

SHIRE OF KOJONUP  
**Kojonup**



# **MINUTES**

Ordinary Council Meeting

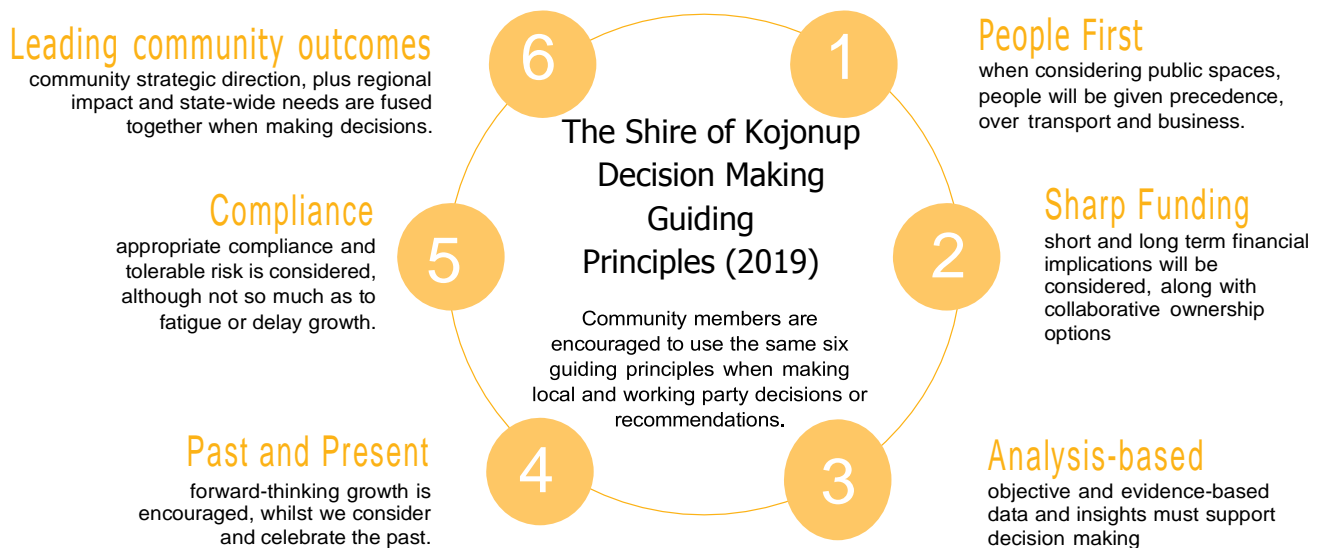
28 September 2021

**MINUTES FOR THE COUNCIL MEETING HELD ON 28 SEPTEMBER 2021**

**TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS.....	4
2	ATTENDANCE AND APOLOGIES.....	5
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	5
4	PUBLIC QUESTION TIME .....	5
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS .....	5
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	5
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	6
9	DECLARATIONS OF INTEREST.....	6
10	KEY PILLAR 1 – ‘PLACE’ REPORTS .....	7
10.1	KOJONUP BOWLING CLUB INC. - GRANT APPLICATION .....	7
11	KEY PILLAR 2 – ‘CONNECTED’ REPORTS .....	12
12	KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS.....	13
12.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (AUGUST 2021) .....	13
12.2	MONTHLY PAYMENTS LISTING AUGUST 2021 .....	15
12.3	RISK MANAGEMENT FRAMEWORK REVIEW.....	17
12.4	BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN – ANNUAL REVIEW .....	20
12.5	DELEGATION REGISTER REVIEW .....	23
12.6	PURCHASING & CREDITOR CONTROL - POLICY REVIEW .....	26
12.7	ANNUAL REPORT 2019/2020 & GENERAL MEETING OF ELECTORS .....	30
12.8	MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 SEPTEMBER 2021 .....	34
13	KEY PILLAR 4 – ‘PROSPERITY’ REPORT.....	36
13.1	MOONIES HILL ENERGY PTY LTD REQUEST TO AMEND CONDITIONS OF APPROVAL FOR THE FLAT ROCKS WIND FARM.....	36
14	KEY PILLAR 5 – ‘DIGITAL’ REPORTS.....	42
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	43
16	NEW BUSINESS.....	43
17	CONFIDENTIAL REPORTS .....	43
18	NEXT MEETING.....	43
19	CLOSURE .....	43
20	ATTACHMENTS (SEPARATE).....	44

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



MINUTES

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting open at 3.00PM and 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 Gale**

*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**

**COUNCILLORS**

Cr Benn	Shire President
Cr Radford	Deputy Shire President
Cr Fleay	
Cr Gale	
Cr Webb	
Cr Singh	

**STAFF**

Grant Thompson	Chief Executive Officer
Anthony Middleton	Manager Corporate and Community Services
Lorraine Wyatt	Executive/Human Resource Coordinator
Emily Sleight	Sport and Recreation Officer
Phil Sheppard	Planner
Judy Stewart	Senior Administration Officer

**LEAVE OF ABSENCE**

Nil

**APOLOGIES**

Cr Wieringa  
Cr Pedler  
Cr Radford

**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](mailto: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 17 AUGUST 2021**

Minutes of the Council Meeting which was held on 17 August 2021 were previously circulated under separate cover and are at Attachment 7.1.1.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**104/21 Moved Cr Gale seconded Cr Singh**

**That the Minutes of the Council Meeting held on 17 August 2021 be confirmed as a true record.**

**CARRIED 5/0**

**7.2 SPECIAL COUNCIL MEETING 7 SEPTEMBER 2021**

Minutes of the Special Council Meeting which was held on 7 September 2021 were previously circulated under a separate cover and are at Attachment 7.2.1

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**105/21 Moved Cr Fleay seconded Cr Webb**

**That the Minutes of the Special Council Meeting held on 7 September 2021 be confirmed as a true record**

**CARRIED 5/0**

**8 ANNOUNCEMENTS by the Presiding Member without discussion**

The Shire President advised that he and Councillors Radford, Sing, Gale, Fleay and the CEO had attended the WALGA Convention and Trade Exhibition from 19 September 2021 to 23 September 2021.

**9 DECLARATIONS OF INTEREST**

Nil

**10 KEY PILLAR 1 – ‘PLACE’ REPORTS**

10.1 KOJONUP BOWLING CLUB INC. - GRANT APPLICATION

<b>AUTHOR</b>	Emily Sleight – Sport and Recreation Officer
<b>DATE</b>	Monday, 20 September 2021
<b>FILE NO</b>	GS.PRG.16
<b>ATTACHMENT(S)</b>	10.1.1 - Kojonup Bowling Club Inc. CSRFF Application Annual Grants 2021

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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	1.2.3 – Provide community infrastructure that attracts outsourced or privately run facilities and programs 1.2.10 – Re-alignment and rationalisation of Kojonup recreational precinct

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider supporting the Kojonup Bowling Club Inc. (Bowling Club) Grant Application through the Department of Local Government, Sport and Cultural Industries (DLGSC) Community Sport and Recreation Facilities Fund (CSRFF) for the expansion of bowling green facilities.

**BACKGROUND**

The Bowling Club made contact with the Shire of Kojonup (Shire) in early 2021 to begin discussions around the need to expand their existing main green from a 7 rink green to a 10 rink green, given an increase in competitive and social playing members.

Regular meetings have been held with members of the Bowling Club Committee since May 2021 to further the planning and scope of this project. Committee members have provided the necessary information for the Sport and Recreation Officer to prepare the grant application.

**COMMENT**

The Bowling Club are a predominantly self-sufficient sporting and social club based at the Sports Precinct in Kojonup. They have a proactive, forward thinking committee who have recognised the potential benefits to both the community and the Bowling Club in undergoing an expansion of facilities.

Currently the Bowling Club have one functional synthetic surface bowling green (B green), and one disused bowling green (A green). The disused bowling green has been deemed by

the club as financially unviable to reinstate at this point in time, and the functional green has become too small to ensure the facilitation of current members or an expansion in numbers. The decision by the Bowling Club to investigate grant funding to progress the expansion of the B green indicates they are committed to meeting both the needs of the community and their members into the future.

The Bowling Club currently offers competitive, social and corporate bowls membership options to the community. All of these options are relatively low cost in comparison to other sports memberships, which assists in removing one participation barrier to sport. As indicated in the Great Southern Regional Sport and Recreation Plan (GSRSRP), the median weekly household income in the Great Southern is lower than WA as a whole. This increases the importance of low cost sport participation options for the Kojonup Community.

The current trends in sporting infrastructure provision advised in the GSRSRP indicate that the traditionally dominant sports of bowls, AFL, golf, cricket and hockey will still experience high demand in rural areas. This is supported by the increasing numbers of members at the Bowling Club over the past 3-5 years. Increasing membership numbers in turn supports the expansion of facility offerings to meet the needs of the Bowling Club and the town.

The Bowling Club offers a Corporate Barefoot Bowls competition annually. In the previous three seasons, participants have been turned away due to an oversubscription hindered by the lack of useable playing surfaces. This community competition is a fabulous opportunity for locals who may not usually have the time to participate in competitive sport, allowing them to increase their social interactions while enjoying low impact physical exercise. It encourages information sharing, social interaction and a sense of community in an increasingly busy world.

The Bowling Club have sufficiently planned their green expansion, sought multiple quotes for all aspects, and taken into consideration the opinions and needs of both their members and the Kojonup community. They have allocated funds through a Term Deposit for asset maintenance and replacement costs, included voluntary labour where suitable and have sourced donated materials from their members and the community. A positive referral to DLGSC for this project from the Shire will assist greatly in their application.

The proposed timeline for this project is as follows:

Task	Date
Attainment of all required approvals	January 2022
Preparation of tender/quotes for the major works contract	February 2022
Issuing of tender for major works	June 2022
Signing of major works contract	July 2022
Site works commence	August 2022
Construction of project starts	1 September 2022
Project 50% complete	20 September 2022
Project Completed	10 October 2022



Project hand over and acquittal	15 October 2022
---------------------------------	-----------------

The proposed cost of this project is as follows:

Project Description	\$ Cost ex GST	Quote Used
Construction of bowling green	313,892	Evergreen Synthetic Grass
Supply and installation of reticulation system	18,997	Elliotts Irrigation
Supply and installation of 150lux lighting system	17,901.31	BK Thomson Electrical Service
<b>Donated materials</b>	<b>8,990</b>	
<b>Volunteer Labour</b>	<b>5,850</b>	
<b>Sub Total</b>	365,020.31	
<b>Cost escalation</b>	18,251.02	<b>5%, given current market conditions</b>
<b>Total project expenditure</b>	<b>383,271.33</b>	

The grant application proposes funding the project as follows:

Source of funding	\$Amount ex GST
Local government	114,496.36
Applicant cash	127,272.96
Volunteer labour	5850
Donated materials	8990
CSRFF request	126,662.01
<b>Total project funding</b>	<b>383,271.33</b>

A requirement of the CSRFF grant process is to obtain support from the Bowling Club's relevant local government and to verify proposed funding sources. This is a very well researched project with a high community need and as such it is recommended that it be strongly supported. In addition, it is recommended that the Shire contribute financially on a one-third basis.

#### **CONSULTATION**

Council Briefing Session 7 September 2021

Regional Manager and Regional Support Officer, DLGSC Albany

Kojonup Bowling Club Inc.

Manager Corporate & Community Services

#### **STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The DLGSC CSRFF grant conditions indicate a general Local Government contribution of one third (1/3) of the total project costs. A commitment of funds is required for the application to be considered by DLGSC, however funds are not required to be available until July 2022.

As the Bowling Club is self-sufficient from the Shire in its annual operations and is such a vital community group and community facility, a capital contribution to this project is recommended.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>1.Asset Sustainability</i>	<i>Inadequate cooperation between stakeholders</i>	<i>Routine maintenance schedule</i>	<i>Nil</i>
<i>6.Engagement</i>	<i>Inadequate involvement with or support of community groups</i>	<i>Community engagement &amp; networking</i>	<i>Nil</i>
<i>10. Facilities &amp; Venues</i>	<i>Lack of lease / contract / MOU</i>	<i>Lease agreements for Shire facilities</i>	<i>Develop lease agreements register for all Shire facilities</i>
<i>13. Project/Change Management</i>	<i>Lack of investment</i>  <i>Lack of communication &amp; consultation</i>	<i>Clear/formal project ownership</i>	<i>Implement formal project management guidelines</i>
<i>15. Supplier &amp; Contract Management</i>	<i>Inadequate contractor management practices</i>  <i>Insufficient funding</i>	<i>Contract Management</i>  <i>Tender / Procurement processes</i>	<i>Nil</i>
<i>Risk rating Moderate</i>			
IMPLICATIONS			
<i>The Bowling Club have completed their due diligence in regards to the gaining of multiple quotes for each service, and will be managing the project in-house. The Committee members have been involved in projects where management of contractors and suppliers</i>			

*has been required, and the Club will also have the support of Shire staff as and when requested.*

*Extensive community discussion and engagement has been conducted for this project, with other clubs as well as Bowling Club members. The Club has a formal lease agreement with the Shire in regards to the building and grounds, which has been in place for many years. This agreement covers the maintenance and upkeep of the premises and playing surfaces, and the Shire contribute very little in regards to this.*

#### **ASSET MANAGEMENT IMPLICATIONS**

The Kojonup Bowling Club Inc. are responsible for the maintenance of the Bowling Club building and associated facilities as per the lease agreement with the Shire.

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

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

##### **106/20 Moved Cr Fleay seconded Cr Gale**

**That:**

- 1. The Kojonup Bowling Club Inc.'s application for the 2021 Community Sport and Recreation Facility Fund (CSRFF) be endorsed and strongly supported;**
- 2. A budget allocation is made in the draft 2022/2023 Annual Budget as a contribution to the upgrade project of \$114,500; and**
- 3. The Bowling Club be commended for their work in preparing the CSRFF grant application.**

**CARRIED 5/0**

**11**    **KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

Nil

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

**12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (AUGUST 2021)**

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<b>12.1.1 – August 2021 Monthly Financial Statements</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2021 +”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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 August 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 2021 to 31 August 2021 represents two (2) months, or 16% of the year.

The following items are worthy of noting:

- Closing surplus position of \$4.48m;
- Operating results:
  - 39% of budgeted operating revenue has been received; and
  - 10% of budgeted operating expenditure spent;
- Capital expenditure achieved 5% of budgeted projects;
- Cash holdings of \$4.97m of which \$3.54m is held in cash backed reserve accounts and \$241,969 is a grant held for other parties;

- Rates debtors outstanding equate to 59% of total rates raised for 2021/2022; 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**

##### **107/21 Moved Cr Gale seconded Cr Singh**

**That the monthly financial statements for the period ending 31 August 2021, as attached, be noted.**

**CARRIED 5/0**

12.2 MONTHLY PAYMENTS LISTING AUGUST 2021

<b>AUTHOR</b>	Vivicka Kahn - Finance Officer
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">12.2.1 – Monthly Payment Listing 1/08/2021 to 31/08/2021</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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 August 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**

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**

**108/21 Moved Cr Singh seconded Cr Fleay**

**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 August 2021		TO – 31 August 2021
<b>Municipal Cheques</b>	<b>14303 - 14304</b>	<b>\$6,834.58</b>
<b>EFTs</b>	<b>28596 - 28764</b>	<b>\$952,563.15</b>
<b>Direct Debits</b>		<b>\$453,070.86</b>
<b>Total</b>		<b>\$1,412,468.59</b>

be received.

**CARRIED 5/0**



12.3 RISK MANAGEMENT FRAMEWORK REVIEW

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Thursday, 16 September 2021
<b>FILE NO</b>	CM.PLN.1; RM.POL.1
<b>ATTACHMENT(S)</b>	<p>12.3.1 - Existing Risk Management Framework showing changes</p> <p>12.3.2 - Draft Risk Management Framework clean copy</p> <p>12.3.3 - Risk Profile 9 (example): External Theft and Fraud (including Cyber Crime)</p>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2021 +”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	<p>3.4 Be organised and transparent with our financial management.</p> <p>Delivered Activity: Provision of Risk Management processes and systems.</p>	<p>3.4.9 – Purchase/develop and implement a suitable and robust risk management software program to improve the management and reporting of the Shire’s risk process.</p>

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider an updated Risk Management Framework (Framework) originally created using a Local Government Insurance Services’ (LGIS) framework based on *AS/NZS ISO 31000:2018 Risk management - Guidelines* and adapted to the Shire of Kojonup’s (Shire) risk management requirements, as recommended by Council’s Risk and Audit Committee at its 7 September 2021 meeting.

**BACKGROUND**

The Shire’s existing Risk Management Framework was last reviewed in May 2019. The Shire of Kojonup was one of four regional shires, at that time, to engage LGIS in the reviewing of its previous Risk Management Plan, the aim being to ensure contemporary best practice in risk management.

In 2019, the Senior Management Team and author attended two LGIS conducted workshops concentrating on common risks, controls, actions, responsibilities/accountabilities and priorities in line with the new Framework and a new Risk Management Policy (Policy). A more in-depth comparison between the 2017 Plan and 2019 Framework was outlined in Item 12.6 of Council’s 21 May 2019 Ordinary Meeting minutes; Council adopted the existing Framework at that meeting.

At its meeting held on 7 September 2021, the Audit and Risk Committee made the following decision:

*“That it be recommended to the Council that the reviewed Shire of Kojonup Risk Management Framework dated September 2021, as attached, be adopted.”*

#### **COMMENT**

The aim of Risk Management is to recognise and manage risks in order to minimise negative consequences while optimising potential opportunities. The Risk Management process involves many facets including identification, defining levels of risk (based on consequence and likelihood), analysis, prioritisation, action/treatment, and recording, monitoring and reporting. A Risk Management Framework details that process, assigns responsibilities and is fundamental to good governance in local government.

The Framework and Policy are supported, at an operational level, by a working document containing fifteen (15) risk profiles generic to local governments which also encompass risks unique to the Shire of Kojonup such as those associated with the Springhaven aged care facility. An example of a risk profile can be found at Attachment 12.3.3.

All staff were consulted for the 2021 review of the Risk Management Framework; minor and inconsequential updates and amendments to the existing document are shown in Attachment 12.3.1.

The Shire’s reviewed Business Continuity and Disaster Recovery Plan 2021 (a risk mitigation document) is also for Council consideration at this meeting.

#### **CONSULTATION**

All Staff

#### **STATUTORY REQUIREMENTS**

Whilst a Risk Management Plan is not required specifically under legislation, regulation 17 of the *Local Government (Audit) Regulations 1996* requires:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to*
  - a. Risk management; and*
  - b. Internal control; and*
  - c. Legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub-regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

#### **POLICY IMPLICATIONS**

Council Policy 2.3.5 ‘Risk Management’ is central to the Risk Management Framework.

#### **FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

The Risk Management Framework underpins all risk management aspects pertaining to the Shire.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

109/21 Cr Fleay seconded Cr Singh

That the reviewed Shire of Kojonup Risk Management Framework dated September 2021, as attached, be adopted.

CARRIED 5/0

12.4 BUSINESS CONTINUITY AND DISASTER RECOVERY PLAN – ANNUAL REVIEW

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	16 September 2021
<b>FILE NO</b>	CM.PLN.1; RM.POL.1
<b>ATTACHMENT(S)</b>	<p>12.4.1– Business Continuity and Disaster Recovery Plan (BCDRP) September 2021 (showing changes)</p> <p>12.4.2 - BCDRP September 2021 (clean copy)</p> <p>12.4.3 – BCDRP Addendum - COVID-19 Pandemic Response Plan 2021 (showing changes)</p> <p>12.4.4 – BCDRP Addendum – COVID-19 Pandemic Response Plan 2021 (clean copy)</p>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2021 +”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	<p>3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group</p> <p>3.4 – Be organised and transparent in our financial management</p>	Delivered Activity – Provision of Risk Management processes and systems

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To seek Council’s endorsement of a reviewed and updated Business Continuity and Disaster Recovery Plan including a COVID-19 Pandemic Response Plan and Springhaven Lodge Outbreak Management Plan, as recommended by Council’s Audit and Risk Committee at its 7 September 2021 meeting.

**BACKGROUND**

The Council last reviewed its Business Continuity and Disaster Recovery Plan (Plan) in April 2020.

At its meeting on 7 September 2021, the Audit and Risk Committee made the following decision:

*“That it be recommended to the Council that the updated Business Continuity and Disaster Recovery Plan September 2021, including the COVID-19 Pandemic Response Plan 2021 and Springhaven Lodge Outbreak Management Plan, as attached, be adopted.”*

## **COMMENT**

A Business Continuity and Disaster Recovery Plan, including a COVID-19 Pandemic Response Plan and Springhaven Lodge Outbreak Management Plan, provides guidance at a time when an organisation may be under considerable duress following a disaster that has affected, or in the event of a pandemic continues for some time to affect, the ability to provide essential or required services. Such a Plan identifies priorities and the resources required to return services in as quick and efficient manner as possible or to guide the organisation through a sustained event, aiming to minimise negative impact. Due to the upheaval that may be caused by such events, including dealing with the confusion that may accompany them, a well thought out Plan containing current, up to date information is a vital resource.

Changes to the existing Plan are tracked and shown in red font in the first attachment.

## **CONSULTATION**

Chief Executive Officer  
Manager Corporate and Community Services  
Manager Works and Services  
Manager Springhaven  
Works Administration Officer

## **STATUTORY REQUIREMENTS**

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

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

## **POLICY IMPLICATIONS**

The Plan is completed in accordance with Council's Risk Management Policy 2.3.5 and Business Continuity Policy 2.3.6.

## **FINANCIAL IMPLICATIONS**

Nil

## **RISK MANAGEMENT IMPLICATIONS**

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

## **ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER/COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**110/21 Moved Cr Fleay seconded Cr Singh**

**That the updated Business Continuity and Disaster Recovery Plan September 2021, including the COVID-19 Pandemic Response Plan 2021 and Springhaven Lodge Outbreak Management Plan, as attached, be adopted.**

**CARRIED 5/0**

12.5 DELEGATION REGISTER REVIEW

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Thursday, 16 September 2021
<b>FILE NO</b>	PE.AUT.2
<b>ATTACHMENT(S)</b>	12.5.1 Delegation Register (current) - showing tracked changes 12.5.2 Draft Delegation Register – clean copy

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance (part thereof)	3.4 - Be organised and transparent with our financial management. (part thereof)	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money. 3.4.3 - Commit to future state-wide measurement systems testing local government performance.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to review Council’s Delegation Register (Register).

**BACKGROUND**

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. The Register was last reviewed by the Council in September 2020.

Any changes made by Council between its annual reviews of the Register are amended in the Register immediately following the Council meeting that the change was resolved within.

**COMMENT**

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). Under the *Local Government Act 1995*, the Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council.

A review of the Delegation Register has been undertaken in accordance with the *Local Government Act 1995* to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

All managers were given the opportunity to participate in the Register review with suggested changes to the Register shown within Attachment 12.5.1. The main change, of consequence, is contained in Instrument of Delegation *ADMIN 018 – Donations to Local Groups or Individuals* where a change from \$200 to \$1,000 is suggested for donations delegated for authorisation by the Chief Executive Officer.

### **CONSULTATION**

Chief Executive Officer  
Manager Corporate and Community Services  
Manager Works and Services  
Manager Springhaven  
Manager Regulatory Services

### **STATUTORY REQUIREMENTS**

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

Specifically, section 5.42 of the *Local Government Act 1995* allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

*(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.  
\*Absolute majority required.*

*A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **FINANCIAL IMPLICATIONS**

This report or its recommendation does not in itself have a financial implication.

If Instrument of Delegation *ADMIN 018 – Donations to Local Groups or Individuals* is amended as recommended, the Chief Executive Officer will have authority to authorise donations up to \$1,000, an increase of \$800 on the current delegation.



**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. <i>Compliance</i>	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a result of an inadequate compliance framework.	Ineffective policies & processes; Ineffective monitoring of changes to legislation.	Nil
Risk rating: Adequate			
IMPLICATIONS			
This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are aware of and are undertaking their respective roles and responsibilities.			

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

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

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**112/21 Moved Cr Fleay seconded Cr Singh**

**That the Delegation Register dated September 2021, as attached, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

12.6 PURCHASING & CREDITOR CONTROL - POLICY REVIEW

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<b>12.6.1 – Proposed Policy 2.1.2</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP – 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 consider amending the Council Policy relating to purchasing to increase usability and compliance.

**BACKGROUND**

In the 2019/2020 annual financial audit process, the issue of purchase orders being raised after the date of the invoice was raised as a ‘*material matter indicating non-compliance*’.

The Audit & Risk Committee considered this item at its meeting held on 7 September 2021 as resolved:

**‘that it be recommended to the Council that Council Policy 2.1.2 (Purchasing and Creditor Control) be amended as attached.**

**COMMENT**

This compliance with Council Policy 2.1.2 is being addressed in three ways:

1. All staff have been advised via email of the requirement and importance of adhering to this policy. The most recent notification on Thursday 12 August 2021 was as follows:

*‘Good afternoon team,*

*Our auditors continue to identify instances where purchase orders are dated after the date of the corresponding supplier invoice, or worse, no purchase order at all.*

*The requirement for a purchase order, and the contents of our purchasing policy has been covered numerous times in writing and via staff training. Good controls reduce the risk that unauthorised goods/services may be purchased.*

***In consultation with the CEO, please be advised that from this point forward, any purchasing undertaken that does not have a purchase order or does not comply with our purchasing policy will not be paid for by the Shire. You will personally be liable for such invoices received or the supplier simply not paid.***

*This will be reiterated at staff meetings and Senior Management Team meetings for staff without email addresses.*

*Please come and see me if you have any questions.*

*Thank you,*

**Anthony Middleton**

*Manager Corporate and Community Services'*

2. The requirement for a purchase order and the contents of our purchasing policy has been covered numerous times via staff training workshops; and
3. Council Policy 2.1.2 (Purchasing and Creditor Control) has been reviewed annually to increase usability and compliance. This agenda item contains another review and recommends modification to the policy to further align the policy contents with best practice procurement.

It is recommended that Council Policy 2.1.2 (Purchasing and Creditor Control) be amended by including the following:

- a. *The requirement for quotations and purchase orders contained above do not apply to the following purchase types:*
  - i. *Fuels & Oils*
  - ii. *Great Southern Treasures*
  - iii. *Postage & Freight*
  - iv. *Annual Subscription & Membership Renewals*
  - v. *Telephone and Utilities*
  - vi. *Audits'*

The exclusion of the above six (6) items from the policy provides a practical improvement to the organisation's procurement processes and will in turn increase compliance with the Council's policy.

## **CONSULTATION**

Finance Officer

Audit & Risk Committee meeting 7 September 2021

## **STATUTORY REQUIREMENTS**

Purchasing by local governments in Western Australia is legislated by *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996* and the *Local Government (Financial Management) Regulations 1996*.

**POLICY IMPLICATIONS**

This item recommends an amendment to Council Policy 2.1.2 (*Purchasing & Creditor Control*).

**FINANCIAL IMPLICATIONS**

Council Policy 2.1.2 (*Purchasing and Creditor Control*) sets the procedure for purchasing by the organisation, however, the recommendation does not in itself have a financial implication.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Compliance	<ul style="list-style-type: none"> <li>• <i>Ineffective policies &amp; processes</i></li> <li>• <i>Breakdowns in the tender or procurement process</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Audit and Risk Committee</i></li> <li>• <i>External Audits (compliance)</i></li> <li>• <i>Financial management reviews</i></li> <li>• <i>Councillor/Staff Induction Process</i></li> <li>• <i>Councillor/Staff training</i></li> <li>• <i>Tender and Procurement process</i></li> <li>• <i>Three year Legislative review of compliance (Reg17)</i></li> </ul>	<i>n/a</i>
Risk rating - Low			
IMPLICATIONS			
Robust purchasing controls that have high levels of compliance reduce the risk that unauthorised goods/services may be purchased.			

**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/COUCNIL DECISION**

**113/21 Moved Cr Gale seconded Cr Singh**

**That Council Policy 2.1.2 (Purchasing and Creditor Control) be amended as attached.**

**CARRIED 5/0**

12.7 ANNUAL REPORT 2019/2020 & GENERAL MEETING OF ELECTORS

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	FM.AUD.2 & FM.FNR.1
<b>ATTACHMENT(S)</b>	<a href="#">12.7.1 Annual Report 2019/2020</a> <a href="#">12.7.2 Auditor’s Management Letter</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
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 consider the 2019/2020 Annual Report, incorporating the Annual Financial Report and Audit Report.

**BACKGROUND**

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

The Audit & Risk Committee considered the Annual Financial Report and the Auditors Management letter at its meeting held 7 September 2021 and resolved:

1. **‘It be recommended to the Council that:**
  - a. **The 2019/2020 Annual Financial Report be adopted; and**
  - b. **The Manager Corporate & Community Services be requested to forward a copy of this Committee and the Council agenda items to the Minister for Local Government and placed on the Shire website in accordance with Section 7.12A (Duties of local government with respect to audits) of the Local Government Act 1995;**
2. **The information contained within this report relating to the Operating Surplus Ratio and the Asset Consumption Ratio be received; and**
3. **The matters raised in the Auditor’s Management Letter be noted and included in the Committee Status Report of future Audit and Risk Committee agendas.’**

## COMMENT

The Audit Report and Annual Financial Report both form part of the Annual Report. The Auditor's management letter is provided as additional information to the Council for transparency and full disclosure.

The Annual Electors Meeting must be held within 56 days of accepting the annual report, with appropriate time being allowed after adoption to give notice of the meeting, say 14 days. This effectively means that the Annual Electors Meeting needs to be held between 12 October 2021 and 23 November 2021. In previous years, the Annual Electors Meeting has been held in the evening following the Council Meeting, however with the local government elections happening this year, it is recommended that the meeting be held prior to the election on Tuesday 12 October 2021. It is also suggested to hold the meeting at the Sporting Complex in-line with previous years.

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

### Significant Matters Raised:

Contained within the 2019/2020 Audit Report was a matter identified as significant by the Auditor. These matters raised by the Auditor were as follows:

- a) **'The Operating Surplus Ratio and Asset Sustainability Ratio have been below the Department of Local Government, Sport & Cultural Industries standards for the past three years. The financial ratios are reported at Note 29 to the financial report.'**

Section 7.12A of the *Local Government Act 1995* requires a local government to:

- (4) A local government must —
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

The report required under s7.12A is as follows:

- a) Operating Surplus Ratio:

This ratio was the subject of two detailed reports to the Council and Audit Committee in 2019 and another in 2020. To improve this ratio, either operating income needs to increase or operating expenditure needs to decrease. This could be done through very blunt mechanisms, however may not be in the best interests of the community.

The method of calculating this ratio poses several philosophical problems in the application of the accounting standards. The main issue is the exclusion of 'Non-Operating Grants, Subsidies and Contributions' such as road grants

and one-off grants for building assets such as housing. Roads grants, such as 'Roads to Recovery', 'Direct Road' and 'Regional Road Group' are long term local government funding streams that have existed, in some cases, for decades. It is definitely acceptable to expect these funding sources to exist into the future. Secondly, these grants fund new assets or asset renewal and upgrade which all flow through to 'Operating Expenses' via increased depreciation and maintenance costs, thus negatively affecting both sides of the ratio calculation.

b) Asset Sustainability Ratio

The Asset Sustainability Ratio is a measure of depreciation of assets versus expenditure on asset renewal, i.e. Is the Shire adequately maintaining its asset base? This ratio highlights that capital expenditure has been skewed towards new assets rather than asset renewal.

The Shire has done considerable work on asset management, including the 'Building Assessment Framework 2017' which highlighted 25 buildings for disposal. Significant work has been undertaken on the Showgrounds and outlying community halls, however, these are issues that will take time to work through.

#### **CONSULTATION**

Auditors

Senior Staff

Audit & Risk Committee meeting 7 September 2021

#### **STATUTORY REQUIREMENTS**

Section 5.26 to 5.33; 5.53 & 5.54 of the *Local Government Act 1995*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996*

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

This item reports on the financial position of the Shire as at 30 June 2020. 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:

1. The 2019/2020 Annual Report, incorporating the Annual Financial Report and Audit Report, be adopted;
2. The information contained within this report relating to the Operating Surplus Ratio and the Asset Consumption Ratio be received;
3. The Manager Corporate & Community Services be requested to forward a copy of the Audit & Risk Committee minutes and this Council agenda item to the Minister for Local Government and place on the Shire website in accordance with Section 7.12A (Duties of local government with respect to audits) of the *Local Government Act 1995*; and
4. The Annual Electors Meeting be held on Tuesday, 12 October 2021 at the Kojonup Sporting Complex commencing at 6:00pm.

Moved: Cr Gale

That the matter lay on the table until

MOTION LAPSED FOR WANT OF A SECONDER

## COUNCIL DECISION

114/21 Moved Cr Fleay seconded Cr Singh

That:

1. The 2019/2020 Annual Report, incorporating the Annual Financial Report and Audit Report, be adopted;
2. The information contained within this report relating to the Operating Surplus Ratio and the Asset Consumption Ratio be received;
3. The Manager Corporate & Community Services be requested to forward a copy of the Audit & Risk Committee minutes and this Council agenda item to the Minister for Local Government and place on the Shire website in accordance with Section 7.12A (Duties of local government with respect to audits) of the *Local Government Act 1995*; and
4. The Annual Electors Meeting be held on Tuesday, 12 October 2021 at the Kojonup Sporting Complex commencing at 6:00pm.  
Subject to amendments to the Councillor Committee Membership.

CARRIED 5/0

12.8 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 7 SEPTEMBER 2021

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	GO.CNM.96
<b>ATTACHMENT(S)</b>	<b>12.8.1 – Unconfirmed Audit and Risk Committee Meeting Minutes - 7 September 2021.</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The minutes of the Audit and Risk Committee meeting held 7 September 2021 are presented for Council’s consideration.

**BACKGROUND**

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

**COMMENT**

The attached minutes of the Audit and Risk Committee includes several recommendation which will all be addressed via separate agenda items. This item is solely the Council receiving the minutes of its advisory Committee.

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Risk Profile 3 – Compliance

As per s.7.1A of the *Local Government Act 1995*, a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

As the name suggests, the Audit & Risk Committee is a key component of the Shire's Risk Management Framework.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**115/21 Moved Cr Singh seconded Cr Webb**

**That Council receive the minutes from the Audit and Risk Committee meeting held  
7 September 2021.**

**CARRIED 5/0**

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

**13.1 MOONIES HILL ENERGY PTY LTD REQUEST TO AMEND CONDITIONS OF APPROVAL FOR THE FLAT ROCKS WIND FARM.**

<b>AUTHOR</b>	Phil Shephard – Town Planner
<b>DATE</b>	Friday, 17 September 2021
<b>FILE NO</b>	BD.BDA.8
<b>ATTACHMENT(S)</b>	<p>13.1.1 - Moonies Hill Energy ‘DA Amendment Application Report’ Flat Rocks Wind Farm Moonies Hill Energy Pty Ltd August 2021.</p> <p>13.1.2 - Herring Storer Acoustics ‘Moonies Hill Energy - Flat Rocks Wind Farm Kojonup - Noise Impact Assessment’ July 2021</p> <p>13.1.3 - DNV ‘Flat Rocks Wind Farm – Zone of Visual Influence Maps – Moonies Hill Energy Pty Ltd’ 27 July 2021.</p> <p>13.1.4 - DNV ‘Flat Rocks Wind Farm – Shadow Flicker and Blade Glint Assessment – Moonies Hill Energy Pty Ltd’ 27 July 2021.</p> <p>13.1.5 - William James Landscape Architect Flat Rocks Wind Farm – Review of Landscape and Visual Assessment Based on Revised Zone of Visual Influence Mapping’ 13 May 2021.</p> <p>13.1.6 - WA Planning Commission/Lands and Heritage Position Statement: Renewable energy facilities (March 2020).</p>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2024+”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 4 - Prosperity	4.3 Be attracting support industries and diverse and new business sectors to the region.	4.3.4 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**

Moonies Hill Energy Pty Ltd has applied to the Shire to amend certain conditions of their development approval for the Flat Rocks Wind Farm as follows:

- Change the ‘substantial commencement’ date to reflect the WA Government State of Emergency planning exemptions issued in April 2020 that extended approval dates for projects to commence;
- Include a new 7 turbine site layout; and
- Include a new wind turbine model (Vestas V150 4.2MW).

As the approved wind farm includes parts of the Shire of Broomehill-Tambellup, the proponents have also requested they consider making the same amendments to their development approval, to retain the consistency between the approvals issued by the Shire of Kojonup and Great Southern Joint Development Assessment Panel/Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup are currently preparing their report on the amendment request for the Development Assessment Panel to consider and have requested comment from the Shire.

#### **BACKGROUND**

1. The Flat Rocks Wind Farm project was originally approved by Council in November 2011 with planning approval granted for a 4-year period up until December 2015. Since then, the Council has approved changes to the approval date and wind turbines as the project has progressed.

The development of the wind farm will be in 2 stages and include the following components:

- 42 wind turbines (7 in Kojonup and 35 in Broomehill-Tambellup)
- On-site access/service tracks
- Cabling (predominantly underground)
- Operations/maintenance buildings
- Power Substation
- Meteorological equipment (monitoring masts).

#### **COMMENT**

The wind farm approval includes 36 conditions covering aspects of the development including substantial commencement, wind turbine location and micro-siting, turbine specifications, temporary/ancillary development, pre-construction, construction, operational and decommissioning.

Moonies Hill Energy Pty Ltd have submitted the attached revised documents covering turbine noise and blade glint and shadow flicker impacts from the new wind turbine model and locations to support the application.

- 1) *Moonies Hill Energy 'DA Amendment Application Report' Flat Rocks Wind Farm Moonies Hill Energy Pty Ltd August 2021.*
- 2) *Herring Storer Acoustics 'Moonies Hill Energy - Flat Rocks Wind Farm Kojonup - Noise Impact Assessment' July 2021*
- 3) *DNV 'Flat Rocks Wind Farm – Zone of Visual Influence Maps – Moonies Hill Energy Pty Ltd' 27 July 2021.*
- 4) *DNV 'Flat Rocks Wind Farm – Shadow Flicker and Blade Glint Assessment – Moonies Hill Energy Pty Ltd' 27 July 2021.*
- 5) *William James Landscape Architect Flat Rocks Wind Farm – Review of Landscape and Visual Assessment Based on Revised Zone of Visual Influence Mapping' 13 May 2021.*

The Moonies Hill Energy Pty Ltd request covers 3 conditions, and these are dealt with separately below:

**Condition 1) – Substantial commencement**

The request for an updated ‘substantial commencement’ date to reflect the Minister for Planning’s COVID-19 Exemption Notice is accepted and does not change any outcome from that now in place.

Moonies Hill Energy Pty Ltd request condition 1) of the existing approval change from:

Substantial commencement

- 1) *The wind farm shall substantially commence within 5 years of the date of this approval.*

To:

Substantial commencement

- 1) *This wind farm shall substantially commence by 30 November 2023.*

**Condition 5) – Turbine Specifications**

The proponents advise that the existing approved wind turbine models are no longer available. The new wind turbine models proposed to be used (Vestas V150 4.2MW) are larger than those currently approved (Vestas V126 3.45MW). The proponents advise these turbines are also being used in recently commissioned wind farms in WA including Alinta’s Yandin (51 turbines near Dandaragan) and Synergy’s Warradarge (51 turbines near Eneabba) wind farms.

The report submitted by the proponents at Attachment 13.1.2 has assessed the noise impacts and concludes that the noise emissions at both non-stakeholder and stakeholder from the new proposed turbines “*have been calculated to comply with the background noise criteria under all wind conditions.*”

This satisfies condition 5) of the existing approval requiring any new wind turbine to be substituted for the approved wind turbine to show it can comply with the noise limits to noise sensitive premises required under condition 29) of the approval.

Moonies Hill Energy Pty Ltd request condition 5) of the existing approval change from:

Turbine specifications

- 5) *This approval is for Vestas V126 3.45MW wind turbine. Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition 29) below.*

To:

Turbine specifications

- 5) *This approval is for Vestas V150 4.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition 29) below.*

**Condition 10) – Turbine Specifications**

The proponents advise that the existing approved wind turbine models are no longer available. The new wind turbine models proposed to be used (Vestas V150 4.2MW) are taller

by 20m with a tip height of 200m than those currently approved (Vestas V126 3.45MW) with a tip height of 180m. The proponents advise these turbines are also being used in recently commissioned wind farms in WA including Alinta's Yandin (51 turbines near Dandaragan) and Synergy's Warradarge (51 turbines near Eneabba) wind farms.

The report submitted by the proponents at Attachment 13.1.3 shows the number of turbines at both hub height (125m) and tip height (200m) up to 20km from the centre of the wind farm site that can be viewed from the 33 dwellings located in proximity to the wind farm.

The reports submitted by the proponents at Attachment 13.1.4 and Attachment 13.1.5 has assessed the impacts from the amended proposal and conclude that *"Since a non-reflective finish is proposed for the wind turbine blades, blade glint is not expected to be an issue .."*

The report at Attachment 13.1.5 concludes that the revised layout with fewer, but taller, turbines will provide less of a visual impact than the existing approved wind farm layout. The report also advises that with the revised layout, fewer turbines will be visible from non-stakeholder houses and the visual impacts will also be less from many potential viewing locations around the project.

The reports also conclude that *"nine dwellings are predicted to experience some shadow flicker based on the methodology recommended in the Draft National Guidelines, four of which are stakeholder dwellings."* The 4 stakeholder residences are all predicted to experience theoretical annual shadow flicker, some of between 30.3 – 43.3hrs annually which exceeds the 30hrs recommended and for 2 stakeholder residences predicted actual annual between 10.3 – 15.6hrs which exceeds the 10hrs recommended. As these dwellings are occupied by the proponents, agreement to the increased impacts is expected to be forthcoming.

The report advises that *"For the five non-stakeholder dwellings that are predicted to experience shadow flicker, none are predicted to experience theoretical shadow flicker durations above the recommended limit of 30hrs per year within 50m of the dwelling."*

Moonies Hill Energy Pty Ltd request condition 10) of the existing approval change from:

Turbine specifications

10) *The maximum height of each wind turbine shall be 180 metres, measured from the base of the tower to the rotor tip at its maximum elevation.*

To:

Turbine specifications

10) *The maximum height of each wind turbine shall be 200 metres, measured from the base of the tower to the rotor tip at its maximum elevation.*

The reports submitted by the proponents show the proposed changes to the wind turbine model and layout can achieve the standards for noise and visual impacts established in the existing development approval and the amended conditions of approval can be supported.

**Alternate options and their implications**

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

1 *Not approve the request*

The Council can choose to not approve the request and advise the proponent giving reasons. If this option were chosen, the amended wind farm proposal would not proceed.

**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 amended wind farm proposal can proceed.

**3 Defer the proposal**

The Council can choose to defer the matter and seek additional information from the proponent or undertake consultation, 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**

Nil

**STATUTORY REQUIREMENTS**

*Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015* – The processing of the request to amend the development approval for the wind farm 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**

The proposal satisfies the WA Planning Commission/Lands and Heritage Position Statement: Renewable energy facilities (March 2020) which replaced the former Planning Bulletin 67 Guidelines for Wind Farm Development (2004).

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the application fee of \$295 as set out in the adopted 2020/21 List of Fees and Charges.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Compliance	Ineffective policies & processes  Lack of documentation that evidences compliance requirements	Professional accreditation / certification	Nil
Risk rating - Low			



IMPLICATIONS

Ensuring due diligence throughout the process by bringing any alterations to the initial proposal before Council with appropriate planning information made available reduces the risk of any breaches in compliance.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

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

Although the Moonies Hill wind turbine project is located in multiple Shires, this request for alteration to the proposal will only determine changes to turbines located in the Shire of Kojonup. Any alterations to the proposal for turbines located in the Shire of Broomehill-Tambellup will be at their discretion.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**116/21 Moved Cr Fleay seconded Cr Singh**

**That Council:**

- 1) In accordance with Regulation 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the amendment of the development approval issued to Moonies Hill Energy Pty Ltd for the Flat Rocks Wind Farm and issue a revised development approval including the following changes to conditions 1, 5 and 10:
  - 1) Substantial commencement**  
This wind farm shall substantially commence by 30 November 2023.
  - 5) Turbine specifications**  
This approval is for Vestas V150 4.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition 29 below.
  - 10) Turbine specifications**  
The maximum height of each wind turbine shall be 200 metres, measured from the base of the tower to the rotor tip at its maximum elevation; and**
- 2) Advise the Shire of Broomehill-Tambellup of the decision to approve the amendments to the Moonies Hill Energy Pty Ltd wind farm development.**

**CARRIED 5/0**

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

Nil

**15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16 NEW BUSINESS**

Nil

**17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**

Ordinary Council Meeting Tuesday, 19 October 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 3.18pm.

**20 ATTACHMENTS (SEPARATE)**

Item 7.1	7.1.1	Unconfirmed Minutes of the Council Meeting held on 17 August 2021
Item 7.2	7.2.1	Unconfirmed Minutes of the Special Council Meeting held on 7 September 2021
Item 10.1	10.1.1	Kojonup Bowling Club Inc. CSRFF Application Annual Grants 2021
Item 12.1	12.1.1	Monthly Financial Statement August 2021
Item 12.2	12.2.1	Monthly Payment Listing 1/08/2021 to 31/08/2021
Item 12.3	12.3.1	Risk Management Framework September 2021 – showing changes
	12.3.2	Draft Risk Management Framework – clean copy
	12.3.3	Risk Profile 9 – External Theft and Fraud (inc. Cyber Crime)
Item 12.4	12.4.1	Business Continuity and Disaster Recovery Plan September 2021 – showing changes
	12.4.2	Draft Business Continuity and Disaster Recovery Plan – clean copy
	12.4.3	BDCRP COVID-19 Pandemic Response Plan September 2021 – showing changes
	12.4.4	Draft BCDRP COVID-19 Pandemic Response Plan – clean copy
Item 12.5	12.5.1	Delegation Register September 2021 – showing changes
	12.5.2	Draft Delegation Register – clean copy
Item 12.6	12.6.1	Proposed Policy 2.1.2
Item 12.7	12.7.1	Audit Report Management Letter 2019/2020
Item 12.8	12.8.1	Unconfirmed Audit and Risk Committee Meeting Minutes 7 September 2021
Item 13.1	13.1.1	Moonies Hill Energy DA Amendment Application Report August 2021
	13.1.2	Appendix III – Herring Storer Acoustics Flat Rocks Wind Farm Noise Impact Report July 2021
	13.1.3	Appendix VI DNV Zone of Visual Influence Maps 27 July 2021
	13.1.4	Appendix IV – DNV Flat Rocks Shadow Flicker and Blade Glint Assessment Report 27 July 2021
	13.1.5	Appendix V – William James Landscape Architect Review of Landscape and Visual Assessment 13 May 2021
	13.1.6	WACP and DPL&H Position Statement Renewable Energy Facilities