

Kojonup



One community, many choices

SHIRE OF KOJONUP

MINUTES

Ordinary Council Meeting

10 December 2024

UNCONFIRMED

MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 10 DECEMBER 2024

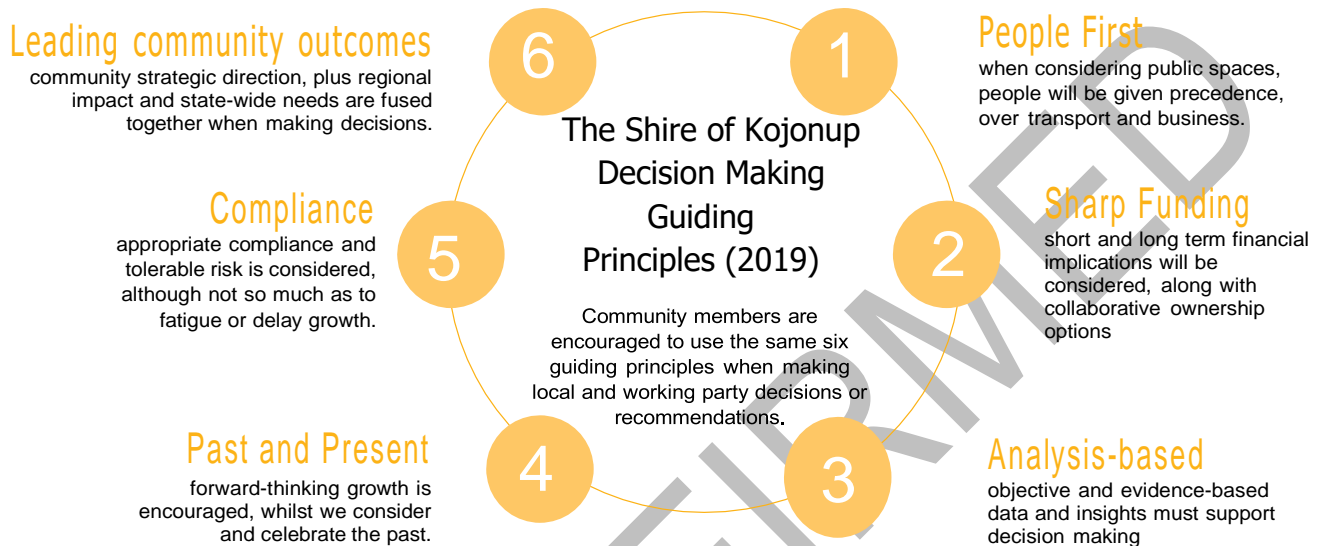
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UNCONFIRMED

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



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

Disclaimer

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

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

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

Acknowledgement of Country

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

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

Prayer

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 Bilney	Shire President
Cr Wieringa	Deputy Shire President
Cr Radford	
Cr Egerton-Warburton	
Cr Mathwin	
Cr Mickle	
Cr Webb	

STAFF

Grant Thompson	Chief Executive Officer
Tonya Pearce	Governance and Rates Officer
Darryn Watkins	Manager Works and Infrastructure
Estelle Lottering	Project Manager and Regulatory Services

MEMBER OF PUBLIC

Aaron Pontifex	Kojonup Feeds
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3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4 DECLARATION OF INTEREST

Nil

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Not Applicable

5.2 PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 19 NOVEMBER 2024

Unconfirmed Minutes of an Ordinary Council Meeting held 19 November 2024 are at [attachment 6.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

149/24 Moved Cr Wieringa

Seconded Cr Radford

That the Minutes of an Ordinary Council Meeting held 19 November 2024 be confirmed as a true record.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

7 PRESENTATIONS

7.1 PETITIONS

7.2 PRESENTATIONS

7.3 DEPUTATIONS

7.4 DELEGATES' REPORTS

8 METHOD OF DEALING WITH AGENDA BUSINESS

Nil

9 REPORTS

9.1 KEY PILLAR 'LIFESTYLE' REPORTS

Nil

9.2 KEY PILLAR ‘ECONOMICS’ REPORTS

9.2.1 ADDITIONAL TWO SILOS FOR EXISTING RURAL INDUSTRY (STOCK FEED) BUSINESS - LOT 1 (No. 23368) ALBANY HIGHWAY, LUMEAH

AUTHOR	Steve Thompson - Consultant Planner, Edge Planning & Property
DATE	Friday, 6 December 2024
FILE NO	A24200
ATTACHMENT(S)	<p>9.2.1.1 - Development Plans</p> <p>9.2.1.2 - Development Application Report</p> <p>9.2.1.3 – Environmental Assessment Report and License Supporting Information</p> <p>9.2.1.4 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i></p>

<p>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS</p>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Economics	4. Grown Existing Business	4.1 Economic support program

DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

SUMMARY

To consider an application for development approval for two additional silos for an existing stock feed business (Kojonup Feeds Pty Ltd).

BACKGROUND

The application site contains the existing business, Kojonup Feeds Pty Ltd which consists of various sheds, tanks, silos, and a weighbridge. The site is 16.4354 hectares in area and is cleared. Kojonup Feeds has been operated since 2014. The site is approximately 18km south-south east of the Kojonup townsite.

Proposal

The applicant seeks approval to construct two overhead 13m high by 3.7m wide silos. The silos have a capacity of 100m³ and will support the established stockfeed plant. The height and width of the proposed silos are consistent with the existing silos on site. The new silos assist to increase production from approximately 35,000 tonnes per annum at present to approximately 55,000 tonnes per annum.

Development plans are set out in Attachment 9.2.1.1. Attachments 9.2.1.2 and 9.2.1.3 provide extensive information relating to the property, planning and environmental framework, existing operations, proposed development and how relevant matters will be addressed.

Given the scale of the business, Kojonup Feeds separately need to obtain a licence under the *Environmental Protection Act 1986* from the Department of Water and Environmental

Regulation (DWER). Animal feed manufacturing which produces 1,000 tonnes or more per year is a 'prescribed premise'. Accordingly, Kojonup Feeds needs a licence from DWER and needs to comply with the environmental standards.

COMMENT

The proposed silos are supported to assist expanding an existing business operating from the property. Following an assessment of the Development Application against the planning framework and site features, it is recommended that Council conditionally approve the Development Application given:

- It is consistent with the planning framework;
- The proposed development meets Town Planning Scheme No. 3 setbacks from property boundaries;
- The proposed development is not considered to create any significant amenity impacts, noting neighbours' dwellings are well setback from the facility. The closest dwelling, on adjoining Lot 4, is located approximately 150 metres from the Kojonup Feeds mill. The owner of Lot 4 advises this dwelling is not in a condition for human habitation. The owner of Lot 4, who owns adjoining Lots 2, 3 and 4, has provided written support to the application;
- There are manageable bushfire risks;
- There are expected to be minimal environmental impacts;
- Large vehicles access the site via Jingalup Road;
- The facility is well setback from Albany Highway and there are modest visual impacts associated with the proposed silos. It is suggested that silos are generally accepted in a rural landscape;
- It supports diversifying and growing the local economy and supports job creation;
- The Shire has not received objections to the Kojonup Feeds operations since it commenced operations;
- There are no objections from other Shire officers/units; and
- Development conditions can assist to control the use and management of the development.

Following the Council determining the Development Application, DWER will consider a licence under the *Environmental Protection Act 1986*.

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

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

1. *Not approve the proposal*

The Council is unable to refuse the application as 'Industry – Rural' is a 'P' use in the Rural Zone as set out in the TPS3 Zoning Table. If this option were chosen, it is suggested that the State Administrative Tribunal would overturn the Council's decision.

2. *Approve the proposal*

The Council can choose to approve the application, with or without conditions. If this option were chosen, the development can proceed subject to obtaining DWER approval.

3. *Defer the proposal*

The Council can choose to defer the matter and seek additional information from the applicant before proceeding to make a decision.

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

CONSULTATION

No consultation is required given Rural-Industry is a 'P' (permitted) use in the Rural zone. Kojonup Feeds has received written support from an adjoining landowner who owns various adjoining lots.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 - the processing of the Development Application is required to comply with the requirements of the *Shire of Kojonup Town Planning Scheme No. 3 (TPS3)* which is an operative local planning scheme under the provisions of the Act and Regulations.

The site is zoned 'Rural' in TPS3. 'Industry – Rural' is a 'P' use in the Rural Zone as set out in the TPS3 Zoning Table. The local government is not able to refuse a 'P' use. TPS3 defines Industry – Rural as 'an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.'

The *Shire of Kojonup Strategic Community Plan* supports a diversified economic base.

The site is partly located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner. The proposed silos are located outside of the bushfire prone area.

Attachment 9.2.1.4 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application.

POLICY IMPLICATIONS

Relevant policy documents include:

- *State Planning Policy 2.5 Rural Planning*
- *State Planning Policy 3.7 Bushfire*
- *State Planning Policy 4.1 Industrial Interface*
- *Rural Planning Guidelines*
- *EPA Separation Distances between Industrial and Sensitive Land Uses* – sets a separation distance (buffer distance) for animal feed manufacturing of 500m. Key impacts to address are noise, dust and odour.

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

150/24 Moved Cr Webb

Seconded Cr Mickle

That Council grant Development Approval for two additional silos to support the industry-rural use at Lot 1 on Deposited Plan 73131 (No. 23368) Albany Highway, Lumeah, *pursuant to Schedule 2, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015* and subject to the following conditions and advice notes:

1. The development hereby approved must be carried out in accordance with the submitted plans and specifications (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. Any further use, addition to and/or intensification of any part of the subject development that is not in accordance with the approved application and the Conditions of Approval, and that is not considered minor, shall be subject to a new Development Application and approval for that use, addition and/or intensification.
4. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust.
5. Access by large vehicles, to and from the site, is limited via Jingalup Road. No large vehicles are to access or leave the site directly to/from Albany Highway.

Advice

- A) The applicant is encouraged to:
- Maintain a low fuel area around the silos at all times;
 - Prepare and implement a Bushfire Emergency Evacuation Plan for the overall operations;
 - Prepare and implement a Vermin Management Plan;
 - Ensure that any lighting device is positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*; and
 - Work with the owner of adjoining Lot 4 on Deposited Plan 73131 to decommission or remove the dwelling on Lot 4 which is located approximately 150 metres from the Kojonup Feeds mill.
- B) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

AMENDMENT

151/24 Moved Cr Mathwin

Seconded Cr Webb

That:

Point 5 of the motion, be removed.

5. Access by large vehicles, to and from the site, is limited via Jingalup Road. No large vehicles are to access or leave the site directly to/from Albany Highway.

MOTION AS AMENDED WAS PUT

That Council grant Development Approval for two additional silos to support the industry-rural use at Lot 1 on Deposited Plan 73131 (No. 23368) Albany Highway, Lumeah, *pursuant to Schedule 2, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015* and subject to the following conditions and advice notes:

1. The development hereby approved must be carried out in accordance with the submitted plans and specifications (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. Any further use, addition to and/or intensification of any part of the subject development that is not in accordance with the approved application and the Conditions of Approval, and that is not considered minor, shall be subject to a new Development Application and approval for that use, addition and/or intensification.
4. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust.

Advice

A) The applicant is encouraged to:

- Maintain a low fuel area around the silos at all times;
- Prepare and implement a Bushfire Emergency Evacuation Plan for the overall operations;
- Prepare and implement a Vermin Management Plan;
- Ensure that any lighting device is positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*; and
- Work with the owner of adjoining Lot 4 on Deposited Plan 73131 to decommission or remove the dwelling on Lot 4 which is located approximately 150 metres from the Kojonup Feeds mill.

B) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

Note: Aaron from Kojonup Feeds commented that this item is for a local business upgrading facilities and is seeking development approval.

Estelle Lottering entered the meeting at 3.07pm

Estelle Lottering and Aaron Pontifex left the meeting at 3.08pm

UNCONFIRMED

9.3 KEY PILLAR ‘VISITATION’ REPORTS

9.3.1 RECEIVE CIRCA. \$40,000 FROM KODJA PLACE COMMUNITY FUND INC. AND TRANSFER TO KODJA PLACE RESERVE

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 4 December 2024
FILE NO	FM.BNK.13
ATTACHMENT(S)	Nil

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Visitation	7 – Experience Kojonup Anytime Adventures	7.1 Kodja Place Cultural Upscale

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a foreshadowed transfer of funds from the Kodja Place Community Fund Inc. (KPCFI) to the Shire of Kojonup (Shire) in the event that the KPCFI becomes unable to continue to operate.

BACKGROUND-

Members of the Kojonup Historical Tourism Cultural Committee have advised the Shire it needs to prepare to receive approximately \$40,000 from the KPCFI on the winding up of the association.

The Shire has not received any formal correspondence.

The Shire is aware the KPCFI has consciously moved to instigate the process of winding up the organisation.

COMMENT

The conditions of this transfer include placing the money in trust for the Kodja Place and \$20,000 be allocated to capital improvements and \$20,000 be allocated to supporting the storytelling and day to day operations of the Gallery, more specifically to leverage Grants in parallel.

The Shire finance team will determine whether a new reserve is required or one of the current Kodja Place reserves is appropriate and can be utilised to place the funds in trust for the future of Kodja Place.

The main item today is to consider approving receipt of the funds.

CONSULTATION

Manager Financial and Corporate Services

STATUTORY REQUIREMENTS

NA

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will receive \$40,000 in cash, into the municipal account and transfer the funds to a 'Kodja Place Reserve' yet to be decided.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risks Description/Cause	Key Controls	Current Action
6 – Engagement	Relationship breakdowns with community groups	Support local community Volunteer groups	Review and assess Community Engagement Strategy and Plan
IMPLICATIONS			
Risk of funds not being governed correctly and lost to the community. Ensures that community funds stay in the Gallery and used for the purpose of Kodja Place. Demonstrates a commitment to maintaining the history of Kojonup.			

ASSET MANAGEMENT IMPLICATIONS

Nil

GREAT SOUTHERN ALLIANCE IMPLICATIONS (Formerly VROC, VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

152/24 Moved Cr Mathwin

Seconded Cr Warburton

That Council:

1. Receive the funds from the Kodja place Community Fund Inc. and transfer those funds to a relevant Kodja Place Reserve; and,
2. Agree to allocate and spend the funds as per the following:
 - a) \$20,000 to be allocated to leveraging Grants for storytelling and other activities in the Gallery; and,

- b) \$20,000 to use for capital expenditure within the Kodja Place Gallery (for clarity this is not to be used on the building or maintenance).

AMENDMENT

153/24 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council remove points 2 a) and 2 b) of the motion and amend point 2 to state:

2. Council agree the money received is not to be spent on the building or maintenance of the building.

MOTION AS AMENDED WAS PUT

That Council:

1. Receive the funds from the Kodja place Community Fund Inc. and transfer those funds to a relevant Kodja Place Reserve; and,
2. Council agree the money received is not to be spent on the building or maintenance of the building.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

UNCONFIRMED

9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

9.4.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (OCTOBER AND NOVEMBER 2024)

AUTHOR	Jill Johnson – Manager Financial and Corporate Services
DATE	Wednesday, 4 December 2024
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.4.1.1 – Monthly Financial Statements; October 2024 9.4.1.2 - Monthly Financial Statements; November 2024

<p>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS</p>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statement for the months ending 31 October 2024 and 30 November 2024.

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 October 2024 to 30 November 2024 represents five (5) months, or 41% of the year.

The following items are worthy of noting:

- Closing surplus position of \$5,510,178.
- Capital expenditure achieved 19.2% of budgeted projects.
- Cash holdings of \$5,519m of which \$1,160m is held in cash backed reserve accounts and \$4,359m is unrestricted cash.
- Rates debtors outstanding equate to 26% of total rates raised for 2024/2025.
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year to date actuals in accordance with Council Policy 2.1.6.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire of Kojonup. 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

154/24 Moved Cr Egerton-Warburton Seconded Cr Mathwin

That the monthly financial statements for the period ending 31 October & 30 November 2024, as attached, be noted.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

Estelle Lottering entered the meeting at 3.14pm

9.4.2 MONTHLY PAYMENTS LISTING – OCTOBER AND NOVEMBER 2024

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 2 December 2024
FILE NO	FM.AUT.1
ATTACHMENT	9.4.2.1 - Monthly Payment Listing October 2024 9.4.2.2 - Monthly Payment Listing November 2024

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of October and November 2024.

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 Chief Executive Officer 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 are 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

155/24 Moved Cr Radford

Seconded Cr Mathwin

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 October 2024		TO – 30 November 2024
Municipal Cheques	14392-14394	\$32,135.79
EFTs	34885 - 35259	\$1,494,985.84
Direct Debits		\$4,650,789.91
Total		\$6,177,911.54

be received.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

9.4.3 DELEGATION REGISTER – ANNUAL REVIEW

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 2 December 2024
FILE NO	PE.AUT.2
ATTACHMENT(S)	9.4.3.1 Delegation Register – existing (November 2023) copy – showing changes

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

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

BACKGROUND

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. Council’s Delegation Register was last reviewed by the Council in December 2023.

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

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

COMMENT

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

All managers and other relevant staff were given the opportunity to participate in the Register review.

A summary of delegations with recommended, consequential changes are as follows:

- ADMIN 005 – Appointment of Authorised Persons
Update of sub-delegation authority and Act information.
- ADMIN 011 – Authorising Officers to Impound Goods & Sell Uncollected Goods
Update of sub-delegation authority and Act information.
- ADMIN 012 – Power of Entry onto Private Land
Update of sub-delegation authority and Act information.
- ADMIN 013 – Native Title – Party to an Application
Repeal.
- ADMIN 014 – Prosecutions, Enforcement & Legal Proceedings
Update of sub-delegation authority and Act information.
- ADMIN 015 – Tenders or Quotations for the Supply of Goods & Services
Update of sub-delegation authority and Act information.
- EMPL 004 – Staff Employment, Salaries & Contracts
Update conditions.
- FIN 001 – Payments from Municipal & Trust Fund
Update heads of power of sub-delegation and authorisation
- FIN 003 – Write Off Money owed to Shire
Update of sub-delegation authority
- BLDG 001 – Building and Demolition Permits
No longer repealed
- BLDG 004 – Issuing Notices for Building Works
Update of sub-delegation authority, heads of power and statutory framework
- FIRE 002 – Varying Prohibited/Restricted Burning Times (Variations)
Update delegate and information
- FIRE 003 – Institute Prosecutions for Breaches of the *Bush Fire Act 1954*
Update Act information
- FIRE 006 – Varying Restricted Burning Times
Repeal, covered by delegation FIRE 002
- FIRE 008 – Exemptions for Bush Fire Act
New delegation
- RANGER 001 – Institute Proceedings for Offences Under the Cat Acts
Update of sub-delegation authority, head of power, conditions and statutory framework

- RANGER 002 – Institute Proceedings for Offences Under the Dog Acts
New delegation
- RANGER 004 – Institute Proceedings for Offences Under the *Litter Act 1979*
Update head of power information
- ROADS 011 – Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law
Update of sub-delegation authority and conditions

CONSULTATION

Chief Executive Officer
 Manager Works and Infrastructure
 Manager Financial and Corporate Services
 Project Manager and Regulatory Services
 Manager Kodja Place, Tourism and Marketing
 Governance and Rates Officer

STATUTORY REQUIREMENTS

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

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

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

**Absolute majority required.*

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to correctly identify, interpret, assess, respond and communicate laws and regulations as a	Ineffective policies & processes; Ineffective monitoring of changes to legislation.	Nil

	result of an inadequate compliance framework.		
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are aware of and are undertaking their respective roles and responsibilities.			

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Delegation Register dated November 2023, with amendments as presented, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.

PROCEDURAL MOTION EN BLOC

156/24 Moved Cr Mathwin

Seconded Cr Mickle

That Council adjourn, en bloc, items 9.4.3 and 9.4.4 to be tabled to the 25 February 2024 Ordinary Council Meeting.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

NB: Council requested a detailed briefing session in February and required more time to consider the changes in both the policy manual and the delegation register.

9.4.4 POLICY MANUAL REVIEW

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 2 December 2024
FILE NO	CM.POL.2
ATTACHMENT(S)	9.4.4.1 - Policy Manual – existing (December 2023) copy showing proposed changes

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting 12.3 SoK values and culture growth

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to conduct an annual review of Council’s Policy Manual.

BACKGROUND

Council’s Policy Manual is reviewed, in its entirety, on an annual basis and was last reviewed by Council in December 2023. Amendments to, and formation of, individual policies have been presented to Council for its consideration on an as needs basis in the interim, being incorporated into the Policy Manual at the time of amendment or formation.

COMMENT

The annual review of the Policy Manual has been undertaken by staff and proposed amendments are shown (tracked) in attachment 9.4.4.1.

Please refer to the attachment for detailed information.

CONSULTATION

Chief Executive Officer and Senior Management Team
Administration Staff via Administration Staff Meetings – review of a different policy on a regular basis to ensure relevance of content

STATUTORY REQUIREMENTS

While policies have no legal status, it is considered best practice for local governments to have a set of policies that provide guidance to staff, effectively negating the need for staff to constantly refer to Council. Council may adopt, amend or waive policies under Section 2.7 (2) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

This item recommends amendments to several existing Council policies, as outlined under *Comment*.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 - Errors, Omissions and Delays	Changes to legislation	Policies and Procedures	Nil
<i>Risk rating - Adequate</i>			
IMPLICATIONS			
Robust systems and controls, including guidance documents such as Council's Policy Manual, reduce inconsistencies and risks associated with Shire operations. A lack of effective policies and processes can contribute to impulsive decision making (causes of compliance risk).			
Timely updating of policies in accordance with legislation amendments assists in reducing the likelihood of non-compliance with legal requirements.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the attached Shire of Kojonup Policy Manual, dated December 2023 and including amendments as presented, be adopted.

PROCEDURAL MOTION EN BLOC

156/24 Moved Cr Mathwin

Seconded Cr Mickle

That Council adjourn, en bloc, items 9.4.3 and 9.4.4 to be tabled to the 25 February 2024 Ordinary Council Meeting.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

NB: Council requested a detailed briefing session in February and required more time to consider the changes in both the policy manual and the delegation register.

9.4.5 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES – 6 MAY 2024, 5 AUGUST 2024, 4 NOVEMBER 2024

AUTHOR	Estelle Lottering – Project Manager and Regulatory Services
DATE	Tuesday, 3 December 2024
FILE NO	ES.MET.1
ATTACHMENT(S)	9.4.5.1 – Unconfirmed LEMC Meeting minutes 6 May 2024 9.4.5.2 – Unconfirmed LEMC Meeting minutes 5 August 2024 9.4.5.3 – Unconfirmed LEMC Meeting minutes 4 November 2024

<p>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS</p>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of a LEMC Meetings held on the 6 May 2024, 5 August 2024 and 4 November 2024.

BACKGROUND

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

COMMENT

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

CONSULTATION

Members of the Local Emergency Management Committee.

STATUTORY REQUIREMENTS

Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
<i>Risk Rating - Adequate</i>			
IMPLICATIONS			
Local governments are legislated to establish and maintain a LEMC. The risk of not having a LEMC would include lack of guidance for Staff, Councillors and relevant Community members who need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

Receives the unconfirmed minutes of the Local Emergency Management Committee meetings held on the May 2024, 5 August 2024 and 4 November 2024.

OFFICER RECOMMENDATION/COUNCIL DECISION EN BLOC

157/24 Moved Cr Mickle

Seconded Cr Radford

That Council receives en bloc the unconfirmed minutes of:

1. the Local Emergency Management Committee meetings held on the May 2024 and 5 August 2024 and 4 November 2024.
2. the unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.
3. the unconfirmed minutes of the Natural Resource Management Advisory Committee meeting held on 14 November 2024.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

9.4.6 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES – 6 NOVEMBER 2024

AUTHOR	Estelle Lottering – Project Manager and Regulatory Services
DATE	Tuesday, 3 December 2024
FILE NO	ES.CIR.2
ATTACHMENT(S)	<p>9.4.6.1 – Unconfirmed BFAC Meeting Minutes – 6 December 2024</p> <p>9.4.6.2 – Recommendations to BFAC – Jingalup Brigade – November 2024</p> <p>9.4.6.3 – Shire of Kojonup Farmer Response SOP</p> <p>9.4.6.4 – Shire of Kojonup Volunteer BFB’s Induction</p> <p>9.4.6.5 – Derek Jones – BFAC Notes – Kojonup Nov 2024</p>

<p>‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS</p>		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of a BFAC meeting held 6 November 2024.

BACKGROUND

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

COMMENT

Unconfirmed minutes of a BFAC meeting held 6 November 2024 are attached.

CONSULTATION

Nil

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 - <i>Adequate</i>			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (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 and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

158/24 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council:

1. receives the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 6 November 2024; and
2. approves the Shire of Kojonup Farmer Response Standard Operating Practices (SOP), as presented.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

9.4.7 MINUTES OF A KOJONUP HISTORICAL, TOURISM AND CULTURAL COMMITTEE MEETING HELD 12 NOVEMBER 2024

AUTHOR	Tonya Pearce
DATE	Monday, 2 December 2024
FILE NO	GP.CNM.9
ATTACHMENT(S)	9.4.7.1 - Unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee Meeting held 12 November 2024

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.

BACKGROUND

The Kojonup Historical, Tourism and Cultural Committee was established following Council’s 2023 Local Government Election with defined terms of reference and a membership consisting of five (5) committee members being one (1) Councillor, one (1) Delegate Proxy and three (3) Community Members.

COMMENT

This item is solely the Council receiving the minutes of its Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirement's	3 rd party adverse findings against Shire	Audit and Risk Committee	4 Meetings held per annum
<i>Risk rating: Low</i>			
IMPLICATIONS			
As per s.7.1A of the <i>Local Government Act 1995</i> , a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receive the unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.

OFFICER RECOMMENDATION/COUNCIL DECISION EN BLOC

157/24 Moved Cr Mickle

Seconded Cr Radford

That Council receives en bloc the unconfirmed minutes of:

1. the Local Emergency Management Committee meetings held on the May 2024 and 5 August 2024 and 4 November 2024.
2. the unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.
3. the unconfirmed minutes of the Natural Resource Management Advisory Committee meeting held on 14 November 2024.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

9.4.8 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE (NRMAC) MEETING 14 NOVEMBER 2024 – MINUTES

AUTHOR	Tonya Pearce – Governance and Rates Officer
DATE	Monday, 2 December 2024
FILE NO	GP.CNM.9
ATTACHMENT(S)	9.4.8.1 - Unconfirmed minutes of a Natural Resource Management Advisory Committee Meeting held 14 November 2024

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the NRMAC meeting held 14 November 2024.

BACKGROUND

The NRMAC’s purpose is to advise Council on issues in relation to the Shire of Kojonup’s natural resources and environmental management.

COMMENT

This item is solely the Council receiving the unconfirmed minutes of the NRMAC meeting held 14 November 2024.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirement's	3 rd party adverse findings against Shire	Audit and Risk Committee	4 Meetings held per annum
<i>Risk rating: Low</i>			
IMPLICATIONS			
As per s.7.1A of the <i>Local Government Act 1995</i> , a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the unconfirmed minutes of the Natural Resource Management Advisory Committee meeting held on 14 November 2024 be received.

OFFICER RECOMMENDATION/COUNCIL DECISION EN BLOC

157/24 Moved Cr Mickle

Seconded Cr Radford

That Council receives en bloc the unconfirmed minutes of:

1. the Local Emergency Management Committee meetings held on the May 2024 and 5 August 2024 and 4 November 2024.
2. the unconfirmed minutes of a Kojonup Historical, Tourism and Cultural Committee meeting held 12 November 2024.
3. the unconfirmed minutes of the Natural Resource Management Advisory Committee meeting held on 14 November 2024.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

Estelle Lottering left the meeting at 3.25pm

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 FORSHADOWING A MOTION RELATED TO THE BUSH FIRE MITIGATION PROGRAM

Cr. Roger Bilney is foreshadowing a motion related to the Bush Fire Mitigation Program of Sensitive Aboriginal Cultural sites and will speak to it at the meeting.

The foreshadowed motion will be associated with an apology to the Community for the lack of consultation process.

Note: 11.1 proceeded behind closed doors as the Mover Cr Bilney requested to discuss it confidentially.

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1.1 QUOTATION FOR PROVISION OF BITUMEN SEALING SERVICES

AUTHOR	Darryn Watkins – Manager Works and Infrastructure
DATE	Monday, 2 December 2024
FILE NO	FM.TND.13
ATTACHMENT(S)	CONFIDENTIAL 14.1.1.1 – RFQ – Bituminous Surfacing Kojonup 2024 14.1.1.2 - Quotation – Bitumen Sealing - Fulton Hogan 14.1.1.3 - Quotation – Bitumen Sealing - Monarch Civil

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

159/24 Moved Cr Mathwin

Seconded Cr Webb

That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at 3.27pm.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

PROCEDURAL MOTION

164/24 Moved Cr Wieringa

Seconded Cr Mickle

That the meeting be reopened to the public at 3.58pm.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14.1.1 QUOTATION FOR PROVISION OF BITUMEN SEALING SERVICES

OFFICER RECOMMENDATION/COUNCIL DECISION

160/24 Moved Cr Egerton-Warburton Seconded Cr Webb

That Council approves the quotation from Fulton Hogan for the sum of up to \$474,294.00 excluding GST for the provision of bitumen sealing services.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

Darryn Watkins left the meeting at 3.35pm

11.1.1 SUPPORT 'APOLOGY TO THE COMMUNITY' LETTER

COUNCIL RECOMMENDATION/COUNCIL DECISION

161/24 Moved Cr Bilney Seconded Cr Mathwin

That Council support Cr Bilney's apology to the community letter to go into the Kojonup News.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

11.1.2 FINALISE 'APOLOGY TO THE COMMUNITY' LETTER

COUNCIL RECOMMENDATION/COUNCIL DECISION

162/24 Moved Cr Mathwin Seconded Cr Mickle

That Council supports the apology and delegates to Cr Bilney and Cr Wieringa to liaise and finalise the apology to the community, distribute to the Council and CEO prior to sending to the Kojonup News for publishing.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

11.1.3 DIRECT CEO TO INVESTIGATE

COUNCIL RECOMMENDATION/COUNCIL DECISION

163/24 Moved Cr Mathwin

Seconded Cr Egerton-Warburton

That Council direct the CEO to investigate:

1. A Keneang Noongar Advisory Committee to Council;
2. In co-operation with the Keneang Noongar Advisory Committee, a Reconciliation Action Plan for the Shire of Kojonup;
3. Councillor Awareness Training Program for Shire Staff and Councillors.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.58pm.

UNCONFIRMED

16 ATTACHMENTS (SEPARATE)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Council Meeting held on 19 November 2024
9.2.1	9.2.1.1	Development Plans
	9.2.1.2	Development Application Report
	9.2.1.3	Environmental Assessment Report and License Supporting Information
	9.2.1.4	Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
9.4.1	9.4.1.1	Monthly Financial Statement; October 2024
	9.4.1.2	Monthly Financial Statement; November 2024
9.4.2	9.4.2.1	Monthly Payment Listing October 2024
	9.4.2.2	Monthly Payment Listing November 2024
9.4.3	9.4.3.1	Delegation Register – existing (November 2023) copy – showing changes
9.4.4	9.4.4.1	Policy Manual – existing (December 2023) copy showing proposed changes
9.4.5	9.4.5.1	Unconfirmed LEMC Meeting minutes 6 May 2024
	9.4.5.2	Unconfirmed LEMC Meeting minutes 5 August 2024
	9.4.5.3	Unconfirmed LEMC Meeting minutes 4 November 2024
9.4.6	9.4.6.1	Unconfirmed BFAC Meeting Minutes – 6 November 2024
	9.4.6.2	Recommendations to BFAC – Jingalup Brigade – November 2024
	9.4.6.3	Shire of Kojonup Farmer Response SOP
	9.4.6.4	Shire of Kojonup Volunteer BFB's Induction
	9.4.6.5	Derek Jones – BFAC Notes – Kojonup Nov 2024
9.4.7	9.4.7.1	Unconfirmed minutes of a Kojonup

Historical, Tourism and Cultural
Committee Meeting held 12 November
2024

9.4.8

9.4.8.1

Unconfirmed minutes of a Natural
Resource Management Advisory
Committee Meeting held 14 November
2024

CONFIDENTIAL

14.1.1

14.1.1.1

RFQ – Bituminous Surfacing
Kojonup 2024

14.1.1.2

Quotation – Bitumen Sealing –
Fulton Hogan

14.1.1.3

Quotation – Bitumen Sealing –
Monarch Civil

UNCONFIRMED