

SHIRE OF KOJONUP



Council Minutes

19th April 2011

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19th April 2011****TABLE OF CONTENTS**

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SHIRE OF KOJONUP**MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:04pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew 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
Mrs Mellissa Haynes	Finance Officer

APOLOGIES

Nil

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 15th March 2011

Corrections: Nil

COUNCIL DECISION

34/11 MOVED Cr Benn seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 15th March 2011 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

7th April 2011 trip to Merredin Wind Farm – Councillors from both the Shire's of Broomehill-Tambellup and Kojonup travelled together to make the trip of value for both Shires.

15th April 2011 the Shire President attended the launch, held in Denmark, of the Regional Development Australia Great Southern WA Regional Plan 2010-2020.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (Incorporating Budget Review)

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 14 April 2011
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 31st March 2011
 10.1 – Appendix A - Budget Review

DECLARATION OF INTEREST

Nil

SUMMARY

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.

Following a review of Budget Projections as at 31st March 2011 Council is being asked to consider the adoption of Budget Amendments contained within Appendix A (Budget Review) of the Statement of Financial Activity.

BACKGROUND

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

The Review of Budget is covered by Financial Management Regulation 33A which states:

1. *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
2. *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

3. *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*** Absolute majority required.**

4. *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2010 to 31 March 2011 shows a solid position with 95.81% of rates collected to 31st March 2011 and a total amount of cash holdings of \$3,256,527 of which \$2,018,882 is held in fully cash backed Reserves.

Following a review of Budget Projections by senior staff as at 31st March 2011 Council is being asked to consider the adoption of Budget Amendments contained within Appendix A of March's Monthly Statement of Financial Activity

The review also looks at changes to the current schedule of Plant disposals and replacement which considers the current position of plant replacement and any adjustments required. The review is also proposing changes to Reserve transfers; these can be seen in page 1 of Appendix A "Summary of Proposed Amendments".

The Original Budget projected a Closing Balance for the 2010/11 financial year of -\$3,127 with a minor adjustment of -\$2,820 made at time of audit resulting in a current budgeted Surplus Closing Balance of -\$5,947.

The attached Budget Review is requesting net amendments to budget of \$4824, if adopted this will result in a **projected surplus Closing Balance of -\$1,123.**

Appendix A "Budget Review" to the Statement of Financial Activity contains the following reports which detail the proposed amendments:

1. Summary of Proposed Budget Amendments
2. Detailed Review of Operations – Income Statement
3. Detailed Review of Capital Expenditure Program
4. Plant Replacement Report and Review

The review was conducted consistent with the "Material" Variance figure of either \$1000 or 8% as previously adopted by Council and also considered issues relating to timing of projects.

CONSULTATION

Officers.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

The Local Government Act 1995 Section 6.11 Reserve Accounts subsection (1): Subject to subsection (5), where a Local Government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

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 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**COUNCIL DECISION**

35/11 MOVED Cr Hewson seconded Cr Pritchard that Standing Orders be suspended to allow for detailed discussions with respect to the Budget Review proposal.

CARRIED 8/0

COUNCIL DECISION

36/11 MOVED Cr Benn seconded Cr Marsh that Standing Orders be resumed.

CARRIED 8/0

OFFICER RECOMMENDATION 1

That the Monthly Statement of Financial Activity, as attached, be accepted.

COUNCIL DECISION

37/11 MOVED Cr Trethowan seconded Cr Marsh that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 8/0

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION 2**

1. That the Proposed Budget Amendments contained within Appendix A, Shire of Kojonup Budget Review, of the Statement of Financial Activity Totaling \$4,824 be approved, and
2. That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.

COUNCIL DECISION

38/11 MOVED Cr Marsh seconded Cr Pritchard;

- 1. That the Proposed Budget Amendments contained within Appendix A, Shire of Kojonup Budget Review, of the Statement of Financial Activity Totaling \$4,824 be approved, and**
- 2. That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.**

CARRIED BY ABSOLUTE MAJORITY 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Tuesday, 12 April 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 March 2011 to 31st March 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 01/03/2011 to 31/03/2011 comprising of Municipal Cheques 11584 to 11628, EFT's 6766 to 6913 and Internal Payment Vouchers 2597 to 2630 totalling \$736,485.97 and as attached to this agenda, be received.

COUNCIL DECISION

39/11 MOVED Cr Hewson seconded Cr Pedler that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/03/2011 to 31/03/2011 comprising of Municipal Cheques 11584 to 11628, EFT's 6766 to 6913 and Internal Payment Vouchers 2597 to 2630 totalling \$736,485.97 and as attached to this agenda, be received.

CARRIED 8/0

4:12pm Mrs Mellissa Haynes left the Chamber.

11 ENGINEERING & WORKS REPORTS

Nil

12 **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

12.1 WA PLANNING COMMISSION - PLANNING BULLETIN 106 – NEW LEGISLATIVE PROVISIONS FOR DEVELOPMENT ASSESSMENT PANELS.

AUTHOR: Phil Shephard – Town Planner
 DATE: 13 April 2011
 FILE: LP.PLN.13
 ATTACHMENTS: 12.1 – Planning Bulletin 106/2011

DECLARATION OF INTEREST

Nil.

SUMMARY

The WA Planning Commission has recently released Planning Bulletin 106 which provides an overview of the new provisions relating to the introduction of Development Assessment Panels (DAP's).

The recommendation is to note the information contained in the Planning Bulletin and nominate 2 Councillors and 2 Alternate members to be the Shire of Kojonup representatives for appointment by the Minister onto the Great Southern Joint DAP.

BACKGROUND

The State Government has been pursuing amendments to the planning system to improve its efficiency. The proposed amendments have been the subject of previous consideration by the Shire in particular the implementation of Development Assessment Panels (DAP's). The Shire did not support their introduction.

DAP's are scheduled to become operational on the 1 July 2011. The Shire is located in the Great Southern Joint Development Assessment Panel which consists of the following local governments:

- City of Albany
- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Denmark
- Shire of Gnowangerup
- Shire of Jerramungup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Plantagenet
- Shire of Woodanilling

COMMENT

The major elements of the *Planning and Development (Development Assessment Panels) Regulations 2011* are as follows:

Part 1 Preliminary

This part advises when the regulations commence and define the terms used in the regulations.

Part 2 Development Applications and Determinations

This part sets out the types and application/assessment process for applications. The types can be defined as follows:

Mandatory DAP applications

A development (which is not an excluded application) where the estimated cost of development is \$7m or more.

Optional DAP applications

A development (which is not an excluded application) where the estimated cost of development is more than \$3m but less than \$7m and which has not been delegated to the DAP by Council. An applicant may also elect to refer an application of this type to the DAP for a determination.

All applications with a value of \$7 million or more are subject to mandatory referral of decision making powers.

It should be noted that irrespective of the estimated cost there are exempted uses that will still only be determined by Council. These uses are:

- The construction of a single dwelling.
- The construction of less than 10 dwellings or multiple dwellings, including aged and/or dependent persons dwellings.
- The construction of carports, patios, outbuildings or incidental development.

Irrespective of the value of the development all applications will need to be lodged with Council and where the application is subject to a DAP decision there is a requirement to notify the DAP secretariat of the application.

Part 3 Delegation to DAP's

This part enables Council to delegate to a DAP to determine an application (see optional DAP applications above).

Part 4 DAP's

This part sets out the requirements for DAP membership (both local government and specialist members) and their appointment by the Minister etc. It also contains details on meetings and DAP member conduct.

The Joint DAP will consist of 5 members with one presiding member, two specialist members and 2 local government members. The local government's membership will depend on the location of the development applications being determined at the time.

If the Council fails to nominate 2 representatives, the Minister will have the power to appoint 2 members to the DAP to represent the interests of the local community. These alternative representatives must be eligible to vote in elections for that local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

The period of appointment for DAP members is 2 years. At the expiration of two years, the Council will be required to nominate 2 local government members as well as 2 alternate members. The same individuals may be renominated for the position but the regulations require this to be undertaken every 2 years.

Following appointment, all DAP members will be required to undertake training on the Western Australian DAP legal framework and planning decision-making. DAP members cannot sit on a DAP and determine applications until they have attended training. It is understood that a DAP training manual will be provided, which will include the DAP regulations, the Standing Orders, Code of Conduct and DAP member procedures manual. The timing and location of this training for local government members of the DAP has not yet been established.

Part 5 Administration

This part sets out the administrative process for DAP's including support of DAP's, enforcement provisions, powers of the Minister and reporting requirements for the Department of Planning.

The timing of meetings has not yet been established but indications are that frequency would be determined by the number of applications being referred. Local Government representatives would only need to attend meetings when an application is being considered from the Shire. In the advertising for specialist members it was identified that they may be required to travel on short notice and it is likely that this would also apply to local government members. At this stage the agenda for a DAP meeting is to be made public at least 5 days before the meeting.

It should be noted that the presiding member can consent to the meeting being attended remotely by telephone or other method of instantaneous communication. It is uncertain at this stage if this will apply to the panel members.

Part 6 Miscellaneous

This part contains the transitional arrangements and Department for Planning review of fees and regulations (required after 2 years of operation).

There are also 3 schedule to deal with (Schedule 1) applications fees, (Schedule 2) siting fees for DAP members and (Schedule 3) Forms.

Applications to be determined by DAP's will need to pay an additional fee over and above the fee that is currently charged by the Shire for a development application. This fee will be used to cover the costs of administering the new process. If the Council refers an application to a DAP, then the Council will be responsible to pay that fee.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 and Regulations

Planning and Development (Development Assessment Panels) Regulations 2011

Local Planning Scheme No. 3

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The fees required to be paid by an applicant for the DAP process are in addition to the fees currently levied by Council for the consideration of a Development Application.

There may be some financial implication as development fees are set to the figure stipulated in Schedule 1 of the Planning and Development Regulations 2009 there is no room to charge additional costs for the administration of a Development Assessment Panel. Some costs incurred in hosting a DAP meeting may be claimed back by invoicing the Secretariat which should minimise the procedural cost.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL DECISION

40/11 MOVED Cr Hewson seconded Cr Benn that Standing Orders be suspended.

CARRIED 8/0

COUNCIL DECISION

41/11 MOVED Cr Hewson seconded Cr Marsh that Standing Orders be resumed.

CARRIED 8/0

OFFICER RECOMMENDATION

That Council

1. Notes the information contained within Planning Bulletin 106/2011.
2. Nominates Councillors _____ and _____ as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors _____ and _____ as alternate members and submit these to the Minister for Planning for approval.

COUNCIL DECISION

42/11 MOVED Cr Benn seconded Cr Hewson that Council;

- 1. Notes the information contained within Planning Bulletin 106/2011.**
- 2. Nominates Councillors Mathwin and Pedler as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors Trethowan and Pritchard as alternate members and submit these to the Minister for Planning for approval.**

CARRIED

8/0

12.2 OVERSIZED OUTBUILDING APPLICATION – LOT 84 CORNWALL ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner
 DATE: 11 April 2011
 FILE: DB.BDA.8
 OWNER: WK Holley & NF Williamson
 LOCATION: Lot 84 (No. 19-21) Cornwall Road, Kojonup
 ATTACHMENTS: 12.2 Plans for Extension to Existing Shed – Lot 84 Cornwall Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct an oversized outbuilding on Lot 84 Cornwall Road, Kojonup as shown on the attached plans.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Nil.

COMMENT

The proposal is to construct a 76.8m² addition to an existing 58m² outbuilding (resulting in overall outbuilding floor area on the property of 134.8m²). The applicant has advised the reasons for the oversized outbuilding is for “storage shed for horse float and hay that cannot fit in existing shed as roller doors do not allow horse float to be parked in the shed.” The proposal also involved demolition of an existing outbuilding.

The property has been developed with a dwelling and adjacent outbuildings as shown on the attached site plan. The proposed outbuilding addition plans show that the walls will be clad with ‘classic cream’ coloured metal sheeting and the roof clad with ‘manor red’ coloured metal sheeting. To match the existing outbuilding.

The proposed site for the outbuilding has been inspected and complies with the required setbacks for the Residential Development zone. The lot is substantially larger (8,119m²) than a traditional sized residential lot (between 500 – 1,000m²) and the outbuilding will not be out of keeping with similar proposals developed on other similar lots in Kojonup.

Including the retained outbuilding, the overall total floor area of outbuildings on the site will equate to approximately 1.66% of the lot area and the application is not opposed in this instance. It is suggested that given the size of the outbuilding requested, Council require the outbuilding to be clad with coloured metal sheeting (as proposed).

Whilst the property is zoned Residential Development, as opposed to Residential, the requirements of Town Planning Scheme Policy No. 9 ‘Sheds on Residential and Special Rural Zoned Land’ has been used in the assessment of this proposal. The use of the outbuilding is restricted to storage

purposes only, the use of the outbuilding as a stable would need an additional approval by Council and would need to comply with the requirements of Division 3 'Keeping of Large Animals' of the Shire's Health Local Laws 2000.

CONSULTATION

Comment was sought from adjoining/nearby affected landowners for a period of 14-days and at the conclusion of this submission period, no submissions were received.

STATUTORY ENVIRONMENT

The land is zoned Residential Development under Town Planning Scheme No. 3. Clause 3.2.2 of the Scheme contains the objectives for the Residential Development zone as follows:

3.2.2 Residential Development Zone

The use of land in the Residential Development Zone shall be consistent with the following objectives:

- (a) The Council will not allow any development or support subdivision in a Residential Development Zone without the preparation of, and its approval of, a Guided Development Plan for the area.*
- (b) To allow a variety of uses in the zone without the need to rezone the area where minor modifications are required to the Guided Development Plan prior to the final subdivision.*

Clause 5.14 'Development of Other Structures' of the Scheme states:

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an outbuilding; carport or garage; pergola; shade house or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel, stable, aviary, fowl house and pigeon loft.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Planning Consent for the oversize Outbuilding on Lot 84 Cornwall Road, Kojonup subject to the following conditions:

- a) The proposal (including setback, materials/colours) to be in accordance with stamped approved plans.
- b) The existing outbuilding (to be demolished) to be subject to the applicant obtaining a Demolition Licence and comply with the requirements of the Building Surveyor.
- c) The outbuilding to be used for storage purposes only.
- d) All building works having the necessary setbacks to the existing on-site effluent disposal system and leach drains to the satisfaction of the Shire of Kojonup Environmental Health Officer.
- e) In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the *Planning and Development Act 2005*.

Advice Notes:

- i) The outbuilding has been approved for storage purposes only. The use of the outbuilding for any other purpose such as a stable will require an additional approval from Council in accordance with Shire of Kojonup Health Local Laws 2000.

COUNCIL DECISION

43/11 MOVED Cr Hewson seconded Cr Pritchard that Council grant Planning Consent for the oversize Outbuilding on Lot 84 Cornwall Road, Kojonup subject to the following conditions:

- a) The proposal (including setback, materials/colours) to be in accordance with stamped approved plans.
- b) The existing outbuilding (to be demolished) to be subject to the applicant obtaining a Demolition Licence and comply with the requirements of the Building Surveyor.
- c) The outbuilding to be used for storage purposes only.
- d) All building works having the necessary setbacks to the existing on-site effluent disposal system and leach drains to the satisfaction of the Shire of Kojonup Environmental Health Officer.
- e) In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the *Planning and Development Act 2005*.

Advice Notes:

- i) The outbuilding has been approved for storage purposes only. The use of the outbuilding for any other purpose such as a stable will require an additional approval from Council in accordance with Shire of Kojonup Health Local Laws 2000.

CARRIED 8/0

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 CONSTITUTIONAL RECOGNITION

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Friday, 15 April 2011
 FILE NO: GR.FDL.2
 ATTACHMENT: 13.1.1 ALGA Background Paper
 13.1.2 WALGA Letter

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the Shire of Kojonup's position on constitutional recognition for the possible 2013 referendum.

BACKGROUND

There is a long history of debate on Constitutional recognition for Local Government in Australia, with referendums having previously been put before the voters in 1974 and 1988, with both being defeated.

During 2008 the Australian Local Government Association, (ALGA), actioned a strategic approach aimed at securing a referendum which involved:

- Initial resource materials to assist Local Governments to conduct a conversation at the local level on the need for Constitutional recognition
- Zone or region level discussions, where appropriate, based on WALGA agenda items
- Statewide forum to determine a state Local Government position (resolved at Local Government Convention)

- A national experts forum a National Constitution Summit (Melbourne December 2008)

In 2009/10 ALGA focused advocacy around national political forums, political parties and key influential academics, while State Associations built up state profiling campaigns to improve the image and perception of their local government jurisdictions.

The ALGA Board further refined the national position in 2010 to focus specifically on financial recognition and the Western Australian Local Government Association, (WALGA), position was also aligned to this focus. The Shire of Kojonup supported the WALGA position through the WALGA Zone representation and WALGA Annual General Meeting processes.

On 24 March 2011, WALGA President, Mayor Troy Pickard, wrote to Council and requested Council:

- Support the ALGA campaign for the Constitutional recognition of local government;
- Call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;
- Develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;
- Acknowledge that funding implications need to be considered as part of the ongoing financial planning process.

COMMENT

The Rudd Federal Government previously committed to a referendum on Constitutional recognition for Local Government, likely to be held in conjunction with the 2013 election.

A national position was developed at the Local Government Constitutional Summit to be held in Melbourne in December 2008, and has been refined by the ALGA Board to focus the referendum on financial recognition. ALGA has requested that all Local Governments formally resolve to support the conduct of the referendum.

Whilst the Federal Government has said that it will run a referendum, their willingness to do so in any sort of reasonable time frame will be heavily influenced by their perceptions of its likely success. A major factor in their perceptions will be the degree to which the conversation reflects broad community engagement.

It is important that local community support is marshalled to ensure that community ownership is injected into the campaign. This can be achieved in Kojonup through local editorial press and newsletters.

Constitutional recognition is supported by Shire of Kojonup officers as it provides greater certainty of direct funding from the Commonwealth, where required. There have previously been legal challenges to the direct funding of programs such as “Roads to Recovery” and the “Regional and Local Community Infrastructure Program” which have questioned the ability to provide funds direct to local government as they are created and controlled by State legislation and not recognised in the Australian Constitution.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

The issue relates to the Federal Constitution

POLICY IMPLICATIONS

The national policy position is consistent with the WALGA position. Adoption of the recommendation will formalise council’s policy position and align it with the national campaign.

FINANCIAL IMPLICATIONS

Nil, as the promotion will be through planned newsletters, media, and forums already within the Shire of Kojonup budget.

STRATEGIC IMPLICATIONS

Constitutional recognition supports existing governance and funding arrangements and their may be opportunities for expansion in the future.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council;

1. support the ALGA campaign for the Constitutional recognition of local government;
2. call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;
3. develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;
4. acknowledge that funding implications need to be considered as part of the ongoing financial planning process.

COUNCIL DECISION

44/11 MOVED Cr Marsh seconded Cr Pedler that Council;

- 1. support the ALGA campaign for the Constitutional recognition of local government;**
- 2. call on the Federal Government to conduct a referendum to achieve the Constitutional recognition of local government at the 2013 federal election;**
- 3. develop a local level campaign, in support of the national campaign, to inform the local community and garner its support;**
- 4. acknowledge that funding implications need to be considered as part of the ongoing financial planning process.**

CARRIED 8/0

14 COMMITTEES OF COUNCIL**14.1 MURADUP MEMORIAL PRECINCT COMMITTEE****OFFICER RECOMMENDATION**

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

COUNCIL DECISION

45/11 MOVED Cr Marsh seconded Cr Hewson that the attached confirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 1st March 2011 be received by Council.

CARRIED 8/0

COUNCIL DECISION

46/11 MOVED Cr Marsh seconded Cr Benn that Council accepts the change of the Committee to be the “Muradup War Memorial Precinct Committee” and that Council endorse committee recommendations 03/11 and 05/11 from the meeting held Tuesday 1st March 2011.

CARRIED 8/0

OFFICER RECOMMENDATION

That the attached confirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 22nd March 2011 be received by Council.

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 29th March 2011 be received by Council.

COUNCIL DECISION

47/11 MOVED Cr Hewson seconded Cr Pedler that the attached confirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 22nd March 2011 be received by Council and that the attached unconfirmed minutes of the Muradup Memorial Precinct Committee held Tuesday 29th March 2011 be received by Council.

CARRIED 8/0

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS**

If available for tabling prior to the Council meeting the Council, with their approval may consider the latest local emergency management arrangements, endorsed by the Local Emergency Management Committee.

This item was not discussed.

16 NEW BUSINESS

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

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 17th May 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 4:56pm.

20 APPENDICES AND TABLED DOCUMENTS

Nil

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ATTACHMENTS

- Item 10.1 Monthly Statement of Financial Activity Incorporating Budget Review 1st July 2010 to 31st March 2011
- Item 10.2 Monthly Payment Listing 1st March 2011 to 31st March 2011
- Item 12.1 Planning Bulletin 106/2011
- Item 12.2 Plans for Extension to Existing Shed – Lot 84 Cornwall Road, Kojonup
- Item 13.1.1 ALGA Background Paper
- Item 13.1.2 WALGA Letter
- Item 14.1.1 Confirmed Muradup Memorial Precinct Committee Minutes – Tuesday 1st March 2011
- Item 14.1.2 Confirmed Muradup Memorial Precinct Committee Minutes – Tuesday 22nd March 2011
- Item 14.1.3 Unconfirmed Muradup Memorial Precinct Committee Minutes – Tuesday 29th March 2011

Presiding Member

Date