

AGENDA

Ordinary Council Meeting

24 October 2023

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 24 October 2023 commencing at 3:00pm.

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

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

GRANT THOMPSON CHIEF EXECUTIVE OFFICER

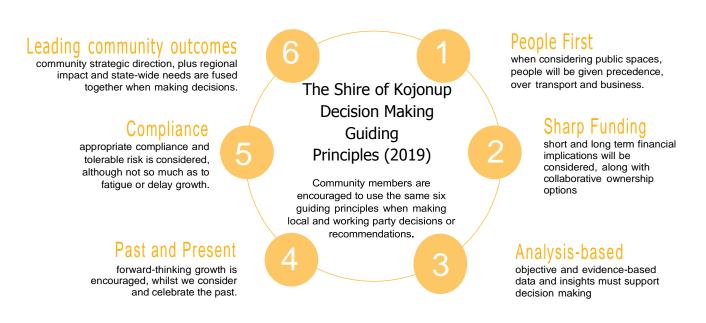
20 October 2023

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



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3 ATTENDANCE

COUNCILLORS

Cr P Webb Councillor
Cr Bilney Councillor
Cr Egerton-Warburton Councillor

COUNCILLORS ELECT

To be confirmed after the Local Government Election being held 21 October 2023. New Councillors will make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland JP before commencing their duties at 3.00pm, 24 October 2023.

STAFF

Grant Thompson Chief Executive Officer/Chairperson
Judy Stewart Manager Governance and Administration

- 3.1 APOLOGIES
- 3.2 APPROVED LEAVE OF ABSENCE

4 <u>DECLARATION OF INTEREST</u>

5 PUBLIC QUESTION TIME

- 5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 5.2 PUBLIC QUESTION TIME

6 CONFIRMATION OF MINUTES

Nil

7 PRESENTATIONS

- 7.1 PETITIONS
- 7.2 PRESENTATIONS
- 7.3 DEPUTATIONS
- 7.4 DELEGATES' REPORTS

8 METHOD OF DEALING WITH AGENDA BUSINESS

Shire of Kojonup – Ordinary Council Meeting – Agenda – 24 October 2023

9 <u>REPORTS</u>

9.1 Nil	KEY PILLAR 'LIFESTYLE' REPORTS
9.2 Nil	KEY PILLAR 'ECONOMICS' REPORTS
9.3 Nil	KEY PILLAR 'VISITATION' REPORTS

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9.4 KEY PILLAR 'PERFORMANCE' REPORTS

9.4.1 ELECTION OF SHIRE PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of Shire President **must be made in writing to the Chief Executive Officer** at any time prior to the meeting and during the meeting up until the Election.

The election of Shire President will be carried out in accordance with the *Local Government Act* 1995, Section 2.6(3), Schedule 2.3 & 4.1 and the *Local Government (Constitution) Regulations* 1998.

The successful nominee will then make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland JP, before commencing their duties as the Shire President of the Council and presiding over the meeting.

The Shire President will take the Chair.

9.4.2 ELECTION OF DEPUTY SHIRE PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of Deputy Shire President must be made in writing to the Chief Executive Officer at any time prior to the meeting and during the meeting up until the Election.

The election of Deputy Shire President will be carried out in accordance with the *Local Government Act 1995, Section 2.6(3), Schedule 2.3 & 4.1* and the *Local Government (Constitution) Regulations 1998.*

The successful nominee will then make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland – JP, before commencing their duties as the Deputy Shire President of the Council.

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- 10 APPLICATIONS FOR LEAVE OF ABSENCE
- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 12 QUESTIONS FROM MEMBERS WITHOUT NOTICE
- 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING
 - 13.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONVENTION 2023 HEADS OF AGENCY DISCUSSION NOTES DEPARTMENT OF FIRE AND EMERGENCY SERVICES

(Please see attachment 13.1.1)

13.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONVENTION 2023 HEADS OF AGENCY DISCUSSION NOTES – DEPARTMENT OF WATER AND ENVIROMENTAL REGULATION

(Please see attachment 13.1.2)

- 14 MEETING CLOSED TO THE PUBLIC
 - 14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
 - 14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC
- 15 CLOSURE

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

Shire of Kojonup – Ordinary Council Meeting – Agenda – 24 October 2023

16 <u>ATTACHMENTS (SEPARATE)</u>

13.1	13.1.1	Western Australian Local Government Association Convention 2023 – Heads of Agency discussion notes – Department of Fire and Emergency services
	13.1.2	Western Australian Local Government Association Convention 2023 – Heads Of Agency discussion notes – Department Of Water And Environmental Regulation



2023 WA Local Government Convention & Exhibition

Heads of Agency Breakfast - Notes Monday 18 September 2023 (INSERT DEPARTMENT)

Attendees:

- Michelle Andrews, Director General, Department of Water and Environmental Regulation
- Rebecca Brown, Manager Waste and Environment, WALGA
- Local Government attendees as listed.

Please see full Head of Agency Briefing for a list of attendees and briefing on intended issues/questions.

Local Government and Representative/s Name	Issue/Action	Responsibility
Shire of Woodanilling Deputy President Russel Thomson	The Shire is concerned about the impact on road safety of not being able to clear some key vegetation, what are the options to streamline the process?	The Director General committed to take on board the concern raised by the Shire regarding the clearing regulations and road safety.
	What is the Department's plan for long-term stability for rural towns, water harvesting from saline water, farming areas, stock controls, drought proofing for regions with lower-than-average rainfall?	The Shire is working with neighbouring Local Governments regarding the groundwater resources and associated water resource allocation. The Director General encouraged all Local Governments to be actively involved in the water allocation plan process to ensure the current and future needs of the area could be considered. The Director General noted that the Government has signalled that it expects to be consulting on new Water Legislation, by the end of the year, and emphasised the importance of contemporary legislation to address complex water security and climate change issues.
Shire of Kojonup Cr Roger Bilney	Are there reforms in the pipeline to strengthen the laws and penalties related to clearing of land in regional and rural areas? As an example, land clearing in Kojonup has increased materially and, in our belief, is excessive - without any consequences for the individuals doing it.	The Director General committed to take on board the concern raised by the Shire regarding the clearing regulations and noted that the Department is strengthening its compliance and enforcement capabilities.

Local Government and Representative/s Name	Issue/Action	Responsibility
	Are you aware of any State Government reforms regarding renewable energy projects being given special status treatment?	The Director General outlined the Government's Green Energy Approvals initiative that commenced in July to streamline approvals across government in relation to renewables. There is clear recognition within Government of this issue.
President Neil Morrell new potential Act, what are the likely implications of the new Act on Local Government Clearing Permits and primary producers clearing permits. How is the Department looking to work with other agencies to streamline approval processes like the clearing and Aboriginal		The Director General gave an update on the repeal process currently underway. For DWER, the changes to the Departments structure is intended to streamline approvals process, and reduce duplication, with all regulatory services in one place.
President Eliza Dowling litter piggeries of any Local Government in Western Australia. The regulation of piggeries crosses a number of legislative and departmental responsibilities. Piggeries require planning approval (Planning and Development Act) Works Approval and License (Environmental Protection Act) and are also defined as an offensive trade depending on the conflux the nuisance provisions the Health (Miscellaneous Provisions) Act. the Health (Piggeries) Regulations		The Director General noted that the piggeries are regulated under the Environmental Protection Act (EP Act) and suggested the Shire could follow up with DWER to understand regulatory options for resolving any issues. The Director General also noted that some EP Act powers are delegated to Local Government Environmental Health Officers. Follow up required: Shire of Cuballing to confirm if EHO currently has delegation under the EP Act. Director General to set up meeting between the Shire and DWER licencing team.
Town of Mosman Park CEO, Carissa Bywater	enforcement will likely fall to DWER. Memorial Hall is a historic and landmark building in Mosman Park that is important to the community. It has served as a gathering place for generations, fostering connections, and hosting numerous events that have brought our community together. The current lease for the facility is ending, we have carried out a process of community stakeholder engagement. The goal of this	The Director General suggested that the Town ensure that it has formally notified the Department of its intention to apply for an exemption for the facility, and the work it has initiated to inform the application. A

Local Government and	Issue/Action	Responsibility
Representative/s Name		
	conversation was to explore possible future uses for the Memorial Hall facility. I have enclosed, for your information, a copy of the key insights from phase one of this community engagement.	formal notification would be a relevant consideration for the Department in determining whether compliance action is appropriate.
	These community engagement efforts have reinforced the desire of the majority of residents to preserve and fully use this iconic building. In particular, there is strong support for keeping outdoor movies at Memorial Hall. Movies have been a cherished activity in our community, providing entertainment, cultural enrichment, and vibrant activation.	
	In parallel, we are investigating noise complaints received from a small number of residents in relation to activation of Memorial Hall and in particular the outdoor cinema and we understand those complaints have now gone to the Department of Water and Environmental Regulation. From the Town's discussions with the Department, it was suggested the only way to solve the issues was to implement the use of headphones or put a roof on the outdoor area. We do not believe this to be a viable or sufficient solution. The Town's officers have proposed an alternative reasonable, proportionate and transparent approach for long term management of the noise under the Environmental Protection (Noise) Regulation 1997 regulatory framework. However this future focused approach was met with reluctance from the Department.	
	While it is essential to address these concerns and ensure the wellbeing of all residents, it is equally crucial to maintain the integrity and purpose of Memorial Hall as a community hub. Restricting the activities solely based on the concerns of a few would not be in the best interest of the broader community, which overwhelmingly supports the active use of the hall. In due course, when the Council reviews the received proposals for the use of Memorial Hall, the outstanding project components will require the Minister for Local Governments approval of the change of use and their authorisation to enter a new lease with the preferred operator.	

Local Government and Representative/s Name	Issue/Action	Responsibility
Representative/s Name	I kindly request your support in ensuring that Memorial Hall remains a vibrant and inclusive community space for current and future generations.	
Shire of Exmouth President Darlene Allston	Lack of water supply in town There isn't enough water in town which has stopped development. Water Corp reps continuously push for infill development, so when the Shire looks to infill within the town centre for mixed use commercial, Water Corp then come back and say no as they can't produce more water. Water Corp is investigating two options, extension to the existing bores and desal plant. The feedback we have received is the bore extension is too costly and the desal will be at least 5 years away. What can the Department do to enable water expansion to resolve the issue in the very short term?	The Director General noted that DWER has reprioritised its water allocation planning for the region, in response to issues raised by Local Government, developers and other stakeholders. DWER water planning officers visited the region recently and DWER is also working with WaterCorp and others on interim solutions. More generally, DWER Corporate Executive invites other Government agencies to join their regional visits to build awareness and alignment on key strategic issues.



2023 WA Local Government Convention & Exhibition

Heads of Agency Breakfast - Notes Monday 18 September 2023 (INSERT DEPARTMENT)

Attendees:

- President Leigh Ballard, Shire of Narrogin
- CEO Dale Stewart, Shire of Narrogin
- President Wayne Della Bosca, Shire of Yilgarn
- President Ned Radford, Shire of Kojonup
- President Tracy Lefroy, Shire of Moora
- CEO Gavin Robins, Shire of Moora (apology)

Please see full Head of Agency Briefing for a list of attendees and briefing on intended issues/questions.

Local Government and Representative/s Name	Issue/Action	Responsibility
President Leigh Ballard and CEO Dale Stewart , Narrogin	Topic Funding of \$6.8 mil Joint Emergency Services Hub within the Shire of Narrogin. Tenure of Reserve 47304 being transferred to the Shire of Narrogin to enable the above and the St John Ambulance project to proceed.	 The Shire has been experiencing issues with respect to securing the land for the Emergency Services Hub. Issues with land tenure have prevented the Shire from making a LGGS application. Have been dealing with Kat Colgate and Rosie. A delay of more than 12 months since any progress. Shire had wanted to co-locate the BFB and VFRS as they are a joint unit. However DFES advised it could not be supported because VFRS facility had to be on DFES owned land and BFB facility had to be on Shire owned land. There was a discussion about co-location of facilities. The Commissioner advised that co-located facilities have been supported in Dalwallinu and Gingin.

Local Government and	Issue/Action	Responsibility
Representative/s Name	Topic Discussion around the equity in the allocation of Community Emergency Services Manager (CESM) to some Local Governments and not others, and in particular the Shire of Narrogin sharing with Shires of Boddington, Wandering & Cuballing as per our correspondence dated 22 December 2021.	 Shire advised that they had wanted an ICC but were advised by LGGS team that an ICC could not be supported so they had to redesign the plans to remove it. Shire advised that they want to participate in the CESM program. The Commissioner indicated that he talks with WALGA CEO Nick Sloan about CESMs frequently and is aware of the unmet demand. In his opinion, CESMs are the future for LGs. DFES have applied for funding for CESMs through consolidated revenue a number of times and not been successful. The Commissioner advised that he sees the new Consolidated Emergency Services Act (CES Act) as an opportunity to secure funding to expand the CESM program and sort out LGGS funding. The Shire asked the Commissioner to consider DFES participating in the In Step West Program. InStep West engages students in workplace learning as part of their WACE. Students undertake workplace learning to gain employability skills, open career pathways by experiencing the real work environment in an industry or sector of future career interest, and complete course units that count towards WACE graduation. WA Police and the Defence Forces participate in this Program. The Commissioner advised that the DFES Youth in Emergency Services Program is very successful and that DFES is looking to develop a program similar to WA Police cadetship program. Shire is waiting on 2 SES vehicles. The Commissioner advised that there are delays to the build problem because of a shortage of mechanics. DFES salaries are lower than private mining companies so staff leave. Also supply chain issues with cab chassis

Local Government and Representative/s Name	Issue/Action	Responsibility	
		Action 1: Commissioner to follow up within DFES as to land tenure issues and reasons for delay re Narrogin Emergency Services Hub.	
		Action 2: Commissioner to clarify what the LGGS Guidelines provide with respect to requirements for co-location of facilities.	
		Action 3: Commissioner to consider opportunity for DFES to participate in InStep West Program.	
		Action 4: Commissioner to follow up about the 2 Narrogin SES vehicles.	
President Wayne Della Bosca Yilgarn	Question What are DFES doing with regards to ensuring the contribution of mining companies to local bushfire mitigation and bushfire fighting capability? The Shire is concerned about the lack of participation of mining companies in local bushfire management activities.	 There are a number of mining companies operating on Unallocated Crown Land within the Shire that will not assist with bushfire mitigation and say it is the Shire's responsibility. The Shire of Coolgardie has an arrangement with their local miners re bushfire mitigation however it was unclear how that arrangement worked. How can DFES assist them with this issue? The Commissioner indicated that development of a Bushfire Risk Management Plan would enable to Shire to apply for Mitigation Activity Fund money to undertake bushfire mitigation on Crown land under the control of the Shire. DFES manages a separate ESL bucket of funds for Crown land. DFES has MOUs with a number of mining companies and there is no reason that the Shire couldn't enter similar arrangements. Action 5: Commissioner to request Damien Pumphrey Superintendent Goldfields Midlands to engage with the Shire to determine the 	

Local Government and Representative/s Name	Issue/Action	Responsibility
		relevant mining companies and engage with the mining companies about developing an MOU re bushfire mitigation.
		Action 6: Commissioner to provide information to Shire about Bushfire Risk Mitigation Planning process.
President Ned Radford Kojonup	Question What is the DFES position regarding the integration and consolidation of the Emergency Services Acts; particularly, how we can strengthen and sustain the voluntary BFBs requirements? Question Does DFES appreciate the difference in roles that DFES and voluntary BFBs play in the community and can you elaborate your understanding of these differences? Question Appreciating these differences, could you comment on how DFES could improve its relationship with the BFBs that wish to remain independent and strong?	 The Shire raised the requirement for LGGS funding for BFBs to be increased. The Commissioner advised that the ESL can only be spent on the Bushfire Act, Regulations and the Fire and Emergency Services Act. It is included in the fees and charges on Budget announcements, and the cost is passed straight to the community. DFES has been advocating for additional funding from Consolidated Revenue without success. DFES funding used to be 75% ESL/ 25% Consolidated Revenue, but that was eroded during COVID. That is the biggest challenge with respect to increasing LGGS. LGGS funding has increased by 17% over the past 5 years, including a significant uplift in insurance. The fleet program is fully funded. The challenge is land and buildings. DFES and WALGA are working together to undertake an audit of BFB and SES facilities which will assist. The eligible and ineligible items list for the LGGS is contentious. The Commissioner indicated that changes to the list should go hand in hand with looking at operating grants. The Working Group set up to look at the eligible and ineligible list didn't function so the Commissioner had to disband it. The Commissioner decides what is on the list and is happy to work with the WALGA Zones to look at the list. Shire of Kojonup has spent \$300k on a radio communication tower for emergencies.

Local Government and Representative/s Name	Issue/Action	Responsibility
	Question Can you comment on how DFES could strengthen voluntary BFB funding considering DFES maintain control over Emergency Services funding?	 Shire of Kojonup has rolled out Rural Fire Awareness training broadly. The Commissioner advised that concerns that DFES wants to take control of BFBs are untrue. There will be a facilitative clause in the CES Act so LGs or BFBs that want to transfer can do so. That comes at a cost and DFES will have requirements about that. The CES Act will come out in 2024 for 3 months consultation on the Exposure Draft Bill. Changes in population and farming practices are impacting regional bushfire response capability. It works well to send periurban Brigades that are well trained and enthusiastic. More work needs to be done to explore the correct capability model to cater for changing population and farming practices. BFBs and farmer response are quite different and there is an opportunity to recognise their different roles and ranges of operation (farmer response should focus on local response while BFBs may travel on deployment more). The Kojonup shed has been delayed and was supposed to be complete in 2022. Action 7: Commissioner to follow up on progress with Kojonup shed.
President Tracy Lefroy and CEO Gavin Robins , Moora	Topic Training requirements for volunteers for upcoming fire season. The Shire is conscientious about ensuring that all volunteers are trained to standard but it can be difficult to access qualified trainers.	 The Shire of Moora has trouble accessing trainers. How can they ensure BFB volunteers are trained when they cant access trainers? The Commissioner advised that Rural Fire Awareness training is now available online and that Bushfire Safety Awareness training will soon be available 75% online and 25% face to face. CESMs are also able to deliver some training. Northam and Geraldton regions will be generating a training calendar soon.

Local Government and	Issue/Action	Responsibility
Representative/s Name		
	Topic Upgrading of regional infrastructure to ensure emergency response is effective and efficient. Shire has committed \$300k to upgrades to aerodrome to support aerial firefighting, and \$600k to establish a combined emergency services centre. Shire will seek LGGS funding support. However, the quantum of LGGS funding is insufficient and the costs of providing local emergency response facilities is being transferred to LG which has limited revenue and can only raise additional revenue through increasing residents rates. LGGS operating grants are also reducing each year. However fires are more frequent and more intense and will continue to be so.	 There are issues with the LGGS eligible and ineligible list. DFES has tried to engage with Local Government CEOs about it. There are difficulties with the Bushfire Association on that topic. The BFB and SES facility audit will be important. LG representatives observed that LGGS funding should be available to upgrade regional infrastructure and the quantum of LGGS funding is inadequate. LGs are increasingly having to pay for emergency response facilities. The Commissioner noted that LGs should provide some funding for BFBs. The audit will help with funding of land and buildings. Seroja highlighted the challenges faced by small Shires. The funding process for the CES Act will provide an opportunity to undertake a full analysis of the cost of that legislation and the resources required to implement it. President LeFroy requested a summary of where the LGGS is at and where it is going. The Commissioner advised that LGs can make an application to the LGGS for extraordinary costs when equipment is required but not budgeted for. I It is important to engage with the DFES region as soon as a LG commences managing a fire. DFES will take control if the LG wants to hand over. The Commissioner offered to attend Zone meetings any time and shared his personal phone number with the group. Action 8: Commissioner to speak to the Superintendents at Geraldton and Northam so that Moora can access training at either location.

Local Government and Representative/s Name	Issue/Action	Responsibility
		Action 9: Commissioner to provide update on LGGS funding quantum and approach.