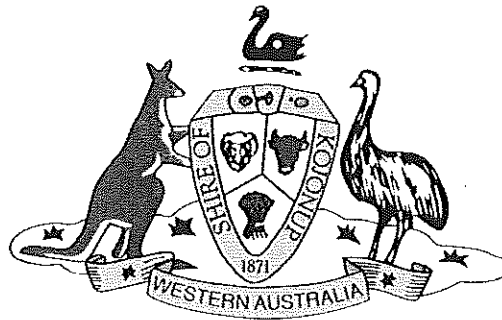


SHIRE OF KOJONUP



Council Agenda

15th March 2011

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15th March 2011****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	3
3	PUBLIC QUESTION TIME	4
4	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
9	DECLARATIONS OF INTEREST	4
10	FINANCE REPORTS	5
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	5
10.2	MONTHLY PAYMENTS LISTING	6
11	ENGINEERING & WORKS REPORTS	7
11.1	DISPOSAL OF PLANT – EXPRESSION OF INTEREST MULTIPAC ROLLER AND TENDER CATERPILLAR EXCAVATOR	7
12	ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS	8
13	CORPORATE & COMMUNITY SERVICES REPORTS	9
13.1	KEVIN O'HALLORAN MEMORIAL SWIMMING POOL MANAGEMENT CONTRACT	9
13.2	A.W. POTTS KOKODA TRACK MEMORIAL – DONATED ASSETS	10
13.3	MEMORANDUM OF UNDERSTANDING (MOU) – EMERGENCY MANAGEMENT	12
14	COMMITTEES OF COUNCIL	14
14.1	MURADUP MEMORIAL PRECINCT COMMITTEE	14
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14
16	NEW BUSINESS	14
17	CONFIDENTIAL REPORTS	14
18	NEXT MEETING	14
19	CLOSURE	14
20	APPENDICES AND TABLED DOCUMENTS	14
21	ATTACHMENTS	14

SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 15th March 2011

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 15th March 2011 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH
CHIEF EXECUTIVE OFFICER**

11 March 2011

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings 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.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr Ian Pedler
Cr Frank Pritchard
Cr John Benn
Cr Greg Marsh
Cr Rosemary Hewson
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Friday, 4 March 2011
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 28th February 2011

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement of Financial Activity for the period of 1st July 2010 to 28th February 2011.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statement of Financial Activity for the period of 1st July 2010 to 28th February 2011 show a solid position with 92.72% of rates collected and a total amount of cash holdings of \$3,258,280.98 of which \$1,759,926.52 is held in fully cash backed Reserves as at 28th February 2011. Of these cash holdings \$1,000,000 of Municipal funds and \$1,500,000 of Reserve funds have been reinvested in short term deposits, due to mature 18th March 2011.

The final payment of rates by instalment payers is due on 9th March 2011.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 28th February 2011, as attached, be accepted.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Friday, 4 March 2011
 FILE NO: FM.AUT.1
 ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARYTo receive the list of payments that were made from 1st February 2011 to 28th February 2011.**BACKGROUND**

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

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 F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/02/2011 to 28/02/2011 comprising of Municipal Cheques 11555 to 11583, EFT's 6639 to 6765 and Internal Payment Vouchers 2562 to 2596 totalling \$650,538.89 and as attached to this agenda, be received.

COUNCIL DECISION

/11 MOVED Cr

seconded Cr

CARRIED/LOST

/

11 ENGINEERING & WORKS REPORTS**11.1 DISPOSAL OF PLANT – EXPRESSION OF INTEREST MULTIPAC ROLLER AND TENDER CATERPILLAR EXCAVATOR**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, March 10, 2011
 FILE NO: PS.DIS.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To inform Council of the process being used to dispose of Plant items P29001 - Caterpillar Excavator and P28002 – Multipac Multi Tyre Roller and for consideration of a local price preference of 10% to be applied to these disposals.

BACKGROUND

The two items of Plant in question were identified for disposal in Council's long term Plant Replacement Program, the disposal is included in the 2010/2011 Annual Budget.

COMMENT

Due to the difference in expected sale price of the two different Plant Items the Caterpillar Excavator has been advertised for Sale by way of Tender and the Multipac Multi Tyre Roller has been offered for Sale by way of Expression of Interest.

The reason for the different approach as above is that any disposal over \$20,000 that is not done by way of Public Tender would require advertising of the intention to dispose of the item including full details of who, how much and would also require for submissions from the public to be called with respect to the proposal. This process is required were an Expression of Interest process has been undertaken and simply creates additional cost and prolonged time frames, hence the Excavator has been dealt with via the Tender process.

Both Items of Plant were advertised in the West Australian newspaper on 23rd February 2011 and the Koji News on 4th March 2011 and both Tender and Expression of Interest close 4.00pm, Wednesday 16th March 2011.

Officers are asking Council to consider the application of a local price preference of 10% to organisations trading from a recognised business address in the Municipality for the sale of the two items of Plant.

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 KEVIN O'HALLORAN MEMORIAL SWIMMING POOL MANAGEMENT CONTRACT**

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
DATE: Thursday, March 10, 2011
FILE NO: CP.MTC.29
ATTACHMENT: 13.1 Letter from Dr AGS King

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider a request, from Dr King to extend the 2010/2011 Kevin O'Halloran swimming pool season to cover the April school holiday period, Wednesday 20 April - Wednesday 4 May 2011.

BACKGROUND

Similar requests have been received in past years and discussed with Councilors at a briefing session level; this has been due to the timing of requests and ability of such requests to be included in previous Agendas.

In the past the benefit of extending the season has not offset the cost of doing so. Even when the approaches from the public suggested that there would be high level use, the change in average temperature happens suddenly and numbers have dropped towards the end of the scheduled season.

COMMENT

Discussions have been held with YMCA with respect to the extension of the 2010/2011 swimming pool season. YMCA has provided an estimated cost of \$3,489 to run the Kevin O'Halloran swimming pool facility per any additional week. Additional utility, chemical and operation costs would also be incurred; it is estimated that these costs would be in the vicinity of \$3,224 for the extended period.

The normal pool season closes on Sunday 27th March 2011 therefore an extension to the season to cover the April School holiday period, an additional 38 days, would be at an estimated cost of \$22,164.

As Council is aware the Sporting Complex Renewal project is also underway and the removal of the current asbestos roof is scheduled to occur on 4th April 2011. Any extension to the Pool season would not allow for these works to commence at the scheduled time and any delay would have serious impact on the timing, completion and therefore potentially the cost of this major project.

Shire officers will ensure that a quote for the 2011/12 season to extend to the end of the Easter school holidays is included in the budget process, however, this may also require a new tender process to be considered and advice will be given in June 2011.

CONSULTATION

Councillors have been previously consulted on the issue of extending the Pool season at the briefing sessions. YMCA has been consolidated with respect to the cost of extending the season and Mr Michael Prandi has been consulted with respect to the sporting complex renewal project and impact of extension to the pool season.

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of extending the swimming pool season is not covered in the 2010/11 Budget and there is potential for an extension in the season to have a negative financial impact on the complex renewal project.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That the Kevin O'Halloran Swimming Pool for the 2010/11 year not be extended and that closure of the season remains as scheduled for Sunday 27th, March 2011.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

13.2 A.W. POTTS KOKODA TRACK MEMORIAL – DONATED ASSETS

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: Thursday, March 10, 2011
FILE NO: FM.SPN.2 & CM.ASM.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to note the donation of the A.W. Potts Kokoda Track Memorial infrastructure within Apex Park.

BACKGROUND

The development of the A.W. Potts Kokoda Track Memorial was a significant community project and achievement. Having fulfilled their purpose the organising committee are in the process of winding up and need to disperse any assets in accordance with their constitution.

The statue and bridge are located and fixed on the Shire owned land and the expectation at the start of the project was that these assets would eventually pass to the Shire of Kojonup for the Kojonup community.

COMMENT

Officers acknowledge the commitment to pass the assets to the Shire to manage on behalf of the Kojonup community. Therefore Council are being asked to note that the process is being completed and the commitment to ongoing costs, based on the previous undertakings to support the assets.

The assets will be recorded at a combined book value of \$95,000 which require approximate operational funding per annum as follows:

 \$86 annual insurance

 \$1,200 bridge maintenance and renewal based on 4% of the capital value.

TOTAL \$1,286 per annum

CONSULTATION

The project was funded and built with extensive community support and consultation. The Shire's input was the continued management after the project was completed.

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)

POLICY IMPLICATIONS

The Shire of Kojonup asset management approach requires considering whole of life costs of assets, including donated assets, noting that the up front cost is often a small component of the whole of life estimates.

FINANCIAL IMPLICATIONS

The cost of the direct insurance budget and asset renewal allocation will be approximately \$1,286.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION 1

That the Council note the donation of the A.W. Potts Kokoda Track Memorial.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION 2

That the Shire President write to the committee to thank them on behalf of the community for their efforts and for the donated asset.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION 3

That Council note ongoing expenditure of approximately \$1,286 pa.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

13.3 MEMORANDUM OF UNDERSTANDING (MOU) – Emergency Management

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: Thursday, March 10, 2011
FILE NO: ES.POL.2
ATTACHMENT: 13.3.1 Draft MOU
13.3.2 SEMC (State Emergency Management Committee) Policy 4.2

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider a memorandum of understanding for the provision of mutual aid during emergencies and post incident recovery to other Shires involved in the emergency management response.

BACKGROUND

Mr Adam Smith – Community Emergency Management Officer with the Fire and Emergency Services Authority (FESA) approached each Shire in August 2010 with a sample agreement between the Shires in the South West to support a coordinated approach to reciprocal use of resources.

At that time the need for such an agreement was questioned by Shire officers and it did not progress. The issue was raised again by Mr Smith through the WA Local Government Association – Great Southern Zone.

At the zone meeting some concerns were raised with the need, and governance aspects of the agreement and it was referred to each Shire for consideration. At the same meeting Mr Butcher from FESA advised that FESA would be the sole Hazard Management Authority for bushfire and that Local Governments would operate as normal, but under this banner.

COMMENT

Officers reiterate that they do not see the need for such an arrangement to be formalised in a Memorandum of Understanding and point to the spirit of cooperation that has always existed with emergency response and recovery. Specifically the Shire of Kojonup has sent workers to Wagin in February 2011 to assist with storm clean up and offered environmental health assistance if required to the Gascoyne during the floods. We also note and appreciate the response of neighbouring Shires when Kojonup's co-op building burnt down.

The main concern regarding the agreement is the acknowledgement that the approach will be directly from an incident controller or HMA. Given that local government is not a HMA and therefore unlikely to be an incident controller then this agreement is in essence not between local governments but the State and combat agencies responding (clause 7.2).

Appropriate powers already exist under the Emergency Management Act to utilise / acquire resources. However there are broader questions regarding insurance liability when these are volunteered by a Shire under a MOU arrangement versus lawfully used by State agencies under the Emergency Management Act. This matter has been raised with LGIS for clarification of insurance extension if another HMA or agency approaches the Shire and a Shire accepts liability under clause 7.3.

The concerns of State agency initiation were highlighted in December 2010 when an officer from the Department of Child Protection, (DCP) met with the Kojonup Local Emergency Management Committee, (LEMC), Coordinator and Chairperson to discuss recovery plans and during the meeting raised DCP's awareness of this proposed MOU in the great Southern, suggesting that they would now be able to access recovery centres etc without any stuffing around.

In March 2011 the Shire of Kojonup was approached to supply emergency contacts to the District Police office. This had previously been supplied to the Local Police, as members of the LEMC, however, background provided with the request alluded to the potential use for direct contact and mobilisation of resources outside the agreed communication structures. This would raise further insurance concerns, especially if the Police were unaware they were calling in volunteer resources.

Furthermore the potential loading of contact data on a separate database raises Privacy Act concerns that need to be considered in the broader context of communication and roles under the Emergency Management Act 2005.

Until the roles, liability, and communication under this MOU are clarified officers are recommending that the MOU not be signed and instead the Shire of Kojonup writes to each local government to reaffirm its commitment to supporting them through continuing our co-operative approach.

CONSULTATION

The concept of the MOU was raised through the Great Southern Zone of WALGA. As local government is the sole signatory this has not been raised at a LEMC level, however, Mr Smith is also a support officer for the District Emergency Management Committee, (DEMC).

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)
Emergency Management Act 2005
Bush Fires Act 1954

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funding of emergencies under the emergency Management Act is covered by SEMC Policy 4.2. For emergencies outside this the Shire of Kojonup maintains a reserve of \$20,000 for immediate, unbudgeted emergency expenditure, at the authorisation of the Shire President.

It is worth noting that the funding further changes if the event is declared a natural disaster and if the Shire resources used are in addition to the daily activity of Councils.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Council defer signing the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery, until further clarification is obtained and convey to other proposed signatory local governments:

- a) the Shire of Kojonup's commitment to assist them if they need help; and**
- b) the nature of the clarification being sought before considering the agreement further.**

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST

/

14 COMMITTEES OF COUNCIL

14.1 MURADUP MEMORIAL PRECINCT COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 1st March 2011 be received by Council.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

of an urgent nature, introduced by a decision of the meeting

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Tuesday, 19th April 2011 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 pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

- Item 10.1 Monthly Statement of Financial Activity 1st July 2010 to 28th February 2011
- Item 10.2 Monthly Payment Listing 1st February 2011 to 28th February 2011
- Item 13.1 Letter of Request from Dr AGS King
- Item 13.3.1 Draft MOU
- Item 13.3.2 SEMC (State Emergency Management Committee) Policy 4.2
- Item 14.1 Unconfirmed Muradup Memorial Precinct Committee Minutes – Tuesday 1st March 2011