

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

15 June 2021

MINUTES FOR THE COUNCIL MEETING HELD ON 15 JUNE 2021

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Unconfirmed

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.

Leading community outcomes

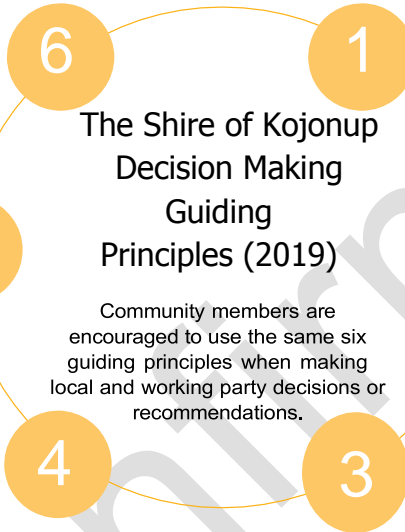
community strategic direction, plus regional impact and state-wide needs are fused together when making decisions.

Compliance

appropriate compliance and tolerable risk is considered, although not so much as to fatigue or delay growth.

Past and Present

forward-thinking growth is encouraged, whilst we consider and celebrate the past.



People First

when considering public spaces, people will be given precedence, over transport and business.

Sharp Funding

short and long term financial implications will be considered, along with collaborative ownership options

Analysis-based

objective and evidence-based data and insights must support decision making

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer – 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

Cr Radford

Cr Fleay

Cr Gale

Cr Pedler

Cr Webb

Cr Wieringa

Cr Singh

Shire President

Deputy Shire President

STAFF

Rick Mitchell-Collins

Anthony Middleton

Emily Sleight

Lorraine Wyatt

Judy Stewart

Robert Jehu

Chief Executive Officer

Manager Corporate and Community Services

Sport and Recreation Officer

Executive/Human Resource Coordinator

Senior Administration Officer

Manager Regulatory Services

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

GALLERY

Jill Mathwin

Susanne Bilney

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 Mr Digby Stretch - President Kojonup Bushfire Association (submitted via email 31 May 2021)

In April, the Bushfire Association AGM endorsed the list of FCO's for the next season, which was then endorsed by BFAC to go to shire as a recommendation.

With no consultation with BFA or BFAC, the Officer Recommendation put to council for the May 18th meeting had the CESM Kevin Bransby's name added to the BFAC recommendation for FCO's.

The FCO status of the CESM position has been contentious. The attached BFAC minutes make no reference to the CESM FCO issue, as it was not discussed.

It appears that the CEO has tried to avoid discussion of the topic by leaving it out of the BFAC meeting and adding it afterwards as a recommendation to council.

Does the Kojonup Shire Council consider this to be an appropriate level of governance and trust by the CEO?

Response:

In accordance with the following points, item 11.1 in the 18 May 2021 Council Minutes is considered to be an “appropriate level of governance and trust by the CEO” and the Shire of Kojonup:

1. The minutes of the Bush Fire Advisory Committee (BFAC) meeting were provided to the Council in full as an attachment to the 18 May 2021 Council Meeting agenda item;
2. The recommendation within item 11.1 from the 18 May 2021, titled “Officer’s Recommendation” (not “Committee Recommendation”), includes under point 2 of the recommendation, the line “Kevin Bransby, CESM”. This does not appoint Mr Bransby as a Fire Control Officer (FCO), as disclosed in the motion. Mr Bransby is the only person *without* “FCO” listed after his name;
3. As Mr Bransby is not a Fire Control Officer, the FCO status of the CESM position is not considered to be contentious, nor would the BFAC minutes be expected to make reference to a matter that was plainly not discussed. Therefore, there would be no reason for the CEO to “try to avoid”, discussing something that isn’t true;
4. No questions were asked by elected members regarding item 11.1 at the 18 May 2021 Council Meeting and the motion was carried unanimously;
5. The question raised by Mr Stretch, and copied to all elected members and others, was subsequently raised by Cr Radford at the Briefing Session held 1 June 2021, whereby the minutes reflect the following outcome:
“CESM – Councillors agreed with inclusion of officer in resolutions at May Council meeting as officer still requires authorisation from CEO as per MOU.”

4.2 Ms Susanne Bilney

Ms Bilney advised Council that she wished to submit three (3) questions which are outlined below.

1. Why did Council only approve \$12,000 being allocated in the 21/22 Annual Budget when the estimated cost is around \$20,000 based on previous officer reports?
2. Councillors Benn and Radford in a meeting with Historical Society Members Arthur Collins and Hugh Carder, advised that they had no intention of moving the Machinery Shed, yet Council Decision 135/17 clearly indicated the Councils intention. Where is their professional integrity?
3. What is the expected 20/21 operating loss for the Kodja Place and does Council intend to fund such losses into the future?

Response

The Shire President thanked Ms Bilney for her interest and advised that a response would be provided in due course.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 18 MAY 2021

Minutes of the Council Meeting which was held on 18 May 2021 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

64/21 Moved Cr Fleay seconded Cr Wieringa

That the Minutes of the Council Meeting held on 18 May 2021 be confirmed as a true record.

CARRIED 8/0

7.2 SPECIAL COUNCIL MEETING 1 JUNE 2021

Minutes of the Special Council Meeting which was held on 1 June 2021 were previously circulated under separate cover and are at [Attachment 7.2.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

65/21 Moved Cr Fleay seconded Cr Singh

That the minutes of the Special Council Meeting held on 1 June 2021 be confirmed as a true record.

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Item 17.2 – Chief Executive Officer Employment Contract – Extension of Term and Executive Leave Days

- Rick Mitchell-Collins declared a Direct Financial Interest in this item being the Chief Executive Officer and the subject of the item.

Item 17.3 - Chief Executive Officer Performance Appraisal

- Rick Mitchell-Collins declared a Direct Financial Interest in this item being the Chief Executive Officer and the subject of the item.

Unconfirmed

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 KEVIN O’HALLORAN MEMORIAL POOL – TEN (10) YEAR OPERATIONAL PLAN REVIEW

AUTHOR	Emily Hills – Sport and Recreation Officer
DATE	Friday, 4 June 2021
FILE NO	CP.MTC.29
ATTACHMENT(S)	10.1.1 - Kevin O’Halloran Memorial Swimming Pool Ten (10) Year Operational Plan Review March 2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 1 - Place	1.2 - Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.10 – Sporting Infrastructure Upgrades <ul style="list-style-type: none"> • Create swimming pool leisure activities • East pool fence upgrade 1.2.11 – Additional shade and life of pool tank at the Kevin O’Halloran memorial Swimming Pool to increase community use 1.2.13 – Investment in the swimming pool including shade and increasing the life of the pool tank

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of the report is for Council to consider the review of the ten (10) year Operational Plan (Plan) for the operation, refurbishment and maintenance of the Kevin O’Halloran Memorial Swimming Pool.

BACKGROUND

At the April 2020 Ordinary Council Meeting, Council resolved as follows:

OFFICER RECOMMENDATION/COUNCIL DECISION

37/20

“That the Ten (10) Year Precinct Plan for the Kevin O’Halloran Memorial Swimming Pool, as attached, be adopted.”

Following this decision, Shire staff have progressed and updated the plan to include completed works, urgent works and a clear timeline for the suggested completion of projects.

COMMENT

The Kevin O'Halloran Memorial Swimming Pool is a highly utilised asset for residents in Kojonup. The Shire is providing an essential service by assisting with the provision of swimming lessons for children. The Centre for Disease Control and Prevention notes that drowning is the second leading cause of death in children aged 5-14 years, with swimming lessons reducing the risk of drowning by 88%.

In addition to educational opportunities, the Swimming Pool provides low-cost access to activities promoting health and wellbeing. With the various program offerings available for all ages over the summer period, community members have the ability to interact and remain physically active.

Following the purchase of the inflatable obstacle course in 2019, weekend sessions became very popular with families. This indicates that having extra activities available for patrons has a positive impact on facility usage. This would be further supported by the installation of a half-court basketball space and a small children's playground area. Both of these spaces would encourage families to remain longer at the Swimming Pool by offering alternatives to being in the water.

The allocation of budget funds to complete urgent works as listed in the reviewed Plan in the 2021/2022 Financial Year, as well as the required annual and bi-annual servicing, will ensure the Swimming Pool remains a safe facility for users and staff. It is worth noting that the results of the Royal Life Saving Association WA's Safety Assessment of 2020 indicate the current management processes regarding safety are being implemented well, and funds should continue to be allocated to ensure patron and staff safety at all times.

CONSULTATION

Gavin Bunbury - Swimming Pool Manager
Briefing Session – 6 April 2021

STATUTORY REQUIREMENTS

Health (Aquatic Facilities) Regulations 2007

POLICY IMPLICATIONS

2.2.14 Occupational Health and Safety

In summary, we expect of our leaders:

- To lead by good example, create, adopt and maintain safe work practices and behaviours that lend to safe & healthy team environments;
- To resource our workplace and our teams so they can operate safely;
- To remove barriers that could prevent a safe and healthy environment;
- To promote and maintain standards defined by our Safety Management Plan, practices and Occupational Safety & Health legislation;
- To supervise effectively, encourage and foster work practices, and implement hazard management and work planning to the requirements of our OSH Safety Management Plan.

We expect all our workers and volunteers:

- To lead by good example, participate in safe work practices and behaviours that lend to safe and healthy team environments;
- To work respectfully and foster professional and healthy relationships with fellow team members and co-workers;
- To follow work procedures and instructions that will assist in meeting the objectives of this Policy;
- To follow the training they have been provided with in order to work safely;
- To report on hazards, incidents and safety concerns within the procedures of our Safety Management Plan and practices.

2.3.4 Asset Management

Asset Management Plans will form part of the Shire’s day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

2.3.5 Risk Management

The Shire is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes. This will ensure compliance with the Integrated Planning requirements of the *Local Government Act (1995)* s. 5.56(2).

FINANCIAL IMPLICATIONS

1C2950 – Swimming Pool Capital Improvement/Renewal

There has not been an allocation of funds for the scope of works listed in the Asset Management Plan in the 2020/2021 Budget. Council should consider the allocation of funds for urgent works and the items listed in the ‘Year Two 2021/2022’ column of the Ten Year Asset Management Plan Yearly costing’s in the 2021/2022 Budget.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Asset Sustainability</i>	<i>Inadequate design – not fit for purpose</i>	<i>Routine maintenance schedule: Other infrastructure (Parks, reserves & play equipment)</i>	<i>Nil – however routine maintenance occurs but does not address this specific issue</i>
<i>Business Disruption</i>	<i>Loss of key infrastructure</i>	<i>Business continuity framework</i>	<i>Nil</i>
<i>Facilities-Venues</i>	<i>Inadequate oversight or provision of peripheral services</i>	<i>Facility operation manuals and service plans</i>	<i>Nil</i>

Risk rating Medium

IMPLICATIONS

Completing scheduled maintenance and programmed upgrades for the Swimming Pool will reduce risks to the Shire and patrons. Ongoing upgrades required by regulations specified in Health (Aquatic Facilities) Regulations 2007 will ensure the Shire are meeting legal requirements in managing an aquatic facility.

ASSET MANAGEMENT IMPLICATIONS

8.3.9 Lists the Swimming Pool with a renewal value of \$3,884,325.00.

In Section 14, Individual Asset Summaries, there has been no allocation in either the Proposed Annual Renewal Expenditure or the Predicted Annual Renewal Expenditure for the items listed in the Swimming Pool Asset Management Plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

66/21 Moved Cr Gale seconded Cr Singh

That the reviewed Kevin O'Halloran Memorial Swimming Pool Ten (10) Year Operational Plan be adopted by council.

CARRIED 8/0

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – REVIEW OF STRATEGIC DIRECTIONS 2021 - 2024

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer	
DATE	Tuesday, 8 June 2021	
FILE NO	GR.LRL.2	
ATTACHMENT	11.1.1 - Strategic Directions 2021-2024 (April 2021)	
STRATEGIC/CORPORATE IMPLICATIONS		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances.	2.1.1 – Build partnerships with WA recreation, business and tourism. 2.1.6 Explore shared services options with neighbouring local governments to improve efficiencies.

DECLARATION OF INTEREST

Nil.

SUMMARY

To adopt the Southern Link – Voluntary Regional Organisation of Councils (VROC) Review of Strategic Directions 2021 -2024.

BACKGROUND

Bevan Bessen (Tuna Blue Pty Ltd) has undertaken the review over two sessions with VROC Member Elected Representatives and Chief Executive Officers to finalise the Plan at the Southern Link Full VROC meeting held on 31 May 2021, where it was resolved:

5/21 Decision:

Moved: Cr R Fleay

Seconded: Cr F Gaze

That the Southern Link VROC recommend to member Councils the adoption of the 2021 - 2024 Southern Link Strategic Plan as tabled.

CARRIED UNANIMOUSLY

COMMENT

The Strategic Directions (2021 – 2024) of the Southern Link Voluntary Regional Organisation of Councils is the framework for the excellent working relationship that has developed between six Local Government Authorities in the Great Southern Region of Western Australia.

In the first Strategic Directions (2015 – 2020), the Councils spent time working out the basis of the VROC approach and focused on priorities such as the provision of aged housing and

independent living facilities, the development of regional records archiving, water recycling and regional road initiatives.

The current plan is now based on the value and benefits to be achieved from an expanded sub-regional group as a result of agreement in principle on the additional participation of the Shire of Gnowangerup and the Shire of Katanning. The focus is on building advocacy strength as a significant sub-regional bloc.

CONSULTATION

Southern Link VROC Meetings – 8 November 2019 and 4 December 2020

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An additional two local governments in the VROC will enable financial contributions required to achieve strategic objectives, addressing common issues, joint initiatives, research, etc., to be shared amongst six shires rather than the previous four local governments.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Aligns with Local Government ability to undertake Integrated Planning and Reporting, both individually and collectively which is supported.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

67/21 Moved Cr Fleay seconded Cr Gale

That Council adopts the reviewed Strategic Directions 2021-2024 of the Southern Link Voluntary Regional Organisation of Councils as attached.

CARRIED 8/0

11.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES 25 MAY 2021

AUTHOR	Rick Mitchell-Collins, Chief Executive Officer
DATE	Wednesday, 2 June 2021
FILE NO	ES.MET.1
ATTACHMENT(S)	11.2.1 - LEMC Minutes 25 May 2021

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

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Local Emergency Management Committee meeting held 25 May 2021.

BACKGROUND

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

COMMENT

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

CONSULTATION

Members of the Local Emergency Management Committee

STATUTORY REQUIREMENTS

Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
The Shire is legislated to establish and maintain a LEMC. Having a LEMC assists staff, Councillors and relevant Community members to be able to work together under pressure in times of extreme stress should an emergency situation arise thus mitigating risk.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

68/21 Moved Cr Radford seconded Cr Singh

That the minutes of the Local Emergency Management Committee Meeting held 25 May 2021 be received.

CARRIED 8/0

11.3 ELECTRIC VEHICLE CHARGING STATION FEES

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Friday, 4 June 2021
FILE NO	ET.CON.1
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.1 - Be growing our state-wide and local tourism and shopping capabilities through regional alliances.	2.1.2 – Promote and facilitate Kojonup as a short term tourism destination to and from Albany

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider the implementation of fees for users of the Shire owned Electric Vehicle Charger located at The Kodja Place.

BACKGROUND

At the Ordinary Council Meeting held 28 July 2020, Council resolved as follows:

88/20 Moved Cr Radford, seconded Cr Fleay

“That:

1. The offer of a donated Tritium 50kW Veefill station from Synergy including installation of the unit, to a total value of \$30,000, be accepted;
2. The Service Level Agreement and quote for Annual Fees from Gemtek be accepted;
3. Use of the charging station for electric vehicles be free for the 2020/2021 financial year as a trial and a tool to promote Kojonup, following which pricing will be set at a commercial level.”

CARRIED 7/0

As Council is in the process of finalising the 2021/2022 Budget, the decision on whether to implement a fee per kilowatt hour (kWh) for the Electric Vehicle Charger should be made prior to the advertising of Fees and Charges.

COMMENT

The Electric Vehicle Charger has been well utilised since its installation in November 2020. The unit was gifted to the Shire by Synergy, and is decorated with original artworks by local indigenous artist Craig McVee.

Figures gathered from the Chargefox billing management system indicate the following:

- 6100kWh of electricity used to end May 2021
- \$1159.10 cost in electricity to Shire to end May 2021
- 196 uses over the 6 month period to date

Average fees for Chargefox electric vehicle charging systems are between 30 and 40 cents per kWh. A table indicating projected usage and possible fee income is below.

	2020/2021	2021/2022 – if charged		
	Nil charge	30c per kWh	40c per kWh	50c per kWh
Estimated kWh	6100kWh	12200kWh	12200kWh	12200kWh
Costs of usage	\$1159.10	\$2300 (estimated)	\$2300 (estimated)	\$2300 (estimated)
Annual service fee	\$3963.00	\$3963	\$3963	\$3963
Income	Nil	\$3660 (estimated)	\$4880 (estimated)	\$6100 (estimated)
Net position	-\$5122.10	-\$2603.00	-\$1383.00	-\$163.00

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The ongoing costs of running and maintaining the electric vehicle charging station are as per the service agreement with Gemtek signed November 2020, \$3,603.24 ex GST annually.

If figures are estimated for the 2021/2022 financial year in line with usage for the period November to end May 2021, total cost to the Shire will be approximately \$6263.00 for 2021/2022. This can be offset in part by setting a fee per kWh for users of the service. In line with average fees for Chargefox systems, a 30 cent rate per kWh would see the Shire reduce their costs to \$2603 for 2021/2022, a 40 cent rate per kWh would reduce it to \$1383.00 for 2021/2022 and a 50 cent rate per kWh would reduce it to \$163.00 for 2021/2022. Each option is preferable to continuing to offer the charging facility for free to users.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Asset Sustainability</i>	<i>Insufficient budget to maintain or replace assets</i>	<i>Routine maintenance schedule</i> <i>Asset replacement schedule</i>	<i>Nil</i>
<i>IT & Communications</i>	<i>Power outage on site or at service provider</i> <i>Failure of vendor</i>	<i>Maintenance program</i> <i>Service level agreement with vendor</i>	<i>Negotiate service level agreement with vendor</i> <i>Negotiate service level agreement with vendor</i>
<i>Supplier and Contract Management</i>	<i>Limited availability of suppliers</i>	<i>Tender / procurement process</i>	<i>Nil</i>
<i>Risk rating - Low</i>			
IMPLICATIONS			
<i>Insufficient budget to maintain or replace assets can be mitigated by the sale of electricity to partially offset the annual service fees and electricity charges associated with the electric vehicle charging station.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nothing exists currently in the Asset Management Plan in regards to electric vehicle charging facilities. The unit will require annual servicing, as specified in the Service Level Agreement, and reporting through the Chargefox system and replacement at the end of its useful life.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

69/21 Moved Cr Fleay seconded Cr Gale

That Council adopt a 50 cent per kWh fee (excluding GST) for users of the Electric Vehicle Charger located at The Kodja Place for the 2021/2022 Financial Year as part of the List of Fees and Charges.

CARRIED 8/0

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

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

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Wednesday, 9 June 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – May 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 May 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 May 2021 represents eleven (11) months, or 92% of the year.

The following items are worthy of noting:

- Closing surplus position of \$170,334;
- Operating results:
 - 74% of budgeted operating revenue has been received; and
 - 94% of budgeted operating expenditure spent;
- Capital expenditure achieved 35% of budgeted projects;
- Cash holdings of \$3.71m of which \$3.48m is held in cash backed reserve accounts and \$347,553 is a grant held for other parties; and

- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

70/21 Moved Cr Gale, seconded Cr Radford

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

CARRIED 8/0

12.2 MONTHLY PAYMENTS LISTING MAY 2021

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Tuesday, 8 June 2021
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/05/2021 to 31/05/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
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

To receive the list of payments covering the month of May 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.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

71/21 Moved Cr Radford, seconded Cr Singh

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

FROM – 1 May 2021		TO – 31 May 2021
Municipal Cheques	14295 - 14295	\$25,204.89
EFTs	28051 - 28269	\$675,060.60
Direct Debits		\$388,776.10
Total		\$1,089,041.59

be received.

CARRIED 8/0

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

Nil

Unconfirmed

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

14.1 ELECTORAL REFORM SUBMISSION

AUTHOR	Rick Mitchell-Collins – Chief Executive Officer
DATE	Tuesday, 8 June 2021
FILE NO	GR.STL.1
ATTACHMENT(S)	14.1.1– WALGA and Shire of Kojonup Submissions

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 5 - Digital	5.4 – Have used technology to become a smart, safe, collaborative and informed region.	5.4.4 – Use continually collected data and analysis to better plan for population, accommodation, education, health and aged care services.

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the WALGA and Shire of Kojonup submissions to the State Government regarding Electoral Reform of the Legislative Council voting system.

BACKGROUND

Hon. John Quigley MLA, Attorney General; Minister for Electoral Affairs, announced on Friday, 30 April 2021 the establishment of a Ministerial Expert Committee to advise the Government on electoral reform. The Government now asks the Committee to review the electoral system for the Legislative Council and provide:

1. Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council, and
2. Recommendations for the distribution of preferences in the Legislative Council’s proportional representation system.

COMMENT

(Extracts from WALGA submission)

“The Minister has expressed an opinion that the group ticket voting system that enables micro party candidates to be elected is not democratic.

Wilson Tucker, of the Daylight Savings Party, was elected to the Legislative Council with 98 first preference votes (which equates to less than 0.2 percent of valid votes) in the Mining and Pastoral Region.

Similar outcomes were observed in the Australian Senate prior to the 2016 election, which led to the changes to the Senate’s voting method.

Reform in WA should be undertaken to remove the group voting ticket from the Legislative Council voting system similar to the Senate reforms undertaken in 2016.

Practically, this would mean voters would be required to allocate preferences among parties above the line, or among candidates below the line, up to, at minimum, the number of vacant positions in the region or electoral district.

The aim of removing group ticket voting would be to make it much more difficult for micro parties to have candidates successfully elected through “preference harvesting”. The 2016 Senate reforms demonstrated that the removal of group voting tickets had this effect at the 2016 full-Senate and 2019 half-Senate elections.

In addition, given the familiarity of the method of voting for the Senate, adopting electoral reform of this nature would be unlikely to significantly increase the rate of informal voting.

Rejects the option of members of the Legislative Council being elected from an electorate comprising the entire state of Western Australia, principally on the basis that rural and remote political representation would be diminished irrevocably.

Representing communities through Local Government across the breadth of the vast state of Western Australia, WALGA recognises the importance of political representation. As demographic and other forces pull people away from some regions towards the metropolitan area, political representation becomes increasingly important. The terms of reference – demanding electoral equality – are contestable. It is the Local Government sector’s experience that equality has many facets. Different levels of State Government services provided to different communities exemplify inequality, as does the varying distance to be travelled to access services and elected representatives. Focusing on equality only in terms of the number of electors in a Legislative Council region neglects to recognise the social, societal, economic, and geographic reality among Western Australian communities.

Electoral equality, established on the basis of the number of electors, in the Legislative Council will reduce political representation of rural and remote communities. Consequently, the political representation provided by Local Government will become even more important. This additional responsibility will be very challenging for many non-metropolitan Local Governments which are already stretched beyond their current capacity and resourcing.”

CONSULTATION

WALGA Policy Forum – Cr R Fleay as Great Southern Zone representative and State Councillor sought Local Government input.

Briefing Sessions – 18 May and 8 June 2021

STATUTORY REQUIREMENTS

Electoral Act 1907

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 Compliance	<p><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></p> <p><i>Ineffective policies & processes</i></p>	<p><i>External Audits (compliance)</i></p>	<p><i>Nil</i></p>
Risk Rating - Adequate			
IMPLICATIONS			
<p><i>Supporting the WALGA and Shire of Kojonup submission lessens the risk associated with less representation in non-metropolitan electorates.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

72/21 Moved Cr Fleay, seconded Cr Gale

That Council endorses the WALGA and Shire of Kojonup submission recommendations listed below:

- 1. Group Ticket Voting be removed from the Legislative Council Electoral System, and reforms be adopted modelled on the Senate reforms of 2016.**
- 2. A regional system be retained, and the whole state electorate option be rejected.**
- 3. The Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia**

CARRIED 8/0

Unconfirmed

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

Unconfirmed

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

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.

Members of the Gallery and Emily Sleight left the meeting at 3.36pm and did not return.

PROCEDURAL MOTION/COUNCIL DECISION

73/21 Moved Cr Gale, seconded Cr Fleay

That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a)-(c) of the *Local Government Act 1995* at 3.26pm.

CARRIED 8/0

17.1 LEASE OF COUNCIL PROPERTY – PART OF LOT 9999 THORNBURY CLOSE, KOJONUP – TENDER 3 OF 2020/21

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 9 June 2021
FILE NO	CP.LEA.1

OFFICER RECOMMENDATION/COUNCIL DECISION

74/21 Moved Cr Radford, seconded Cr Webb

That a tender from Gary Cavanagh for \$3,850 including GST for the lease of part of Lot 9999, Thornbury Close, Kojonup (as per attached map) for a three (3) year period commencing on 24 June 2021 and expiring on 23 June 2024, for grazing and cropping purposes, be accepted.

CARRIED 8/0

Anthony Middleton left the meeting at 3.31pm

Judy Stewart, Robert Jehu left the meeting at 3.31pm and did not return.

Rick Mitchell-Collins declared a direct financial interest in items 17.2 and 17.3 and left the meeting

17.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT – EXTENSION OF TERM AND EXECUTIVE LEAVE DAYS

AUTHOR	Lorraine Wyatt – Executive/Human Resource Coordinator
DATE	Wednesday, 9 June 2021
FILE NO	Personnel

OFFICER RECOMMENDATION

That:

1. Council, and the CEO, Rick Mitchell-Collins agree in writing, as Decision 128/20 indicates, to an extension to the term of Mr Mitchell-Collins current employment contract, from 21 June 2021 to and including 23 July 2021.
2. Council reaffirms that the CEO, Rick Mitchell-Collins as per Decision 89/16 be allocated 6 days (45.6 hours) per annum Executive Leave, (which is not cumulative) and as such 59.3 hours to be off-set from Mr Mitchell-Collins leave entitlements, noting that Mr Mitchell-Collins is prepared to agree in writing to this off-set to clarify any ambiguity.

COUNCIL DECISION

75/21 Moved Cr Gale (with amendment to 30 July 2021) seconded Cr Singh

That:

- 1. Council, and the CEO, Rick Mitchell-Collins agree in writing, as Decision 128/20 indicates, to an extension to the term of Mr Mitchell-Collins current employment contract, from 21 June 2021 to and including 30 July 2021.**
- 2. Council reaffirms that the CEO, Rick Mitchell-Collins as per Decision 89/16 be allocated 6 days (45.6 hours) per annum Executive Leave, (which is not cumulative) and as such 59.3 hours to be off-set from Mr Mitchell-Collins leave entitlements, noting that Mr Mitchell-Collins is prepared to agree in writing to this off-set to clarify any ambiguity.**

CARRIED BY ABSOLUTE MAJORITY 7/1

Reason for change: Council offered Mr Mitchell-Collins the opportunity to extend his employment contract for an additional week to undertaken a two (2) week handover with the incoming CEO and Mr Mitchell-Collins accepted.

17.3 CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL

AUTHOR	Lorraine Wyatt – Executive/Human Resource Coordinator
DATE	Thursday, 10 June 2021
FILE NO	Personnel

Anthony Middleton returned to the meeting at 3.37pm at the request of the Elected Members to discuss the budget impact of the Officer's recommendation and left the meeting again at 3.40pm.

OFFICER RECOMMENDATION/COUNCIL DECISION

76/21 Moved Cr Wieringa seconded Cr Fleay

That the CEO Performance Review undertaken by Elected Members on 8 June 2021 authorise the following outcomes and actions:

- 1. That Council completes the review process by accepting the findings of the collated Chief Executive Officer Review document.**
- 2. The CEO Total Reward Package be increased to include reimbursement of the Health Insurance Premiums from July 2019 to June 2020 and July 2020 to July 2021 in accordance with the Salaries and Allowances Tribunal Determination No 1 of April 2021, Part 2: Total Reward Package: 2.1 (3) (k) Health Insurance to the value of \$5471.40.**
- 3. That Council continue with the agreed performance indicators and reporting structure.**
- 4. That Council thank the Chief Executive Officer for his efforts over the review reporting period.**

CARRIED BY ABSOLUTE MAJORITY 8/0

PROCEDURAL MOTION

77/21 Moved Cr Fleay, seconded Cr Gale

That the meeting be reopened to the public at 3.45 pm.

CARRIED 8/0

Rick Mitchell-Collins returned to the meeting at 3.46pm

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 27 July 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 3.50pm.

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Council Meeting held on 18 May 2021
Item 7.2	7.2.1	Unconfirmed Minutes of the Special Council Meeting held 1 June 2021
Item 10.1	10.1.1	Kevin O’Halloran Memorial Swimming Pool Ten (10) Year Operational Plan V1.0
Item 11.1	11.1.1	Strategic Directions 2021 – 2021 (April 2021)
Item 11.2	11.2.1	LEMC Minutes 25 may 2021
Item 12.1	12.1.1	Monthly Financial Statement May 2021
Item 12.2	12.2.1	Monthly Payment Listing 1/05/2021 to 31/05/2021
Item 14.1	14.1.1	WALGA and Shire of Kojonup Submission

Presiding Member

Date