



MINUTES

Ordinary Council Meeting

15 March 2022

MINUTES OF THE COUNCIL MEETING HELD ON 15 MARCH 2022

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

Leading community outcomes

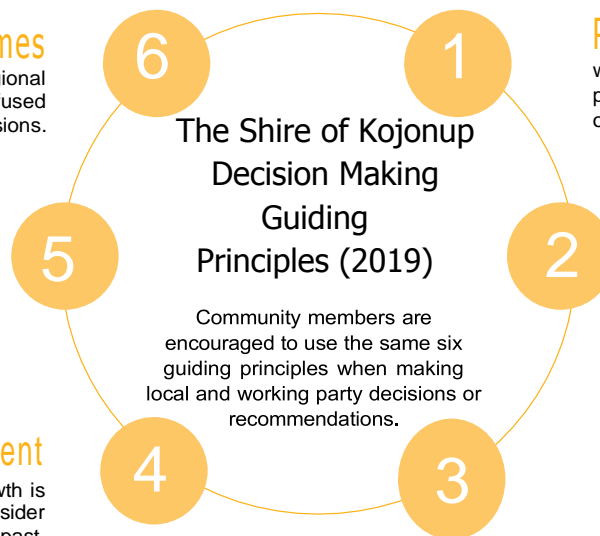
community strategic direction, plus regional impact and state-wide needs are fused together when making decisions.

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 drew the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer – Cr 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 Radford	Shire President
Cr P Webb	Deputy Shire President
Cr F Webb	
Cr Wieringa	
Cr Gale	
Cr Singh	
Cr R Bilney (remotely via Zoom)	
Cr A Egerton-Warburton	

STAFF

Grant Thompson	Chief Executive Officer
Robert Jehu	Manager Regulatory Services
Judy Stewart	Senior Administration Officer

MEMBERS OF THE PUBLIC

Susanne Bilney	3.17pm
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LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 SUSANNE BILNEY - 15 FEBRUARY 2022

1. The Shire Council has received 17 million dollars in grants in the two years prior to Rick Mitchell-Collins. What has this money been spent on?

Assuming it is meant in the previous two years prior to Rick Mitchell-Collins leaving the Shire, the Grants received for the 2019/2020 and 2020/2021 are as follows:

	2019/2020	2020/2021	Total
	Actual	Actual	Both Years
Operating - Grants and Subsidies	\$ 2,960,969	\$ 3,041,067	\$ 6,002,036
Capital - Grants and Subsidies	\$ 2,946,755	\$ 3,481,964	\$ 6,428,719
	\$ 5,907,724	\$ 6,523,031	\$ 12,430,755
CAPITAL GRANTS - DETAIL			
Housing			
Springhaven - Kitchen & Laundry Upgrade	\$ 107,102	\$ 12,646	\$ 119,748
Soldier Road Independent Living Units	\$ 1,061,925	\$ -	\$ 1,061,925
Government Officers Housing	\$ -	\$ 559,133	\$ 559,133
Staff Housing	\$ 500,000	\$ 500,000	\$ 1,000,000
Recreation & Culture			
LotteryWest (Playground/Gym/Pool Shade)	\$ -	\$ 35,950	\$ 35,950
Community Drought Extension Program (Netball)	\$ -	\$ 50,000	\$ 50,000
Community Drought Extension Program (Apex Park)	\$ -	\$ 550,000	\$ 550,000
Grant - LRCIP (Apex Park)	\$ -	\$ 100,000	\$ 100,000
Grant - LRCIP (Harrison Place)	\$ -	\$ 52,375	\$ 52,375
Grant - LRCIP (Memorial Hall)	\$ -	\$ 313,911	\$ 313,911
Transport			
Grant - MRWA Direct	\$ 162,975	\$ 150,982	\$ 313,957
Grant - Regional Road Group (RRG)	\$ 553,000	\$ 674,467	\$ 1,227,467
Grant - Roads to Recovery (R2R)	\$ 432,500	\$ 432,500	\$ 865,000
Grant - Electronic Speed Signs	\$ 7,555	\$ -	\$ 7,555
RADS Grant Airstrip	\$ 121,698	\$ -	\$ 121,698
Economic Services			
Community Drought Extension Program (Blackwood Rd Dam)	\$ -	\$ 50,000	\$ 50,000
	\$ 2,946,755	\$ 3,481,964	\$ 6,428,720

2. What loans has the Shire Council taken out to complete projects?

Current Loan Indebtedness as at 28 February 2022 is as follows:

Particulars	Loan #	Principal	New	
		1-Jul-21	Budget	Actual
Health				
Medical Centre Donation	137	\$ 131,928	\$ -	\$ -
		\$ 131,928	\$ -	\$ -
Housing				
Bagg Street Accommodation	135	\$ 73,129		
Aged Units - GSHI	139	\$ 40,269		
Staff Housing - GSHI	140	\$ 914,071		
GROH Housing - GSHI	138	\$ 1,043,456		
Staff Housing - GSHI	New		\$ 55,000	
GROH Housing - GSHI	New		\$ 55,000	
		\$ 2,070,925	\$ 110,000	\$ -
Recreation & Culture				
Sport Complex	134	\$ 232,212		
Sport Complex Wall	136	\$ 81,552		
Netball Courts & Roof	New	\$ -	\$ 1,390,000	
Oval Lighting	142	\$ 255,000		
Harrison PI Toilets & Park	New		\$ 400,000	
		\$ 568,764	\$ 1,790,000	\$ -
Transport				
Airstrip Lighting	141	\$ 146,800		
		\$ 146,800	\$ -	\$ -
Economic Services				
Land Development	New		\$ 586,833	
		\$ -	\$ 586,833	\$ -
Grand Total		\$ 2,918,417	\$ 2,486,833	\$ -

3. What is the interest cost per year and term for each of these loans?

The term and interest rate for each loan is as follows:

Loan Purpose	Original Sum	Term	Taken Out	Interest Rate
Loan 134 - Sporting Complex	\$ 360,000	20 year term	2012	4.94%
Loan 135 - Bagg Street Unit	\$ 100,000	10 year term	2018	3.07%
Loan 136 - Sporting Complex Wall & Ramp	\$ 100,000	10 year term	2019	1.99%
Loan 137 - Medical Centre Donation	\$ 140,000	15 year term	2020	1.73%
Loan 138 - GROH Housing - GSHI	\$ 1,150,000	10 year term	2020	1.44%
Loan 139 - Aged Housing - GSHI	\$ 50,000	5 year term	2020	1.17%
Loan 140 - Staff Housing - GSHI	\$ 970,000	15 year term	2020	1.73%
Loan 141 - Airstrip Lighting	\$ 156,148	15 year term	2020	1.51%
Loan 142 - Oval Lights	\$ 255,000	10 year term	2021	1.45%
2021/2022 BUDGETED LOANS:				
New Loan - Netball Courts & Roof	\$ 1,390,000	20 year term	2023	TBA
New Loan - GROH Housing - GSHI	\$ 55,000	5 year term	2023	TBA
New Loan - Staff Housing - GSHI	\$ 55,000	5 year term	2023	TBA
New Loan - Harrison Place Toilets & Park	\$ 400,000	10 year term	2023	TBA
New Loan - Land Development	\$ 586,833	10 year term	2023	TBA

Loan Purpose	Original Sum	Term	Taken Out	Interest Rate
Loan 134 - Sporting Complex	\$ 360,000	20 year term	2012	4.94%
Loan 135 - Bagg Street Unit	\$ 100,000	10 year term	2018	3.07%
Loan 136 - Sporting Complex Wall & Ramp	\$ 100,000	10 year term	2019	1.99%
Loan 137 - Medical Centre Donation	\$ 140,000	15 year term	2020	1.73%
Loan 138 - GROH Housing - GSHI	\$ 1,150,000	10 year term	2020	1.44%
Loan 139 - Aged Housing - GSHI	\$ 50,000	5 year term	2020	1.17%
Loan 140 - Staff Housing - GSHI	\$ 970,000	15 year term	2020	1.73%
Loan 141 - Airstrip Lighting	\$ 156,148	15 year term	2020	1.51%
Loan 142 - Oval Lights	\$ 255,000	10 year term	2021	1.45%
				Weighted Average Interest Rate
2021/2022 BUDGETED LOANS:				
New Loan - Netball Courts & Roof	\$ 1,390,000	20 year term	2023	TBA
New Loan - GROH Housing - GSHI	\$ 55,000	5 year term	2023	TBA
New Loan - Staff Housing - GSHI	\$ 55,000	5 year term	2023	TBA
New Loan - Harrison Place Toilets & Park	\$ 400,000	10 year term	2023	TBA
New Loan - Land Development	\$ 586,833	10 year term	2023	TBA

The interest cost changes each year as the principle outstanding on each loan reduces. The budget for 2021/2022 is as follows:

Particulars	Loan #	Principal	New		Interest
		1-Jul-21	Loans		Repayments
			Budget	Actual	Budget
Health					
Medical Centre Donation	137	\$ 131,928	\$ -	\$ -	\$ 2,246
		\$ 131,928	\$ -	\$ -	\$ 2,246
Housing					
Bagg Street Accommodation	135	\$ 73,129			\$ 2,173
Aged Units - GSHI	139	\$ 40,269			\$ 442
Staff Housing - GSHI	140	\$ 914,071			\$ 15,563
GROH Housing - GSHI	138	\$ 1,043,456			\$ 14,633
Staff Housing - GSHI	New		\$ 55,000		
GROH Housing - GSHI	New		\$ 55,000		
		\$ 2,070,925	\$ 110,000	\$ -	\$ 32,811
Recreation & Culture					
Sport Complex	134	\$ 232,212			\$ 11,272
Sport Complex Wall	136	\$ 81,552			\$ 1,576
Netball Courts & Roof	New	\$ -	\$ 1,390,000		\$ -
Oval Lighting	142	\$ 255,000			\$ 3,616
Harrison PI Toilets & Park	New		\$ 400,000		\$ -
		\$ 568,764	\$ 1,790,000	\$ -	\$ 16,464
Transport					
Airstrip Lighting	141	\$ 146,800			\$ 1,528
		\$ 146,800	\$ -	\$ -	\$ 1,528
Economic Services					
Land Development	New		\$ 586,833		\$ -
		\$ -	\$ 586,833	\$ -	\$ -
Grand Total		\$ 2,918,417	\$ 2,486,833	\$ -	\$ 53,049

4. How is the Shire going to fund the restoration works on the Barracks and Elverds Cottage, assuming estimates of \$100,000 (south wall plus interior) and \$250,000 respectively.

The Shire does not have a detailed scope of works for these projects nor can it verify the costs as it has no quotes from verified contractors to use as a baseline. If any quotations have been received please forward them to the Shire for consideration.

As such, a forward capital funding plan has not been developed to date. Significant funds have been expended in previous years through both the 'Historical Buildings Reserve Account' and general revenue and the Shire has no reason or objection why this regular renewal and upgrade plan could not continue.

The Shire will review these restoration requirements as a consideration of the 2022/23 budget year.

5. Are the Councillors aware that in 2015 the Shire gave "In Principle' support for the Kojonup Historical Society Inc. to open up the Hall to displays in the Foyer and the side rooms of the Memorial Hall. Members of the Historical Society have also been to the latest RSL meeting and told those members of the Council support. They have also expressed a hope of involvement in this area." The RSL have indicated that they think they will have sufficient material to utilise both sides of the Memorial Hall.

The current Shire administration was not aware of any in-principle agreement made between the KHS and RSL regarding the Memorial hall usage. However, the Shire is keen to meet with KHS and the RSL to discuss the use of the Hall.

6. Does the Shire have any plans for the Marleyup School (building next to the Toy Library)?

At this stage there are no immediate plans established for use of the Marleyup School building.

7. What is the status of the Tourist Railway in regards to getting re-accreditation and insurance to run the tourist railway?

The Shire's accreditation has lapsed and it has no plans to reapply for rail operator accreditation. The Tourist Railway Board is a separate entity and the Shire is not aware of their plans for accreditation. We would advise KHS talk directly to the Tourist Railway Operators.

8. If the Tourist Railway cannot get accreditation and insurance, this will leave 3 sheds and the railway station under-utilised.

Thank you for bringing this to the Shire's attention and duly noted. We will consider the use of these facilities as they become available and in cooperation with the Tourist Railway Board.

9. Is the Shire planning on convening a community meeting to discuss the Spring Concept plan? If so, when?

At this stage the Spring Concept Plan is a lower priority regarding funding. As a result the Shire has no plans to hold a public meeting. The Plans for the Spring are in the early concept phase only and are open for public comment. Further, there is no scheduled public meeting for 2022.

3.2 VERONICA FLEAY - 14 MARCH 2022

The Chief Executive Officer (CEO) read aloud Veronica Fleay's questions and the CEO's responses as follows:

I'm wondering as to the purpose of and how the proposed Springhaven working group will operate given Springhaven is an aged care facility which is already heavily & closely regulated?

I would be concerned that the lines of responsibility could easily become blurred (remembering a Cr's role is strategic - 'noses in fingers out'). I would recommend that the working group not involve itself in the operational aspects.

Your concerns regards Springhaven Working Group were considered in full. This is a case where the legislation and regulations for operating an Aged Care Facility are contradictory with a Councillor's obligations not to get involved in Operations per se.

The recent regulatory audit that Springhaven underwent to obtain its licence to operate was extremely positive, in that Springhaven met all the standards. This is a great outcome and reflection on the Teams performance. However, the comment and observation from the Auditors, to the President and myself during the Audit, was the Councillors are too removed and need to be more involved in the Operational Standards and execution of the facility, not just rely on the management to report. We are required to verify the information they are providing.

The Council decided to create the working group that could minimise the impact and contact with the Springhaven Operational Management Team but at the same time meet its obligations under the Aged Care regulatory framework as well as assess the strategic sustainability questions surrounding Springhaven.

This Working Group will not only assess the Operational capability but also consider and analyse the strategic questions for a sustainable future. To achieve this the Working Group will need to understand the operations, revenue model and costs associated with the facility.

If you have any further queries the Shire would be happy to discuss them directly with yourself.

It's great to see the Trails Plan for Kojonup is nearly at development stage - it's frustrating to not have access to (all) agenda attachments online however - can this be remedied?

Whilst this practice hasn't occurred for some time, it is certainly possible and easily remedied.

Synergy charging station. Providing for more electric vehicles can only be good for Kojonup. Given the proposed new drive through requires civil works - has the previous parking plan for the western car park been considered and incorporated?

Yes, the previous master parking plan for Kodja Place was considered and it has been discussed with both Synergy and the Council. It was agreed between the parties, that whilst some adjustments will have to be made, the drive-through station can be developed with the least impact to the traffic flow and parking solutions. The Kodja Place master plan for car parking will be required to be adjusted to suit the new charging station.

Additionally, a question re the proposed local parking law. The draft covers scenarios that are not relevant or not significant issues to Kojonup. Will the draft be fine-tuned to address the issues that do impact our community? How will this local law be policed?

The proposed Local Parking Law (LPL) is the model LPL supplied from WALGA.

The LPL proposals are being introduced to allow the Shire to standardise, but choose the parking tools it wants to implement i.e. LPL's that deal with current issues specific to Shire of Kojonup. This allows the Council to mitigate parking issues that the Shire deems to require enforcement. The Shire does not have to implement all the LPL's if it chooses not to but can decide which laws it requires.

The LPL's will be policed by the Shire's Regulatory staff conducting patrols or specifically responding to complaints. If the Shire introduces timed parking restrictions these will be enforced by routine marking of vehicles or in the future utilising camera technology.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 15 FEBRUARY 2022

Minutes of the Council Meeting held on 15 February 2022 are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

11/22 Moved Cr Singh

Seconded Cr Gale

That the Minutes of the Council Meeting held on 15 February 2022 be confirmed as a true record.

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Chief Executive Officer – Financial Interest – Item 17.1 – Probation and Contract of Employment
Manager Regulatory Services – Financial Interest – Item 17.2 – Vehicle Private Use

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 KOJONUP GOLF CLUB – FINANCIAL CONTRIBUTION REQUEST

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Wednesday, 9 March 2022
FILE NO	CP.MTC.27
ATTACHMENT(S)	10.1.1 – Kojonup Golf Club correspondence

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	1.2.3 – Provide community infrastructure that attracts outsourced or privately run facilities and programs

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a request from the Kojonup Golf Club (Golf Club) by way of financial contribution to the upgrade and maintenance of its clubhouse facilities.

BACKGROUND

The Golf Club made contact with Shire of Kojonup (Shire) staff in early 2021 to begin discussions around the requirement to upgrade and perform maintenance on the clubhouse facility located off Blackwood Road. The Sport and Recreation Officer attended meetings with Golf Club committee members to work through grant funding opportunities based on the initially discussed scope of works. No grant application was submitted.

The Golf Club sent a formal letter of request to the Shire on 15 February 2022 requesting financial assistance to progress upgrades and maintenance ([Attachment 10.1.1](#)).

COMMENT

The Golf Club is a predominantly self-sufficient sporting and social club. Its committee has recognised the potential benefits to both the community and the Club in undergoing an upgrade to, and maintenance of, its club house facilities. The Golf Club share the clubroom facilities with the Kojonup Tennis Club, an arrangement which works very successfully given the alternate seasonal requirements of Golf and Tennis in Kojonup.

The Golf Club facilities are in need of substantial repairs and upgrades throughout the Clubrooms. These are mostly due to changes in Food and Liquor legislation since the building was originally constructed, combined with the needs of ageing infrastructure.

The Golf and Tennis Clubs were eligible to apply for a Department of Local Government, Sport and Cultural Industries (DLGSC) “Community Sport and Recreation Facilities Fund” (CSRFF) grant to go towards the suggested upgrades, similar to the grant successfully awarded to the Kojonup Bowling Club for 2022/2023. Initial work was completed by Golf Club committee members and the Sport and Recreation Officer to progress a CSRFF application. Discussions were had with DLGSC Great Southern staff regarding the initial scope of works, and it was suggested that the Golf Club look to include Universal Access ablution facilities in its proposal. This would increase its chances of funding, and ensure future compliance with disability standards. The DLGSC Officer advised that electrical upgrades and ceiling replacement would be considered maintenance items and, as such, would not be eligible for funding. The Golf Club chose not to pursue a CSRFF grant for 2022/2023.

The Golf and Tennis Clubs currently offer various membership options to the community. Numbers across both clubs are strong, with members playing locally and in regional tournaments. The Golf Club utilises the facilities during winter, with standard Wednesday, Thursday and Saturday competitions as well as tournaments. The Tennis Club uses the facilities throughout summer, with a successful pennants season and a very popular junior coaching and events schedule. The current trends in sporting infrastructure provision advised in the Great Southern Regional Sport and Recreation Plan indicate that the traditionally dominant sports of bowls, AFL, golf, cricket and hockey will continue to be in high demand in rural areas. The upgrades to an already established clubroom offer a low cost option for the Shire to ensure compliance and future proofing of the asset.

As both Clubs are self-sufficient and provide a vital community need to the social fabric and healthy lifestyle of the Kojonup community, it is recommended that the request for a \$17,000 contribution towards upgrade and maintenance of club house facilities be supported.

CONSULTATION

Kojonup Golf Club
Manager Corporate and Community Services
Chief Executive Officer
Council briefing session 1 March 2022

STATUTORY REQUIREMENTS

Food Safety Standard 3.2.2
Food Act 2008
Section 99, Liquor Control Act 1988

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Golf Club is requesting a \$17,000 contribution from the Shire, one third of the estimated cost of the project. The balance of funds would be covered by the Golf Club and Tennis Club.

It is recommended that the Shire funds could be made available as part of the mid-year budget review process. No funds were allocated for this project in the 2021/2022 budget as the Golf Club advised they were no longer continuing with a CSRFF grant application.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1.Asset Sustainability	Inadequate cooperation between stakeholders	Routine maintenance schedule	Nil
6.Engagement	Inadequate involvement with or support of community groups	Community engagement & networking	Nil
10. Facilities & Venues	Lack of lease/contract/MOU	Lease agreements for Shire facilities	Develop lease agreements register for all Shire facilities
13. Project/Change Management	Lack of communication & consultation	Clear/formal project ownership	Implement formal project management guidelines
Risk rating - Moderate			
IMPLICATIONS			
The Golf Club, in conjunction with the Shire’s Building Maintenance Coordinator, will be managing works throughout the process, and this will need to be in accordance with lease arrangements.			

ASSET MANAGEMENT IMPLICATIONS

The Kojonup Golf Club is responsible for the maintenance of the Golf Club building and associated facilities as per the lease agreement with the Shire. Relevant clauses in the lease in regards to Lessee obligations are as follows:

- f) *not without the previous consent in writing of the Lessor first had and obtained to erect or suffer to be erected any building on the Leased Premises or to make or suffer to be made any alterations to the improvements on the Leased Premises;*
- i) *to keep and maintain the Leased Premises and all buildings and other improvements thereon and all fences and gates in good and tenantable repair order and condition and properly cleansed and to the satisfaction of the Lessor and to maintain the same and uphold in good order and condition and keep in proper playing order all golfing facilities constructed upon the said land;*
- p) *to paint or colour the inside of the Club House erected on the Leased Premises as often as may be reasonably required by the Lessor and with such colours and materials as may be approved by the Lessor in writing; and*
- t) *to undertake all work required to be done by the Lessee in pursuance with this Lease under the supervision and to the satisfaction of the Chief Executive Officer or Engineer of the Lessor and in the event of any dispute the Certificate of the Chief Executive Officer or Engineer shall be final.*

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

12/22 Moved Cr Gale

Seconded Cr Singh

That:

1. The Kojonup Golf Club's request for \$17,000 in Shire of Kojonup funds to complete maintenance and upgrades to the Club Room facility be granted; and
2. An amendment is made in the mid-year review of the 2021/2022 Annual Budget to provide these funds.

CARRIED 8/0

10.2 BUILDING BETTER REGIONS FUND GRANT APPLICATION – THE KODJA PLACE AND KOJONUP (APEX) PARK

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Thursday, 10 March 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	<p>10.2.1 – Business Case</p> <p>10.2.2 – Project Management Plan</p> <p>10.2.3 – Cost Benefit Analysis</p> <p>10.2.4 – Operational Management Overview</p> <p>10.2.5 – Plans</p> <p>10.2.6 – Project Costings</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 1 Place	1.1 – Have maximised our ‘One Community’ program through specific events, celebration of built form and enhancement of our environment	<p>1.1.3 - Grow The Kodja Place to become an iconic WA attraction.</p> <p>1.1.15 - Redevelop entire car park & landscaped area to improve functionality & traffic & pedestrian flow</p> <p>1.1.16 - Introduce low-impact, natural barriers & building screens to define the precinct & guide visitors to a single entrance.</p>

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider endorsement of a Building Better Regions Fund (BBRF) grant application submitted for significant upgrades to The Kodja Place and Kojonup (Apex) Park.

BACKGROUND

In March 2021, the Shire of Kojonup (Shire) submitted a Round 5 BBRF grant application encompassing the following:

- Sporting facility upgrades (building extension and deck, fencing, bowling/netball car park);
- The Kodja Place – implementation of recommendation 4, 5 & 6 of the master plan; and
- Extension of toilets, community kitchen and other infrastructure upgrades at Kojonup (Apex) Park.

Round 5 of the BBRF was grossly over-subscribed, with applications from Western Australia alone exceeding the total funding allocation pool Australia wide. In October 2021, the Shire was notified that its Round 5 application was unsuccessful.

Round 6 of the BBRF was announced in December 2021, with applications closing on 10 February 2022. This is a relatively short timeframe for a grant application of this magnitude especially considering time lost over the festive season and, therefore, it would appear to be aimed at unsuccessful Round 5 applications. In conjunction with the Senior Management Team and discussions at Council briefing session 1 February 2022, it was decided to submit a Round 6 application seeking funding for the following:

- The Kodja Place – implementation of recommendation 4, 5 & 6 of the master plan; and
- Extension of toilets, community kitchen and other infrastructure upgrades at Kojonup (Apex) Park.

This grant application totalled \$4.3m and 50%, or \$2.15m, has been requested from the BBRF. The Federal Government has indicated that outcomes of the BBRF Round 6 applications will be advised 'in mid 2022'.

COMMENT

The attached documents illustrate the significant workload and detail required to submit a compliant BBRF grant application and show the proposed projects in greater detail. These documents are:

1. Business Case
2. Project Management Plan
3. Cost Benefit Analysis
4. Operational Management Overview
5. Plans
6. Project Quantity Surveyor Costings

The identified projects are not new concepts and have been in the planning stage for a considerable time. They are contained within the integrated planning and reporting documents and/or informing strategies, including:

- SMART Implementation (Corporate Business Plan);
- The Kodja Place Master Plan;
- SMART Kojonup – Regional Growth Fund Business Case and Funding request

They have also been the subject of previous unsuccessful grant applications, including BBRF Round 5 and road safety grants.

CONSULTATION

Council Briefing Session 1 February 2022
Council Briefing Session 15 February 2022
Chief Executive Officer

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Detailed expenditure cost breakdowns as prepared by a quantity surveyor for the application are attached as attachment 10.1.6.

The financials for the projects included in the application are as follows:

Project Item Cost:	
The Kodja Place - Master Plan Rec 4, 5 & 6	\$ 3,242,200
Kojonup Park (Toilet, Kitchen, Bridges & RV Area)	\$ 1,060,800
	\$ 4,303,000
Funding Breakdown:	
Shire Funding - 50%	\$ 2,151,500
BBRF Grant - 50%	\$ 2,151,500
Shire Funding comprises of:	
- Cash Contribution 2022/2023 Budget	\$ 100,000
- Cash Contribution 2023/2024 Budget	\$ 100,000
- Cash Contribution 2024/2025 Budget	\$ 100,000
- Kodja Place Master Plan Reserve (2022 Balance - will be more)	\$ 10,000
- Kodja Place Building Upgrade & Renewal Reserve (2022 Balance - will be more)	\$ 14,635
- Economic Development Reserve (2022 Balance - will be more)	\$ 58,630
- Other Grants leveraged (Lotterywest, Road Safety, Indigenous)	\$ -
- Loan Funds (worst case scenario)	\$ 1,768,235
	\$ 2,151,500

Questions were raised during the Council briefing session held 1 February 2022 regarding the requirement for additional loan funds and the Shire's capacity to borrow. In response to these questions, the following page was provided to the Council briefing session held 15 February 2022 in relation to existing and proposed loans. This loan timetable shows that over the timeline of the grant applied for, \$1.56m will be repaid from existing and budgeted loans. This illustrates that, if the Shire is successful with a BBRF Round 6 application and is required to borrow \$1.76m (worst case scenario), the net effect will only be a \$200,000 increase in total loan indebtedness.

Shire of Kojonup – Ordinary Council Meeting – Minutes – 15 March 2022

Loan Purpose	Original Sum	Term	Taken Out	Interest Rate	Balance 30 June 2022	2022		2023		2024	
						Principle	Interest	Principle	Interest	Principle	Interest
Loan 134 - Sporting Complex	\$ 360,000	20 year term	2012	4.94%	\$ 215,867	\$ 16,344	\$ 11,475	\$ 17,162	\$ 10,658	\$ 18,020	\$ 9,800
Loan 135 - Bagg Street Unit	\$ 100,000	10 year term	2018	3.07%	\$ 63,612	\$ 9,517	\$ 2,173	\$ 9,811	\$ 1,878	\$ 10,115	\$ 1,575
Loan 136 - Sporting Complex Wall & Ramp	\$ 100,000	10 year term	2019	1.99%	\$ 72,050	\$ 9,502	\$ 1,576	\$ 9,692	\$ 1,386	\$ 9,885	\$ 1,193
Loan 137 - Medical Centre Donation	\$ 140,000	15 year term	2020	1.73%	\$ 123,523	\$ 8,405	\$ 2,246	\$ 8,551	\$ 2,100	\$ 8,700	\$ 1,952
Loan 138 - GROH Housing - GSHI	\$ 1,150,000	10 year term	2020	1.44%	\$ 934,059	\$ 109,398	\$ 14,632	\$ 110,979	\$ 13,051	\$ 112,583	\$ 11,447
Loan 139 - Aged Housing - GSHI	\$ 50,000	5 year term	2020	1.17%	\$ 30,377	\$ 9,892	\$ 442	\$ 10,008	\$ 326	\$ 10,125	\$ 209
Loan 140 - Staff Housing - GSHI	\$ 970,000	15 year term	2020	1.73%	\$ 855,837	\$ 58,234	\$ 15,563	\$ 59,246	\$ 14,551	\$ 60,276	\$ 13,521
Loan 141 - Airstrip Lighting	\$ 156,148	15 year term	2020	1.51%	\$ 137,309	\$ 9,490	\$ 2,184	\$ 9,634	\$ 2,040	\$ 9,780	\$ 1,893
Loan 142 - Oval Lights	\$ 255,000	10 year term	2021	1.45%	\$ 231,128	\$ 23,872	\$ 3,616	\$ 24,220	\$ 3,268	\$ 24,573	\$ 2,915
					\$ 2,663,763	\$ 254,654	\$ 53,907	\$ 259,303	\$ 49,258	\$ 264,057	\$ 44,505
					Weighted Average Interest Rate	1.89%					
2021/2022 BUDGETED LOANS:											
New Loan - Netball Courts & Roof	\$ 1,390,000	20 year term	2023	TBA				\$ 57,439	\$ 26,826	\$ 58,564	\$ 25,701
New Loan - GROH Housing - GSHI	\$ 55,000	5 year term	2023	TBA				\$ 10,577	\$ 1,021	\$ 10,785	\$ 814
New Loan - Staff Housing - GSHI	\$ 55,000	5 year term	2023	TBA				\$ 10,577	\$ 1,021	\$ 10,785	\$ 814
New Loan - Harrison Place Toilets & Park	\$ 400,000	10 year term	2023	TBA				\$ 36,598	\$ 7,622	\$ 37,315	\$ 6,905
New Loan - Land Development	\$ 586,833	10 year term	2023	TBA				\$ 53,693	\$ 11,183	\$ 54,745	\$ 10,131
								\$ 428,187	\$ 96,932	\$ 436,250	\$ 88,869

RISK MANAGEMENT IMPLICATIONS

This agenda item is to endorse a grant application submitted. Without significant external funding, it is difficult to see these projects being completed.

ASSET MANAGEMENT IMPLICATIONS

The grant addresses major works on significant existing Shire assets.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

13/22 Moved Cr Gale

Seconded Cr Wieringa

That the Round 6 Building Better Regions Fund grant application submitted for the upgrade of facilities at both Kojonup (Apex) Park and The Kodja Place, as attached, be endorsed.

LOST 3/5

The Manager Regulatory Services left the meeting at 3.17pm.

Susanne Bilney entered the meeting at 3.17pm.

The Manager Regulatory Services re-entered the meeting at 3.18pm.

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES – 9 FEBRUARY 2022

AUTHOR	Robert Jehu – Manager of Regulatory Services
DATE	Wednesday, 9 March 2022
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.1.1 - Bush Fire Advisory Committee meeting minutes - 9 February 2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 Be providing for a safe and secure environment by working with State and Federal Authorities	2.31.1 – Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the minutes from the Bush Fire Advisory Committee meeting held on 9 February 2022.

BACKGROUND

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

COMMENT

Minutes of the BFAC meeting held 9 February 2022 are attached.

CONSULTATION

Members of the Bush Fire Advisory Committee

STATUTORY REQUIREMENTS

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2. Business Disruption	Lack of (or inadequate) emergency response /business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk rating - Adequate			
IMPLICATIONS			
Under legislation, the Shire may establish and maintain a BFAC. The risk of not having a BFAC is that staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

14/22 Moved Cr P Webb Seconded Cr Wieringa
 That the minutes of the Bush Fire Advisory Committee Meeting held 9 February 2022 be received.

CARRIED 8/0

11.2 FIRE BREAK ORDER 2022/23

AUTHOR	Robert Jehu - Manager Regulatory Services
DATE	Wednesday, 9 March 2022
FILE NO	LE.NOT.2
ATTACHMENT(S)	11.2.1 - Fire Break Order 2022/2023

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

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to consider adopting new requirements for the Shire of Kojonup Fire Break Order.

BACKGROUND

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

COMMENT

The Regulatory Department has received complaints during the Fire Break Order 2021/2022 period on properties that pose a fire risk. These properties were identified to fall outside of current compliance requirements.

It was established that a review of the current Fire Break Order was required for a number of factors including:

- simplicity in wording for easy interpretation and understanding for readers;
- consistency with other surrounding Local Governments;
- that all properties regardless of zoning in the urban area fall into a compliance requirement;
- better grounds for enforcement and eliminate the risk of unsuccessful prosecutions due to wording and interpretation; and
- a safe and fire ready community.

The proposed changes to the Fire Break Order (gazetted town sites) are:

- On all land, regardless of size or how the land is zoned, a Building Protection Zone (BPZ) of 20 metres surrounding all buildings must be established. A BPZ is a reduced fuel load zone. Living standing trees, remnant vegetation, maintained gardens and lawns are exempt from a BPZ.
- On all land that is 4,000 square metres or less, all remaining flammable material to be reduced to a height of less than 50mm.
- On all land in excess of 4,000 square metres, clear a 3.0 m wide firebreak immediately inside all external boundaries of the land and maintain all flammable material to a height of less than 150mm.
- Woodpiles are permitted on any land providing a 3.0 m wide firebreak is installed and maintained immediately surrounding the woodpile.
- Where chemical spraying is the method chosen as the means by which firebreaks are constructed, this is to be completed to the Shire's satisfaction by 15th September. Firebreaks must be maintained throughout the dates of this Order. If not, the Shire will do the work at the landowners' expense.
- The Chief Executive Officer may instigate a Fire Order on any property with specifications listed to reduce any potential hazard as he deems applicable.

The most noted change listed above is implementing a firebreak requirement on land that exceeds 4,000 square metres (1 acre). This is in line with the surrounding Local Governments to the Kojonup boundary and will decrease the spread of fires within the gazetted town sites.

The requirements outlined for Rural and Plantation land are to remain unchanged.

The dates outlined within the Order are to remain unchanged.

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

Adoption of the Fire Break Order at this meeting will allow time for printing of the Orders for inclusion with the Council Annual Rate Notice mail out scheduled for July 2022.

CONSULTATION

On Wednesday, 9 February 2022, at the Bush Fire Advisory Committee (BFAC) meeting, the proposed changes to the Fire Break Order were presented. The BFAC unanimously endorsed the changes and agreed to have them proposed to Council.

STATUTORY REQUIREMENTS

Section 17 of the Bush Fires Act 1954

Section 33 of the Bush Fires Act 1954

POLICY IMPLICATIONS

Policy 6.1 Fire Management Plan

Policy 2.3.5 Risk Management

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2. Business Disruption	Failure to adequately prepare and respond to events that cause disruption to the local community and/or normal business activities	Community fire and emergency education	Nil
3. Compliance	Failure to correctly communicate laws and regulations as a result of an inadequate compliance framework. This includes new or proposed regulatory and legislative changes, in addition to the failure to maintain updated internal & public domain legal documentation. Ineffective policies & processes	External Audits (compliance)	Nil
Risk rating - Adequate			
IMPLICATIONS			
<p>Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.</p> <p>Advertising of the dates of the burning period is required as per the Bush Fires Act 1954; compliance with this Act demonstrates processes are being followed at a governance level that will assist in minimising the risks of bushfire upon the greater community.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

15/22 Moved Cr Egerton-Warburton Seconded Cr P Webb

That Council adopt the 2022/2023 Fire Break Order, which includes new requirements within the gazetted town site boundaries of all gazetted town sites, as attached.

CARRIED 8/0

11.3 2022/23 LOCAL GOVERNMENT GRANTS SCHEME (LGGS) MANUAL AND OPERATING AND CAPITAL GRANTS

AUTHOR	Robert Jehu – Manager of Regulatory Services
DATE	Thursday, 10 March 2022
FILE NO	ES.CIR.2
ATTACHMENT(S)	11.3.1 - 2022/23 LGGS Covering Letter - Kojonup

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 2 - Connected	2.3 Be providing for a safe and secure environment by working with State and Federal Authorities	2.31.1 – 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 for Council to consider applying for a capital grant from the LGGS for new facilities.

BACKGROUND

The Bush Fire Advisory Committee (BFAC) is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision-making process.

The BFAC Committee moved a motion on the 14th of October 2021: “That an application for a new fire shed should be sought.”

The Bush Fire Services and State Emergency Services Capital Grants Committees convened out of session in December 2021, endorsing the 2022/23 Replacement and Build programs.

COMMENT

The Department of Fire and Emergency Services has indicated that the Shire of Kojonup (Shire) would be looked upon favourably in receiving the grant funding required to erect a replacement fire shed for the Kojonup Fire Brigade (Brigade).

The Shire will provide the land for the new fire shed at the Depot. The new fire shed will be of a larger dimension than the current shed as well as supplying facilities for Brigade members.

CONSULTATION

Members of the Bush Fire Advisory Committee

STATUTORY REQUIREMENTS

Section 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Fully funded grant application. The Shire will provide the land.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2. Business Disruption	Lack of (or inadequate) emergency response /business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	NIL
Risk rating – Adequate			
IMPLICATIONS			
Under legislation, the Shire may establish and maintain a BFAC. The risk of not having a BFAC is that staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bushfires. The Shire is reliant on the BFAC to be able to provide this knowledge.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

16/22 Moved Cr Gale

Seconded Cr Singh

That Council supports an application to apply for funding from the Local Government Grants Scheme to build an improved fire shed for the Kojonup Fire Brigade.

CARRIED 8/0

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (FEBRUARY 2022)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 7 March 2022
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – February 2022 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 28 February 2022.

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 28 February 2022 represents eight (8) months, or 67% of the year.

The following items are worthy of noting:

- Closing deficit position of \$328,413;
- Operating results:
 - 63% of budgeted operating revenue has been received; and
 - 69% of budgeted operating expenditure spent;
- Capital expenditure achieved 37% of budgeted projects;
- Cash holdings of \$3.87m of which \$3.52m is held in cash backed reserve accounts and \$237,239 is a grant held for other parties;
- Rates debtors outstanding equate to 11% of total rates raised for 2021/2022;

- New loans drawn down of \$1.5m on 4 March 2022 improve the financial position shown above considerably; and
- Pages 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6 – concern has been raised regarding the ‘Animal Control’, Fire Prevention and ‘Road Maintenance’ sub-programs over expenditure when compared to year-to-date (YTD) budgets.

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

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

17/22 Moved Cr Singh

Seconded Cr Egerton-Warburton

That the monthly financial statements for the period ending 28 February 2022, as attached, be noted.

CARRIED 8/0

12.2 MONTHLY PAYMENTS LISTING FEBRUARY 2022

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Tuesday, 8 March 2022
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1 to 28 February 2022

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

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of February 2022.

BACKGROUND

Nil

COMMENT

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

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

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

18/22 Moved Cr F Webb

Seconded Cr Wieringa

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 February 2022		TO – 28 February 2022
Municipal Cheques	14323 - 14325	\$2,494.46
EFTs	29606 - 29728	\$700,678.74
Direct Debits		\$406,250.17
Total		\$1,109,423.37

be received.

CARRIED 8/0

12.3 COMPLIANCE AUDIT RETURN 2021

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 9 March 2022
FILE NO	CM.REP.1
ATTACHMENT(S)	12.3.1 - Compliance Audit Return 2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.3 – Commit to future state-wide measurement systems testing local government performance

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council’s adoption of the Compliance Audit Return for 2021.

BACKGROUND

Completion of the Compliance Audit Return (CAR) is mandatory for each local government. Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* require a local government to carry out a compliance audit for each calendar year. A local government’s audit committee must review the CAR and report same to Council to adopt after which a certified copy, together with a copy of the section of Council minutes adopting the CAR plus any other relevant information, must be submitted to the Department of Local Government, Sport and Cultural Industries (Department) by 31 March each year.

COMMENT

The 2021 CAR has been completed following a review of processes and documentation for each activity/area in which compliance is being assessed against the *Local Government Act 1995* and its associated regulations.

This item has also been included within the agenda for the Audit and Risk Committee’s meeting to be held on 15 March 2022.

Items of note in the 2021 CAR include the following:

- the need to publish an up-to-date version of the gift register on the Shire of Kojonup’s (Shire’s) website;
- the need to publish a Code of Conduct for employees on the Shire’s website; and
- the need to publish an up-to-date register of the complaints on the Shire’s website.

CONSULTATION

Audit and Risk Committee
Chief Executive Officer
Manager Corporate and Community Services

STATUTORY REQUIREMENTS

14. *Compliance audits by local governments*

(1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

(2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

(3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

(3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*

- (a) presented to the council at a meeting of the council; and*
- (b) adopted by the council; and*
- (c) recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted: Gazette 23 Apr 1999 p. 1724-5; amended: Gazette 30 Dec 2011 p. 5580-1.]

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

(1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
- (b) any additional information explaining or qualifying the compliance audit,*

is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) *In this regulation —*

certified *in relation to a compliance audit return means signed by —*

- (a) the mayor or president; and*
- (b) the CEO.*

[Regulation 15 inserted: Gazette 23 Apr 1999 p. 1725; amended: Gazette 26 Jun 2018 p. 2386.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Inadequate compliance framework	Compliance Audit Report	Nil (key control being undertaken)
Risk rating - Adequate			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

19/22 Moved Cr Gale

Seconded Cr Egerton-Warburton

That the Compliance Audit Return for 2021, as attached, be adopted.

CARRIED 8/0

12.4 12 APRIL 2022 ORDINARY MEETING OF COUNCIL - CHANGE OF VENUE

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 9 March 2022
FILE NO	GO.CNM.6
ATTACHMENT(S)	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3 – Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 – Engage with our residents and industry members through increased use of social media.

DECLARATION OF INTEREST

Nil

SUMMARY

Council to consider the change of venue for its 12 April 2022 Ordinary Meeting.

BACKGROUND

Council resolved the dates and venue of its 2022 Ordinary Meetings of Council at its 14 December 2021 Ordinary Meeting, and advertised accordingly:

That:

1. *Ordinary Meetings of Council be scheduled to be held in the Shire of Kojonup (Shire) Council Chambers the third Tuesday of each month in 2022 commencing at 3:00pm with the following exceptions:*

- *No scheduled meeting to be held in January;*
- *The April meeting be brought forward to avoid Easter public holiday limitations;*
- *The July meeting be held on the fourth Tuesday to make allowance for the Annual Budget adoption; and*
- *The December meeting be held on the second Tuesday given timing to the Christmas break period.*

2. *The following dates be approved for the 2022 calendar year for Ordinary Meetings of Council:*

- *15 February 2022*
- *15 March 2022*
- *12 April 2022*
- *17 May 2022*
- *21 June 2022*
- *26 July 2022*
- *16 August 2022*
- *20 September 2022*
- *18 October 2022*

- 15 November 2022
- 13 December 2022

3. That Council's approved Ordinary Meeting schedule for 2022, as above, be published on the Shire website and local public notice given.

COMMENT

Since resolving the dates and venue of its Ordinary Meetings for the 2022 year, Councillors and the Chief Executive Officer have discussed holding Council's 12 April 2022 Ordinary Meeting at the Memorial Hall in Kojonup in commemoration of 150 years since the Kojonup Road Board's first meeting. The purpose of this report is to formally endorse the change of venue for the 12 April 2022 Ordinary Meeting of Council after which the change in venue will be advertised accordingly.

CONSULTATION

Councillors

Chief Executive Officer

STATUTORY REQUIREMENTS

Section 5.25 (1) (g) - *Local Government Act 1995* –

5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of s. 9.59, regulations may make provision in relation to—

- (g) the giving of public notice of the date and agenda for council or committee meetings;

Regulation 12 - *Local Government (Administration) Regulations 1996* –

12. Publication of meeting details [Act s. 5.25(1) (g)]

(1) In this regulation —

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held—

- (a) ordinary council meetings;
- (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government's official website as soon as practicable after the change is made.

(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6 - Engagement Practices	Failure to maintain effective working relationships with the Community (including local Media), Stakeholders, Key Private Sector Companies, Government Agencies and/or Elected Members.	Policies and Procedures	Nil
Risk rating - Adequate			
IMPLICATIONS			
Allows compliance with s. 5.25 (1) (g) of the <i>Local Government Act 1995</i> and r. 12 – Local Government (Administration) Regulations 1996 - publication of meeting details.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

20/22 Moved Cr Wieringa Seconded Cr Gale
 That Council changes the venue for its 12 April 2022 Ordinary Meeting from the Council Chambers to the Memorial Hall, Kojonup.

CARRIED 8/0

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORT

Nil

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

Nil

17 **CONFIDENTIAL REPORTS**

17.1 CHIEF EXECUTIVE OFFICER PROBATION AND CONTRACT OF EMPLOYMENT

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Wednesday, 9 March 2022
FILE NO	PE.HMR.116

17.2 VEHICLE PRIVATE USE

AUTHOR	Grant Thompson, Chief Executive Officer
DATE	Thursday, 10 March 2022
FILE NO	PE.HMR.107

STATUTORY REQUIREMENTS

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

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

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

PROCEDURAL MOTION

21/22 Moved Cr Gale

Seconded Cr F Webb

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (a) of the *Local Government Act 1995* at 3.47pm.

CARRIED 8/0

The Chief Executive Officer, Manager Regulatory Services and Susanne Bilney left the meeting at 3.47pm.

OFFICER RECOMMENDATION/COUNCIL DECISION

22/22 Moved Cr Gale

Seconded Cr F Webb

That:

1. the current Chief Executive Officer (CEO) has met all the performance criteria during his probation period and is appointed permanent fulltime to the position as per the CEO Contract of Employment.
2. the attached Variation to Contract Probation Period Remuneration Grant Thompson be accepted and offered to the CEO with changes related to the CEO's probation criteria and remuneration, as per the original Letter of Offer and in alignment to the *Western Australia Salaries and Allowances Act 1975 - Determination Of The Salaries And Allowances Tribunal On Local Government Chief Executive Officers And Elected Members*.

CARRIED BY ABSOLUTE MAJORITY

The Chief Executive Officer returned to the meeting at 3.48pm.

OFFICER RECOMMENDATION/COUNCIL DECISION

23/22 Moved Cr Gale

Seconded Cr Singh

That the Council gives explicit permission to allow the use of a Shire of Kojonup vehicle to travel north of the 26th Parallel with all fuel and expenses to be borne by the officer when using the vehicle north of the 26th Parallel, as per the attached request and as per Council Policy 2.2.8.

CARRIED 8/0

PROCEDURAL MOTION

24/22 Moved Cr Gale

Seconded Cr F Webb

That the meeting be reopened to the public at 4.46pm.

CARRIED 8/0

Susanne Bilney returned to the meeting at 3.49pm.

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 12 April 2022 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 3.50 pm.

20 **ATTACHMENTS (SEPARATE)**

Item 7.1	7.1.1	Minutes of the Council Meeting held on 15 February 2022
Item 10.1	10.1.1	Kojonup Golf Club correspondence
Item 10.2	10.2.1	Business Case
	10.2.2	Project Management Plan
	10.2.3	Cost Benefit Analysis
	10.2.4	Operational Management Overview
	10.2.5	Plans
	10.2.6	Project Costings
Item 11.1	11.1.1	Bush Fire Advisory Committee meeting minutes - 9 February 2022
Item 11.2	11.2.1	Fire Break Order 2022/23
Item 11.3	11.3.1	2022-23 LGGs Covering Letter – Kojonup
Item 12.1	12.1.1	February 2022 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 1 to 28 February 2022
Item 12.3	12.3.1	Compliance Audit Report 2021