In July 2004, the Historical Society paid Jim and Robyn Potter \$3,000.00 for the purchase of the land. In due course, the shed was built on the newly purchased land.

In June 2010 a letter was received from Landgate advising that the application for the creation and issue of new titles for the new lots had not been lodged at Landgate before 8 April 2011. The Shire was asked by Landgate to provide a Requisition Notice and withdraw the application. The application was withdrawn on the 25 May 2011.”

An agenda item tabled at the November 2017 Council Meeting outlined the following background information:

“In ensuing years conversations have taken place between members of the Historical Society, Jim and Robyn Potter, Roger Machin (Surveyor) and the Shire’s Development Services Co-ordinator. As legislation, forms and procedures have changed over the ensuing years, a subdivision and sale would be required to be completely redone. This has been priced by Albany Mapping & Survey Services between \$14,000 and \$16,000 to complete. Roger Machin indicates that Western Power may require a separate power supply as it appears the Machinery Shed is presently utilising power from Elverd Cottage. Costs would be clarified upon lodgement of the subdivision plan. Water Corp may also require separate treatments which are additional to the costs above and the entire process would take 9 – 12 months to process and complete. Council needs to determine if it is more cost effective and in the best medium/long term interests to relocate the Machinery Shed to the Railway Reserve?”

As an act of good faith Jim and Robyn Potter have agreed to Lease Part Lot 2 Soldier Road to the Shire to enable the Historical Society to continue to use the land, however

in correspondence dated 18 September 2017 Jim and Robyn Potter state that they would prefer the Machinery Shed area to be subdivided from their property as originally agreed in 2003.

From a Historical Society perspective such a request would seem straight forward, however Council has an overarching responsibility to the entire community it represents via “SMART Possibilities” 2017-2027 Community Strategic Plan to integrate Tourism, Heritage, Cultural and Social aspirations under the 5 new key pillars of Place, Connected, Performance, Prosperity and Digital.

Possession of Conservation and Interpretation Plans will address in detail the potential employment opportunities (Tourism, Hospitality, Heritage and Culture) gained by centralising facilities including any benefits derived from centralising human/other resources required for accessioning, IT, admin, asset management, interpretation, research and display areas.

The Machinery Shed is a terrific concept but is the building in the appropriate location to increase patronage as a tourist/heritage feature and generate revenue to allow more items to be displayed including interpretation?

The Kojonup Railway Station and Line Interpretation Strategy – January 2017 prepared by Helen Munt clearly highlights not only the potential of the Railway Precinct but the need to undertake a methodical approach – refer Part 2 Interpretation Strategy pages 23 – 55. A similar approach for example should be undertaken in relation to the RSL Hall/Potts Memorial area, Barracks Place, Elverd Cottage, Old Post Office and ‘Spring’ areas to clearly establish Vision, Themes, Key Messages, Zones and Nodes.

The Interpretation Strategy Part 2 – 2.2.3 makes the following comment in relation to the Kojonup Men’s Shed:

“The proposal is to build a new shed to house the local Men’s Shed group. The location is proposed to be in the vicinity of the former Wool Loading Platform. The Men’s Shed will also free up some of the present needs on the station building and provide meeting space for KTR, Men’s Shed and Historical Society, and from where restoration can take place. Ideally, the Men’s Shed workshop area should also be accessible by the public (when the shed is open and attended by staff/KTR volunteers) so that they can view the work being undertaken, talk to volunteers not only about what they are doing but also more generally stories of Kojonup and the railway.”

As a Kojonup resident, I did not truly appreciate:

The significance of the Railway being the only light construction branch line left existing in WA until I read the Interpretation Strategy.

The Wool Wagon is sitting on or very close to the footprint of the former Station Master’s House for which there is no interpretation.

The extent of the Harness Display and Machinery Shed items and potential to tell stories, expand displays and interpretive work of Sheep and Wool, Hay and Chaff Making.

The need for a more integrated approach in conserving and interpreting our Heritage and Cultural attributes.

Possession of the Kojonup Railway Station and Line Interpretation Strategy – January 2017 highlights the need for an integrated approach to our Tourism, Heritage and Cultural planning which should be adopted practise of the Shire of Kojonup for such precincts. Why?

Part 2 – 2.3.1 Kojonup Railway Station and Line Interpretation Strategy – January 2017 states:

“Community consultation and community investment is an important part of the development of interpretation, both in the overall intent as well as in the various stages. So, while the development and documentation phase of interpretation should be guided by professional expertise (to ensure the integrity of the whole vision and also that milestones are met within sound timeframes and budgets,) community exchange and input should be encouraged throughout the process.

Input should come from a diverse cross section of the local community, not just those currently involved with KTR. In this way the process of developing and enacting interpretation will result in more community ownership, participation and value invested upon the place as a whole, its individual elements and the activities and opportunities it offers. It also ensures that whatever interpretation is implemented is able to be taken on and managed by those responsible now and in the future.

Diverse consultation also acknowledges that the ownership of stories and the impacts they have had rests both with individuals as well as the community as a whole. Having a multiplicity of voices and values embedded in the interpretation will cater for a range of interests and capacities (physically, intellectually). Having a well-defined vision and theme to guide the interpretation ensures that this multiplicity is clear and accessible and not saturating, noisy, confusing or conflicting.”

It is therefore essential that the Conservation and Interpretation Planning is undertaken in a structured manageable format to improve future planning and development considerations.

Council made the following decision:

135/17 Moved Cr I. Pedler, seconded Cr S. Pedler that Council(s):

Ascertain Community receptiveness as part of the Kojonup Railway Station and Line Interpretation Strategy – January 2017 of relocating/building a new Historical Society Machinery Shed at Benn Parade with provision to include the Men’s Shed with the intent of maximising the Tourist Railway area recognising the work already undertaken and planned by the Historical Society;

Have Conservation and Interpretation Plans prepared as recommended under Part 2 of the Kojonup Railway Station and Line Interpretation Strategy – January 2017 including the establishment of an interpretation project reference group which also addresses the Historical Society intent for the Horse and Harness Display and potential future projects;

Preferred strategic position is to progressively expand the Machinery Shed at the Kojonup Railway Station Precinct to accommodate a new Men's Shed within the next 5 years (subject to securing external funding) given the existing Men's Shed building has a Building Assessment Rating of only 23 out of 100 and the property is located in a prime business/commercial zone linking Apex Park/RSL Precinct with the Main Street; and

Instruct the Chief Executive Officer on behalf of the Shire of Kojonup to submit an application to the Great Southern Development Commission – Community Chest Fund seeking a contribution of \$30,000 towards the Conservation and Interpretation Plans.

As author of the November 2017 agenda item, I referred back to comments contained in an October 2017 report to Council by then Councillor, Robert Sexton:

“Men's Shed and Historical Society display Shed.

Background.

In the time elapsed since the Men's shed was established and the building of a shed to house the Historical Society's collection the Council has engaged in a series of meetings and engagements with the public as to what the future design and use of our town might look like. (Gibson report, Hames Sharley, etc) Although the Council has not “set in concrete” where any new development may be some clear direction and themes have emerged. The general area that encompasses the Sporting precinct, Railway Reserve, Tourist Rail, Kodja Place, Rose Maze, Apex Park and the RSL Hall has emerged as the focal point for engaging with the public (a cultural focus point)

The difficulty with the present Historical Display Shed and the land that it stands on being subject to some sort of lease/caveat or land purchase is an issue that the Council must deal with. In seeking to solve that issue the aforementioned above has changed the perspective somewhat and must also be taken into account when any long-term decisions are made. The Historical Society has several sites that they (and the Council) are responsible for administering: Elverds Cottage, Historical Display shed, Old Barracks and the Old Post Office just to name the major structures, all house important historical artefacts, documents and are important sites in their own right. Although these places are all in the same general area of the earliest white settlement and are in close proximity to the important Spring precinct it is not where the people (who we are trying to tell our story to) are now. The people are now gathering at the Cultural centre mentioned in the opening paragraph above.

Where to now?

It is my view that instead of focusing on solving the present problem with the Historical Shed (in isolation) a more fundamental discussion should be initiated with the Historical Society as to how a better solution may be arrived at to make our Historical past better available to a much larger audience. Part of the solution can be the relocation of the Historical Display Shed to the Railway Station Reserve or to where the present Mens Shed is located, if this action can be accomplished then the following dot points will apply.

The cost of shifting the shed would be cheaper than any legal costs incurred in surveying and preparing a lease or annexation for purchase.

The shed size can be expanded to include future artefacts or better display the existing collection.

An expanded shed can incorporate a Mens Shed facility, this will give a symbiotic effect of the men's shed skills being put to better use in restoring/maintaining the Historical Society's collection.

A relocated shed can have a closed and secured area for artefacts of high value or needing a controlled environment.

A relocated shed will be more available for Tours that presently come to Kodja Place as well as the considerable public that use the Apex Park and present overnight caravan travellers.

It is a given in this discussion that the present Mens Shed has a limited life. Although adequate for the present purpose it is a substandard building that will have to have a substantial upgrade or be demolished at some point, like the Historical Display Shed it will be far cheaper to relocate to a central place. A very good case could be made to access funds for a Mens shed if it can be shown that the facility can provide more than a single function.

The experience in Wagin where the Agricultural Show morphed themselves into the Woolarama and incorporated the Historical Village into one precinct (their existing sporting grounds) gave them much greater exposure to the public and a far better platform to access funds from various government agencies. We would do well to learn from their experience.

Robert Sexton October 2017"

COMMENT

Representatives of the Historical Society emphasised at the Council Briefing Session held 20 April 2021, that the Society has no desire to relocate the Machinery Shed to Benn Parade but encouraged the Men's Shed and Tourist Railway to progress the development of a new Men's Shed. It is unfortunate that the placement of the Wool Wagon depicting the early reliance on horses and bullocks and advancing agricultural production in Kojonup is not supplemented in close proximity by the Horse & Harness Display but this decision was made by others many years ago.

It is also noted that the Kojonup Historical Society initiated the sale of the land and the inference here is that the Society wished to obtain separate title to the property given that Elverd Cottage is on a separate title under the ownership of the Shire of Kojonup.

The officer recommendations are therefore aligned to the extent of assistance which the Shire of Kojonup could provide to the Historical Society to undertake the new subdivision allowing a separate title for the Machinery Shed area which would be under the ownership of the Historical Society given it was the organisations original intent.

CONSULTATION

Council Briefing Session 20 April 2021

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Heritage of Western Australia Act 1990 – Elverd Cottage is contained on the State Register of Heritage Places.

POLICY IMPLICATIONS

There are no Town Planning Scheme policies that apply to this proposal.

FINANCIAL IMPLICATIONS

Council has given previous consideration to the total costs of subdivision to obtain a new title which is in a range from \$16,000 - \$25,000 conditional upon power, water and any other state authority requirements. With COVID-19 affecting Local Governments financial capacity, Council may consider as part of the 21/22 Budget offering a financial contribution to the Kojonup Historical Society allowing the Society to progress attainment of a separate title for the Machinery Shed.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
10 – <i>Facilities/Venues</i>	<i>Lack of Lease /Contract / Agreement/ MOU/ Licence documentation</i>	<i>Lease agreements for Shire facilities</i>	<i>Develop Lease agreements register for all Shire facilities</i>
Risk Rating - Adequate			
IMPLICATIONS			
<i>The formation of leases for Shire owned or managed land defines the terms that apply to all parties and lessens the ambiguity if an issue arises during the term of the lease. Due diligence in the use/maintenance of the land by another party (e.g.; a lessee) provides for fire hazard risk reduction.</i>			
<i>A community building located on private property represents a significant risk.</i>			

ASSET MANAGEMENT IMPLICATIONS

Community assets should be located on land under the care and control of the Shire, rather than privately, ensuring that future asset maintenance requirements can be undertaken. The Kojonup Historical Society wishes to retain ownership and therefore control of the Machinery Shed which can be accommodated by the Society subdividing the area into its own name rather than the Shire of Kojonup.

The Shire of Kojonup would retain ownership and responsibility for Elverd Cottage including future maintenance/asset renewal, similar to works recently undertaken at the Barracks.

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

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That Council consider a financial contribution of \$12,000 within the 2021/2022 Annual Budget to the Kojonup Historical Society Inc., allowing the Society to progress the subdivision of the Machinery Shed located on part of Lot 2 Soldier Road owned by J & R Potter.

ALTERNATIVE RECOMMENDATION (if Council wish to retain ownership of the Machinery Shed Lot):

That Council allocate \$25,000 within the 2021/22 Annual Budget allowing Council to progress the subdivision of the Machinery Shed located on part of Lot 2 Soldier Road owned by J & R Potter to be merged with the Elverd Cottage title and address any other requirements imposed by other authorities such as Western Power, Water Corp and State Heritage Commission.

12.5 MODEL CODE OF CONDUCT FOR ELECTED MEMBERS, COMMITTEE MEMBERS AND CANDIDATES – ADOPTION

AUTHOR	Lorraine Wyatt, Executive/Human Resource Coordinator
DATE	Friday, 7 May 2021
FILE NO	PE.RCR.9
ATTACHMENT(S)	12.5.1 - Local Government Act 1995 - Division 9 – Conduct 12.5.2 - Local Government (Model Code of Conduct) Regulations 2021 - [00-a0-01] 12.5.3 - Policy 3.25 Code of Conduct for Elected Members Committee Members and Candidates DRAFT

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.4 - Be organised and transparent with our financial management.	Implement strategies to improve Councillors role as community leaders and asset custodians (G1.5.3) 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 the report is to guide Council in adopting the Model Code of Conduct for Elected Members, Committee Members and Candidates (the Code) as required in *Division 9 Section 5.104 Adoption of model code of conduct, of the Local Government Act 1995*.

BACKGROUND

The Local Government (Model Code of Conduct) Regulations 2021 were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. As a result, Local governments are required, (within 3 months after the day on which regulations prescribing the model code come into operation), to prepare and adopt (by absolute majority) a code of conduct for Council members, Committee members and Candidates, in accordance with section 5.104 Adoption of model code of conduct, of the Local Government Act 1995.

COMMENT

The Code has been developed to guide the decisions, actions and behaviours of members, in council, on council committees and candidates running for election as a council member. Members *must comply* with the provisions in the Code in fulfilling their role and responsibilities, as set out in the Act.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the Council address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions. This includes, an individual who has nominated as a candidate for election as a council member (should the candidate be successfully elected to Council).

Candidates were not included under policy 3.1 Code of Conduct.

The Code is based on three overarching principles, separated into divisions, being:

Division 1 - Personal integrity: act with reasonable care and diligence; with honesty and integrity; act lawfully; identify and appropriately manage any conflict of interest; and avoid damage to the reputation of the local government.

Division 2 - Relationship with others: respect, courtesy and fairness; respect and value diversity in the community; contribute to a harmonious, safe and productive work environment

Division 3 - Accountability: base decisions on relevant, factually correct information; make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; read all agenda papers in relation to council or committee meetings; and be open and accountable to the community.

Clause 11 provides a mechanism for a person to make a complaint about an alleged breach of the Code however, the complaint must be made within one month of the alleged breach in the following manner:

- (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
- (2) *A complaint must be made —*
 - a) *in writing in the form approved by the local government; and*
 - b) *to a person authorised under subclause (3); and*
 - c) *within 1 month after the occurrence of the alleged breach.*
- (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

Clause 12 outlines the process for dealing with complaints (which have not been dismissed or withdrawn), regarding the conduct of elected members and candidates. Elements to consider (procedural fairness) are:

- (1) Right of reply
- (2) Findings must be evidence based and/or on the balance of probabilities (more likely that an action occurred than it did not)
- (3) Consequences (if any) must be outlined in a written “plan” and must be communicated. This may include:
 - a) engage in mediation;
 - b) undertake counselling;
 - c) undertake training;
 - d) take other action the local government considers appropriate.

For the purpose of receiving complaints, elected members discussed the possibility that the CEO and Shire President will be the complaints officers with formal procedures yet to be developed by a further work shop at a Briefing Session.

CONSULTATION

Elected Members: Briefing Session conducted 20 April 2021

STATUTORY REQUIREMENTS

Local Government Act 1995 - Division 9 – Conduct (Attachment 1)

Local Government (Model Code of Conduct) Regulations 2021 (Attachment 2)

POLICY IMPLICATIONS

Changes to the *Local Government (Administration) Regulations 1996* informs that Policy 3.1 Code of Conduct which comprises both Elected Member and Employee, must now separate the code for Elected Members, Committee Members and Candidates, from that of Employees.

Changes to the Employee Code of Conduct is currently being reviewed with the first workshop taking place at the All of Staff training session held on 5 May 2021.

Once adopted by Council, the “Shire of Kojonup Code of Conduct for Elected Members, Committee Members and Candidates” will be added to the Policy Manual at section 3 “Executive and Governance” at number 3.25.

The Elected Members Charter – Appendix 1 will require updating.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	<i>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.</i>	<i>Policies and Procedures</i>	<i>Nil</i>

<p>8 Errors, Omissions and Delays</p>	<p><i>Ineffective monitoring of changes to legislation.</i></p> <p><i>Any advice that is not consistent with legislative requirements or local laws.</i></p> <p><i>Changes to legislation.</i></p>		<p><i>Nil</i></p> <p><i>Nil</i></p> <p><i>Nil</i></p>
<p>Risk rating - Adequate</p>			
<p>IMPLICATIONS</p>			
<p><i>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).</i></p> <p><i>Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Council adopt the Model Code of Conduct to be named, "Code of Conduct for Elected Members, Committee Members and Candidates";
2. The policy be in Section 3 "Governance & Executive" in the Policy Manual and numbered 3.25;
3. The new policy, 3.25 Code of Conduct for Elected Members, Committee Members and Candidates be published on the Shire of Kojonup website ;
4. The Elected Members Charter be updated at appendix 1 to reflect the new policy; and
5. The Chief Executive Officer and Shire President will jointly be the complaints officers.

12.6 OCCUPATIONAL SAFETY AND HEALTH COMMITTEE TERMS OF REFERENCE

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Thursday, 22 April 2021
FILE NO	RM.PRO.1
ATTACHMENT(S)	12.6.1 - Occupational Safety and Health Committee Terms of Reference - showing changes 12.6.2 - Occupational Safety and Health Committee Terms of Reference - clean copy

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions/Delivered Activity
KP 3 - Performance	3.4 – Be organised and transparent with our financial management.	Provision of Risk Management processes and systems.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to bring to Council’s attention the updating of the Shire of Kojonup’s (Shire) Occupational Safety and Health (OSH) Committee Terms of Reference.

BACKGROUND

The Shire’s OSH Committee is an operational committee concerned with ensuring the Shire meets its OSH legislative requirements (currently the *Occupational Safety and Health Act 1984*).

COMMENT

Council’s OSH Committee formed its Terms of Reference (ToR) in order to formalise the structure, function, limits of authority, responsibilities of the Committee, and to meet OSH audit requirements.

The ToR document is based on a template provided by Council’s Local Government Insurance Services’ Regional Risk Coordinator and modified to be appropriate to the Shire of Kojonup, in accordance with the above mentioned legislation and the Government of Western Australia’s Guidance Note *Formal Consultative Processes at the Workplace 2006*.

This update clarifies the work areas represented by safety representatives, which positions are management OSH representatives, and when employee representative elections are held.

CONSULTATION

OSH Committee Meetings – 4 March and 22 April 2021

Regional Risk Coordinator

STATUTORY REQUIREMENTS

- *Occupational Health and Safety Act 1984*
- Occupational Health and Safety Regulations 1996
- Government of Western Australia Guidance Note *Formal Consultative Processes at the Workplace* 2006

POLICY IMPLICATIONS

2.2.14 - Occupational Safety and Health Policy - this Policy aims to exemplify the commitment and steadfast aspiration of everyone at the Shire of Kojonup in creating and maintaining a safe and healthy place to work.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>14 - Safety & Security</i>	<i>Non-compliance with the Occupation Safety & Health Act 1984, associated regulations and standards. Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants.</i>	<i>OSH Committee</i>	<i>Nil</i>
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
<i>The OSH Terms of Reference provide specific information as to the structure, functions, limits of authority and responsibilities of the Shire’s OSH Committee and make for an easy reference point for the Organisation’s employees. Risk is lessened as the Terms of Reference provide clear direction and guidance around the function of the OSH Committee.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Occupational Safety and Health (OSH) Committee Terms of Reference, as reviewed and updated 22 April 2021 by the OSH Committee, as attached, be adopted.

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORT

13.1 PROPOSED NEW OUTBUILDING FOR ‘WOODENAVACLOO’ AT LOT P5 OFF ALBANY HIGHWAY, KOJONUP

AUTHOR	Phil Shephard – Town Planner
DATE	Tuesday, 3 May 2021
FILE NO	A24115
ATTACHMENT(S)	13.1.1 – Outbuilding Plans 13.1.2 - Neighbours Support Letters

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 4 - Prosperity	4.1 – Be providing business assistance for growth in small local industry	4.1.1 – Amend Town Planning Scheme to encourage economic development and private investment

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application for development approval to construct a new 12m x 6m outbuilding adjoining the existing outbuildings on the above property as shown in the attached plans. The new outbuilding, if approved, would result in a cumulative outbuilding floor area of 620m² which exceeds the maximum floor area of 100m² permitted under Council’s adopted Town Planning Scheme Policy.

There is no delegation available to staff to deal with the application and it must be referred to Council for a decision.

BACKGROUND

Nil

COMMENT

The lot has been developed with a dwelling and 4 existing outbuildings used in conjunction with their business ‘Woodenavacloo’ that produces handmade wooden toys and other items sold through their local shop. The proponent has provided the attached justification for the new outbuilding and letters of support from neighbours.

The new outbuilding will be clad with zincalume coloured metal sheeting to match the existing outbuildings.

The property and site of the proposed new outbuilding is shown in the image below:



Lot P5 bordered in red showing existing outbuildings, dwelling and site of proposed new outbuilding (in red) (Image Landgate Map Viewer Plus)

The lot has access/egress to Albany Highway via neighbouring Lot 17. Urban servicing including water, telecommunications and power are available to the site. No sewer is connected to the lot.

The proposed position of the new outbuilding will be located behind the existing outbuildings and will be screened when the property is viewed from neighbouring properties.

Zoning and Land Use/Development

The lot is over 4 hectares in area and zoned Residential with a density code of R10/20 under Town Planning Scheme No. 3 (TPS3).

The proposal satisfies the definition of an Industry: Cottage land use which is an SA advertised discretionary land use within the Residential zone. The existing business has operated for many years from the site and the present proposal does not change the present land use. Regrading development, the area of outbuildings that have been constructed on the site far exceeds the 55m² area included in the definition of Industry: Cottage under TPS3.

The new outbuilding exceeds the minimum setbacks required to all boundaries.

Bushfire Planning

The property is partly within the Department of Fire and Emergency Services bushfire prone area mapping. The new shed is considered exempt from the requirements of the WAPC's SPP3.7 Planning in Bushfire Prone Areas by virtue of Planning Bulletin 111/2016 and the deemed provisions for the following reasons:

- It will not be routinely occupied;
- It does not result in the intensification of development (or land use);
- It does not increase the number of residents or employees; or
- Increase the overall bushfire threat.

Bushfire construction requirements under the BCA or AS 3959 may still apply to proposals that are exempt from the requirements of SPP 3.7 and the deemed provisions.

Town Planning Scheme Policy Implications

The new outbuilding would create a cumulative floor area of 620m² for outbuildings on the site which exceeds the maximum floor area of 100m² in Council's adopted Town Planning Scheme Policy No. 5 'Outbuildings in the Residential, Residential Development and Special Rural Zones'. The new shed achieves the max. wall height and max. ridge heights standards in the Policy.

Matters to be considered

The Scheme (c.6.3.2) requires the Council have regard to a number of relevant matters which are discussed below in considering whether to approve/refuse the application.

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed development of the new outbuilding is considered consistent with the aims and provisions of TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed development is consistent with the orderly and proper planning of the area.
(c) any approved State planning policy;	The proposed development is exempt from the requirements of SPP3.7 Planning in Bushfire Prone Areas.
(g) any local planning policy for the Scheme area;	See comments in report.
(m) the compatibility of the development with its setting including the relationship of the	The proposed outbuilding is consistent with other approved outbuildings around Kojonup in terms of size, height, bulk, and scale.

Matter to be Considered	Response
development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The Shire has previously approved outbuildings that exceed the maximum 200m ² outbuilding floor area (including 500m ²) on lots within the special rural zone in Kojonup.
(n) the amenity of the locality including the following- (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The proposal is not expected to have a negative impact on the amenity of the locality.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No clearing of any trees/shrubs is required, and no additional landscaping is considered necessary in this instance.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The site is not known to be affected by any natural hazard including flood, subsidence, erosion etc. The property is within the DFES bushfire prone mapping and may need to incorporate measures to comply with AS3959.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	No changes to the existing access/egress are proposed in the application.
(w) the history of the site where the development is to be located;	The property has operated the existing business 'Woodenavacloo' that produces handmade wooden toys and other items sold through their local shop for many years.
(y) any submissions received on the application;	The proponent has provided the attached letters of support from neighbours advising they have 'no objection' to the proposed new outbuilding.
<i>c.78E. of the Planning and Development (Local Planning Schemes) Amendment Regulations 2015</i> In considering an application for development approval for development to which this Part applies, the local government is to have regard to the	See (q) above.

Matter to be Considered	Response
bushfire resistant construction requirements of the Building Code.	

The Council has a number of options available to it, which are discussed below:

1 Not approve the proposal

The Council can choose to not approve the proposal and advise the proponent giving reasons. If this option were chosen, the new outbuilding would not be able to be constructed.

2 Approve the proposal

The Council can choose to approve the proposal, in part or whole and with or without conditions. If this option were chosen, the new outbuilding can proceed.

3 Defer the proposal

The Council can choose to defer the matter and seek additional information from the applicant or undertake consultation with the public, if deemed necessary, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

The proponent has provided letters of support from all neighbouring properties advising they have ‘no objection’ to the new outbuilding proceeding.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 – The processing of the development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the provisions of the Act/Regulations.

POLICY IMPLICATIONS

See comments in Town Planning Scheme Policy Implications above.

The proposed new outbuilding would create a cumulative floor area of 620m² for outbuildings on the site which exceeds the maximum floor area of 100m² for residential properties in Council’s adopted Town Planning Scheme Policy No. 5 ‘Outbuildings in the Residential, Residential Development and Special Rural Zones’.

The Policy states:

Objective

- a) *To set controls on the size of outbuildings permitted within the Residential, Residential Development and Special Rural zoned areas of the Shire.*
- b) *To achieve a balance between providing for the various legitimate needs of residents for outbuildings for storage and minimising any adverse impacts outbuildings may have on neighbours or a street/neighbourhood.*

Policy Requirements

Development Standards

The outbuilding shall comply with the standards in the following Table:

<i>Zone</i>	<i>Max. Wall Height (m)</i>	<i>Max. Ridge Height (m)</i>	<i>Max. Floor Area (gross floor area of all outbuildings on lot)</i>
<i>Residential</i>	<i>3.6</i>	<i>4.2</i>	<i>100m²</i>

The new outbuilding achieves the max. wall height and max. ridge heights standards in the Policy.

The Policy advises:

When considering a proposal for an outbuilding, Council will have regard to:

- a) Any approved land use and activities operating on the site and the need and purpose for the outbuilding;*
- b) The compatibility of the outbuilding with its surroundings and any other existing approved outbuildings in the street/area;*
- c) Whether the outbuilding complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area; and*
- d) Whether rationalisation or reduction in the number of existing outbuildings can be achieved.*

Council will not approve any outbuilding that in its opinion will have an adverse visual or social impact on surrounding land and buildings, streetscape and/or overall locality.

Whilst the proposal represents a significant departure from the policy requirements, the following comments are provided:

- The property has an existing business ‘Woodenavacloo’ that produces handmade wooden toys and other items sold through their local shop.
- The property is exceptionally large for a residentially zoned property and new outbuilding is compatible with the use/development of surrounding properties and will not be shielded by the existing outbuildings on the site. The total area of outbuildings on the site represents some 1.5% of the property’s area.
- The new outbuilding will not detract from the dominant semi-rural character of the area and matches the existing outbuildings constructed on this and surrounding properties.
- There is no rationalisation proposed and all outbuildings have a specific purpose in the business.
- The new outbuilding will not have an adverse visual or social impact on any surrounding land and buildings, the streetscape and/or overall locality.
- The new outbuilding has the written support from neighbours.

In considering the weight to place upon the Policy, TPS3 (c.7.6.4) advises:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

FINANCIAL IMPLICATIONS

The applicant is required to pay the planning application fee of \$147 as set out in the adopted 2019/20 Schedule of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	<i>Impulsive decision making</i> <i>Ineffective monitoring of changes to legislation</i>	<i>Professional accreditation / certification maintained</i>	<i>Nil</i>
6 – Engagement	<i>Inadequate documentation or procedures</i>	<i>Public notices / Local papers / Website communication</i>	<i>Nil</i>
7 – Environment	<i>Inadequate local laws / planning schemes</i>	<i>Environmental management compliance</i>	<i>Nil</i>
8 – Errors, Omissions and Delays	<i>Complex legislation</i> <i>Incorrect information</i>	<i>Planning Approval performance report</i>	<i>Nil</i>
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
<i>Applicants need to ensure that development proposals accord with the intent of the Shire of Kojonup Planning Scheme. Council in assessing applications needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant Development Approval for the new 12m x 6m outbuilding at Lot P5 off Albany Highway, Kojonup subject to the following conditions:

- 1. The development to be carried out and fully implemented in accordance with the attached stamped approved plans unless a variation has been approved by the Chief Executive Officer in writing.**
- 2. All stormwater to be retained and/or disposed of or reused on-site.**

Advice Notes:

- i) You are required to obtain a Building Permit prior to any construction activity commencing.***
- ii) Your property is within a bush fire prone area designated by the Department of Fire and Emergency Services and certain construction requirements may apply to the construction of the outbuilding.***
- iii) The total floor area for outbuildings approved on your property exceeds the maximum 100m² permitted under Council's adopted Town Planning Scheme Policy No. 5 and it is unlikely that additions or other outbuildings would be approved without exceptional circumstances applying.***

13.2 INDUSTRIAL LAND REQUEST – KOJONUP AIRSTRIP

AUTHOR	Phil Shephard – Town Planner
DATE	Monday, 3 May 2021
FILE NO	CP.MTC.4
ATTACHMENT(S)	13.2.1 - Gnowangerup Airport Policy Document

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		2024+ “Smart Implementation”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 - Performance	3.3 - Be organised and transparent with our financial management	Maximise usage of community facilities whilst reducing the financial obligation on the Shire and its people.
KP 4 - Prosperity	4.3 - Be attracting support industries and diverse and new business sectors to the region	Enable and advocate for new industry to set up in and around Kojonup Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the release of land at the Kojonup Airstrip for small aircraft servicing businesses to use/develop.

BACKGROUND

Nil.

COMMENT

The Shire has been approached to consider if it would consider making land available at the airstrip for aviation servicing businesses to operate from.



At this stage it is intended to simply identify an area that could be made available and then staff will follow-up with the person requesting the proposal to gain additional information dealing with leasing, area, servicing potential future sale etc.

The proponent has advised that the Shire of Wagin have previously undertaken a similar project and constructed a shed at the airstrip and leased it out for similar purposes and staff will speak to them about how they achieved the project – should Council support the proposal.

The disposal of any land either by sale and/or lease will need to comply with section 3.58 'Disposing of property' of the *Local Government Act 1995*.

The Council should now determine if it supports the proposal and authorise staff to seek additional information to progress the application.

CONSULTATION

Nil required.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Local Government Act 1995 - The disposal of any land owned by the Shire must comply with section 3.58 'Disposing of property' of the Act.

POLICY IMPLICATIONS

The Shire could prepare a simple Town Planning Scheme Policy to assist/ guide future decision-making at the airstrip (based on the Policy for Gnowangerup Airstrip).

FINANCIAL IMPLICATIONS

The cost of creating a new lease/lot has not been determined to date. Should the proposal proceed, staff will identify estimated costs of completing the required works and negotiate the required services to the lease/lot. These costs and the land value component would ordinarily be paid for by the purchaser of the lot.

Given Council’s aims to attract new business to Kojonup, the proportion of these costs to be charged to the proponent will need to be determined by the Council at a future date.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	<i>Impulsive decision making</i> <i>Ineffective monitoring of changes to legislation</i>	<i>Professional accreditation / certification maintained</i>	<i>Nil</i>
6 – Engagement	<i>Inadequate documentation or procedures</i>	<i>Public notices / Local papers / Website communication</i>	<i>Nil</i>
7 – Environment	<i>Inadequate local laws / planning schemes</i>	<i>Environmental management compliance</i>	<i>Nil</i>
8 – Errors, Omissions and Delays	<i>Complex legislation</i> <i>Incorrect information</i>	<i>Planning Approval performance report</i>	<i>Nil</i>
Risk rating: Adequate			
IMPLICATIONS			
<i>Council needs to ensure that in considering the development of the land for other related purposes at the airport that it does so without affecting the primary use of the land for airstrip purposes. Council needs to ensure that any monies expended on infrastructure at the airport increases the value of the asset to the community.</i>			

ASSET MANAGEMENT IMPLICATIONS

The leasing/sale of Council owned land could be used to offset costs associated with managing the present land and airstrip.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) support the use of land for proposed airport service businesses located at the Kojonup Airstrip as per image below;



- 2) following receipt of additional information from the proponents (land area, lease period, servicing required, shed requirements etc.) authorise staff to begin lease negotiations; and
- 3) a Draft Town Planning Scheme policy for the Kojonup Airstrip be prepared for Council consideration.

13.3 DESIGNATED AREA MIGRATION AGREEMENT

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Tuesday, 11 May 2021
FILE NO	GR.FDL.4; CS.PLN.2
ATTACHMENT(S)	<p>13.3.1 - Map of Great Southern Region</p> <p>13.3.2 - Designated Area Migration Agreement – application form for visa applicants</p> <p>13.3.3 - Employer costs</p> <p>13.3.4 - Subclass 494 visa</p> <p>13.3.5 - Subclass 482 visa</p> <p>13.3.6 - Subclass 186 visa</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
<p>KP 3 - Performance</p> <p>KP 4 - Prosperity</p>	<p>3.2 – Be exceptional in two-way communication within our community, and market our brand outside our community.</p> <p>4.1 Be providing business assistance for growth in small local industry.</p> <p>4.2 Have added value to the agricultural sectors to attract new people to the region.</p> <p>4.3 Be attracting support industries and diverse and new business sectors to the region.</p>	<p>3.2.5 – Promote the Shire of Kojonup as an opportunistic place to live.</p> <p>4.1.4 Draft a local economic development policy focused to create employment opportunities that attract and retain population in Kojonup.</p> <p>4.2.2 Enable and advocate for new industry to set up in and around Kojonup.</p> <p>4.3.4 Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference.</p> <p>4.3.5 Develop a transient and seasonal workforce, and an all-age educational strategy.</p>

DECLARATION OF INTEREST

Nil

Glossary:

DAMA – Designated Area Migration Agreement

DAR – Designated Area Representative

DEPARTMENT – Department of Home Affairs (Australian Federal Government)

EMPLOYER – businesses, sponsors, companies, third parties (identified by their Australian Business Number)

LMT – Labour Market Testing

PR – Permanent Residency

SPONSOR – an employer who is responsible for nominating an overseas worker

SUMMARY

The purpose of this report is for Council to receive information on Designated Area Migration Agreements (DAMA) and to consider approaching other regional and nearby shires for their views on the establishment of a DAMA for the Great Southern region, with the vision of attracting skilled migrants to fill areas of demonstrated labour shortage.

BACKGROUND

At a recent Council briefing session, Cr Singh requested that the forming of a DAMA for the Great Southern region of Western Australia be looked into (and possibility extended beyond the specific Great Southern shire boundary), with a view to benefitting local economies by way of population growth (families), increased housing and businesses, and more children for schools.

COMMENT

A DAMA is generally a formal five year agreement between the Federal Government and a DAR (such as a local government authority acting on behalf of itself and other local governments) that allows employers to sponsor skilled and semi-skilled overseas workers to fill positions that an employer is unable to fill with Australian workers. A DAR is responsible for the management and administration of a DAMA programme and endorses (by way of an endorsement letter) an *employer's* application for a DAMA *Labour Agreement* with the Australian Government (once the employer has satisfied the DAMA's terms and conditions – see 13.3.2). Endorsement does not guarantee a business will have a Labour Agreement request approved by the Department of Home Affairs' Minister of Immigration, Citizenship and Multicultural Affairs. A DAMA is reviewed annually and covers an approved list of occupations that may vary from year to year. Initially, a DAR negotiates with the Minister who decides whether to establish a DAMA in the region. A DAMA requires the support of various stakeholder groups and in-depth research into relevant job statistics.

An employer must demonstrate (via Labour Market Testing [LMT]) that they cannot find a suitably skilled Australian worker to do a job before proceeding with an application for a DAMA Labour Agreement; there are currently 674 occupations listed on the Department's website although other occupations may be put forward for consideration (a copy of some of the employer costs is at attachment 13.3.3). Occupations vary widely and, as an example, include agricultural, religious, restaurant (fine dining), and advertising industries. An LMT is a business case presented to a DAR and the Department that provides solid evidence of not being able to find a suitable Australian worker and includes advertising on the Australian Government's *Jobactive* website in addition to other advertising. A DAMA Labour Agreement is generally in effect for five years. Workers cannot move from the area of their DAMA but can move between businesses within that area.

A DAMA is negotiated on behalf of businesses within its region; negotiations encompass the type of occupations to be included and any concessions that may be appropriate to an occupation (e.g.; an extension of the age criteria, a concession on English requirements, a relaxation of skills experience required etc.) making the region as attractive as possible for prospective migrants. A business may also enter into its own Labour Agreement with the Minister (outside of a regional DAMA) if an occupation is not available under the standard visa programme or the DAMA programme; negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

The first step in looking into the possibility of a DAMA being created in a region is to establish whether other shires (and organisations such as Chambers of Commerce and Regional Development Authorities) within the prospective region are conducive to a DAMA being formed that includes them. Secondly, a Business Case must be undertaken that includes:

- Support letters from:
 - All the involved Shires
 - Any Chambers of Commerce
 - The Regional Development Authority
 - Local Federal and State Members of Parliament
 - Businesses (if possible)
 - Different Business Bodies (if possible)
- Overview of the region's economy and labour issues - can be demonstrated by:
 - Compelling operational needs
 - Economic recovery (Covid-19 economic recovery)
 - Contractual obligations for employers to meet projects, bringing food to the market etc.,
 - Competing for skilled labour
 - Many more
- Survey Results –
 - How many businesses participated in the workforce survey?
 - What are the commentaries on labour issues?
 - What type of occupations are in critical shortage in the region?
 - What type of migration concessions businesses would like to have? E.g.; lift age for PR pathway from 45 to 50 years old, English concession for most occupations, etc.

Advice from the office of Rick Wilson MP states that a request for a DAMA must contain, as a minimum, the following:

- a letter of endorsement from the relevant stakeholders;
- a Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
- a business case if any additional concessions are being requested (for example, English, skills, salary) to the minimum requirements outlined for a company specific labour agreement; and
- an explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example - provision of

- information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
- supporting documentation, which may include:
 - Profit and loss statements;
 - Other financial statements; and
 - Other relevant supporting information.

The only region in Western Australia currently covered (since 21 March 2019) by a Designated Area Migration Agreement (DAMA) is the Goldfields region with the City of Kalgoorlie-Boulder (City) being the DAR and representing other regional and nearby shires. The Goldfields Region wished to secure permanent labour so as to avoid having to constantly retrain people such as backpackers (for example; for the community care occupation). The Pilbara region had also applied for a DAMA before the Goldfields secured theirs; however, was unsuccessful.

By way of an example, the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semi-skilled workers under visa subclasses 482, 494, and 186 (see attachments 13.3.4-6):

- TSS (482) – a 4 years visa (temporary) under the DAMA LA. The 482 can be a 2 or a 4 year visa depending on the occupation and location.
- SESR (494) – a provisional visa with a PR pathway already – an applicant can apply for PR after 3 to 4 years.
- ENS (186) – a PR pathway visa. Some people can be nominated straight onto the ENS under the Goldfields DAMA but only after they have worked under a Temporary Skills Shortage (482) or Direct Entry Scheme (457) visa within the DAMA region and in the same occupation for 3 years. After they have been nominated under the ENS, they are eligible to apply for a PR right away. Note: a skilled migrant can be nominated straight onto the ENS visa under the standard visa programs.

The opportunity to secure a permanent residency after 4 years has made working in the Goldfields DAMA region attractive for skilled migrants to relocate.

The process of becoming a DAMA took the City approximately 12 months once the application was submitted following a financial consultancy business being engaged to undertake the City's business case (which can take between 3 – 6 months to establish). The following made up the City's questions for the survey of businesses (using Survey Monkey) referred to in the above Business Case list of requirements and was compiled and analysed by the City's consultant:

1.1 What are the specific challenges in attracting and retaining workers in your business?

1.2 Do you employ or have in the past employed any temporary visa holders? If yes, select from the following: (Other, please specify)

1.3 What are the limitations of the standard visa programs? (Other, please specify)

1.4 How would being an 'endorsed' sponsor under a DAMA address these challenges: Select all that applies in order of importance:

2.1 *Is your business currently experiencing labour shortage or anticipate a labour shortage based on business forecasts?*

2.2 *Have you considered the use of the following specific industry agreements to meet your labour shortage needs?*

Are there any perceived barriers to the existing Labour Agreements?

2.3 *Which of the following recruitment processes have you used to attract Australian workers since 1 July 2018? (Other)*

2.4. *How many Australian workers have you recruited since 1 July 2018?*

3.1 *For each of the positions you are seeking to fill, do you need to seek any concessions to the English language testing score requirements?*

If yes, which test component should have lower score requirement

Explain why

3.2. *What strategies are in place for your workplace to support skilled migrant workers to improve their English language proficiency? For example, on the job training, dedicated community programs etc.*

4.1 *For each of the roles you are seeking to fill, will the base salary be below the Temporary Skilled Migration Income Threshold (TSMIT), currently AUD53,900?*

If yes, what is the market salary rate for the role you are seeking a concession from the TSMIT? - If yes, what is the market salary rate for the role you are seeking a concession from the TSMIT?

4.2 *Are there any 'cost of living' or other benefits that would normally be offered as non-monetary benefits for Australian workers (e.g. food and board)?*

If yes, please specify - If yes, please specify

5.1 *Would the ability to sponsor skilled migrant workers for permanent residence benefit your business?*

5.2 *What would be the benefits for you as an employer?*

5.3 *Currently employers can sponsor workers for permanent residence if they are less than 45 years of age, unless their salary meets the high income threshold in the 3 years prior. Do the age limit or high income threshold pose a challenge for you to attract and retain skilled migrant workers?*

If yes, what should be the age limit increased to?

If yes, what should be the income threshold reduce to?

5.4 *Currently employers can sponsor workers for permanent residence who have been employed in the same position with the same sponsoring employer for at least 3 years. Does this pose a challenge for you to attract and retain skilled migrant workers?*

If yes, what changes to the permanent residence requirements would benefit your business?

If yes, what changes to the permanent residence requirements would benefit your business? (Other, please specify)

6. *Please provide any other comments or suggestions on what changes should be made to the employer sponsored visa programs that would help your business attract and retain skilled migrant workers?*

From a human resource perspective, the City provided half an FTE (full time equivalent staff member) to liaise with the consultant throughout the formation of the Business Case and, on an ongoing basis, performs the following human resource tasks:

- Dealing with an approximate average of 1 to 2 business applications per month (at a charge of \$250 for each nomination) for endorsement (including Statutory Declarations and ensuring businesses are financially viable and reliable)
- Spending a lot of time answering queries
- Seeking guidance from a queries team within the Department
- Undertaking of an Annual Report for the Department and Minister
- Negotiation of ongoing Terms and Conditions
- Surveys and analysis of the regional labour market
- Monthly meetings with a Department representative to discuss the DAMA programme (the Department also liaises with businesses)

Other points of note gained through discussions with external organisations include:

1. A subclass 491 visa (for highly skilled and desired occupations) requires nomination by the State Government or an eligible family member and doesn't require a sponsor – *this visa cannot be included in a DAMA*;
2. The City has a population of approximately 30,000;
3. The more local government authorities involved, the better the chance of securing a DAMA; and
4. A larger organisation (e.g.; local government, Regional Development Authority) within a region would usually take on the role of region representative (DAR).

Creating a DAMA is an extensive, lengthy process; particularly, for the lead organisation (DAR) involved in the application and consultancy phase through to managing ongoing endorsements etc and liaising with the Department for the five year term. Benefits to communities such as the flow on effects of population growth may be more accurately predicted following analysis of community employer survey results, if the GS Region is interested in going ahead with a DAMA application.

Such a project requires the support of many stakeholders including regional shires, Chambers of Commerce, Regional Development Australia, Development Commissions, and members of parliament all of whom must endorse the organisation that is capable and agreeable to being a Designated Area Representative. Given the scope of this project, it may fall within the scope of the Southern Link Voluntary Regional Organisation of Councils' (VROC) goals, strategies and actions (see VROC implications below).

Accordingly, the recommendation is for Council to decide, given the information provided, if it wishes to explore such a project further by firstly establishing regional support for a DAMA.

CONSULTATION

Cr Singh

Department of Home Affairs

Manager of Economic Development – Shire of Wiluna (previously employed by the City of Kalgoorlie-Boulder where responsible for DAMA related tasks)

Office of Rick Wilson MP – Federal Member of O’Connor

STATUTORY REQUIREMENTS

Migration Act 1958

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is estimated that the cost of a consultant to conduct a survey of regional employers, to research and provide statistics, and to identify any occupations that may fit the criteria for including in a DAMA, as required, would be in the vicinity of \$60,000 to \$70,000. A staff member is required to liaise with such a consultant (the City of Kalgoorlie-Boulder’s staff representative was estimated to be required on an 0.5 FTE basis for the purpose of establishing the City’s DAMA) and, following the successful application, staff involvement with ongoing tasks as above.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>5. Employment Practices</i>	<i>Insufficient staff numbers to achieve objectives</i>	<i>Workforce Planning</i>	
Risk rating: Adequate			
IMPLICATIONS			
<i>Inadequate workforce planning; for example, where roles are expanded without adequate job load consideration or new roles are created without due budget consideration, represents risk to an organisation at both human resource and financial levels.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC IMPLICATIONS

Goal One: Stimulate economic growth and business opportunity

Goal Two: Provide sub regional leadership through the VROC

Goal Four: Increase capacity through collaboration

Goal Five: Build capacity to enable communities to achieve

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council does not further explore the formation of a regional Designated Area Migration Agreement

ALTERNATE MOTION

That Council refers the matter to the next WALGA Great Southern Zone meeting for consideration

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

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 REIMBURSEMENT OF EXPENSES - NOTICE OF MOTION – CR GALE

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 12 May 2021
FILE NO	GO.CLR.3
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.	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Cr Gale.

SUMMARY

The purpose of this report is to consider a notice of motion from Cr Gale regarding the reimbursement of expenses incurred at an event he attended.

BACKGROUND

Cr Gale has submitted the following Notice of Motion:

**“That the council ratify my trip to the Team Towns conference at Dowerin, on the 30th of April 2021 on behalf of the Shire of Kojonup. To network, research and investigate the benefits of the Team Town movement to the strategic objectives and long term benefit to the community of Kojonup as a participant of the movement. Then report back to council the findings for further discussion.
That travel expenses be reimbursed as per council policy”**

COMMENT

Council Policy 3.10 (Councillors Fees & Reimbursements) prescribes the manner, amount and circumstances that elected members are entitled to have expenses reimbursed, as follows:

‘Reimbursement of Expenses

Conferences

Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.

Travel

Council will reimburse Councillors' travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective, a Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre in the Local Government Industry Award on presentation of a completed log book.

Out of Pocket Expenses

Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager of Corporate and Community Services.'

Also:

'Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.'

As Cr Gale did not have his attendance at the Team Towns Conference authorised by the Council, the provisions of Council Policy 3.10 are not available without a Council decision. This policy serves to ensure that Councillors attendance at meetings and events on behalf of the Council is considered, deliberate and in accordance with the strategic directions of the Shire. It also ensures that public money is spent appropriately and is not open to abuse.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Section 5.98 of the *Local Government Act 1995* relates to the payment of 'Fees etc. for council members'.

POLICY IMPLICATIONS

Council Policy 3.10 (Councillors Fees & Reimbursements) prescribes the manner, amount and circumstances that elected members are entitled to have expenses reimbursed.

FINANCIAL IMPLICATIONS

Cr Gale has requested that his travel expenses be reimbursed as per council policy. This would be as follows:

- = Kojonup to Dowerin and return
- = 338kms x 2 x \$0.78 per km
- = **\$527.28**

Account 1508 (Members Travelling) has a budget of \$700, of which \$74 has been expended to date.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Were there Shire owned vehicles available for use, such as the Shire President's?

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

Nil.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION

“That the council ratify Cr Gale’s trip to the Team Towns conference in Dowerin on 30 April 2021 on behalf of the Shire of Kojonup. To network, research and investigate the benefits of the Team Town movement to the strategic objectives and long term benefit to the community of Kojonup as a participant of the movement. Then report back to council the findings for further discussion. That travel expenses be reimbursed as per council policy”

16 **NEW BUSINESS**

17 **CONFIDENTIAL REPORTS**

17.1 CONFIDENTIAL ITEM – CEO RECRUITMENT

AUTHOR	Lorraine Wyatt – Executive/Human Resource Coordinator
DATE	Friday, 13 May 2021
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

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

PROCEDURAL MOTION

That the meeting be reopened to the public at _____pm.

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 15 June 2021 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 pm.

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Council Meeting held on 20 April 2021
Item 7.2	7.2.1	Unconfirmed Minutes of the Special Council Meeting held 6 May 2021
Item 10.1	10.1.1	Benn Parade Co Location Discussion Minutes 28 April 2021
	10.1.2	Benn Parade Co Location Facility First Draft Plan
Item 11.1	11.1.1	Bush Fire Advisory Council Minutes 29 April 2021
Item 11.2	11.2.1	Kojonup Volunteer Bush Fire Brigade Annual General Meeting Minutes April 2021
Item 11.3	11.3.1	Fire Break Order 2021/2022
Item 12.1	12.1.1	Monthly Financial Statement March 2021
Item 12.2	12.2.1	Monthly Financial Statement April 2021
Item 12.3	12.3.1	Monthly Payment Listing April 2021
Item 12.4	12.4.1	ICR26867 Kojonup Historical Society Intent for land
Item 12.5	12.5.1	Local Government Act 1995 – Division 9 – Conduct
	12.5.2	Local Government (Model Code of Conduct) Regulations 2021 – [00-a0-01]
	12.5.3	Policy 3.25 Code of Conduct for Elected Members Committee Members and Candidates DRAFT
Item 12.6	12.6.1	OSH Terms of Reference April 2021 showing changes
	12.6.2	OSH Terms of Reference April 2021 clean copy
Item 13.1	13.1.1	Outbuilding Plans
	13.1.2	Neighbours Support Letters
Item 13.2	13.2.1	Gnowangerup Airport Policy Document
Item 13.3	13.3.1	Map of Great Southern Region
	13.3.2	DAMA Application Form
	13.3.3	Employer Costs
	13.3.4	Subclass 494 Visa
	13.3.5	Subclass 482 Visa
	13.3.6	Subclass 186 Visa