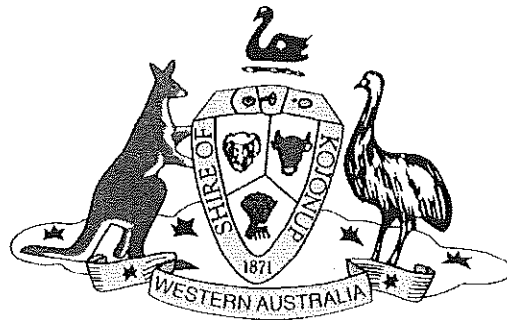


# SHIRE OF KOJONUP



## Council Agenda

***18<sup>th</sup> October 2011***

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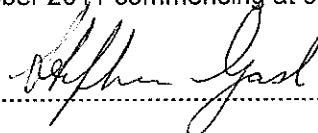
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## SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 18<sup>th</sup> October 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 18<sup>th</sup> October 2011 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH**  
**CHIEF EXECUTIVE OFFICER**

14 October 2011

**AGENDA****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

Being the first meeting following the declaration of the results of the ordinary election the Chief Executive Officer shall, in accordance with Schedule 2.3 (3) of the Local Government Act, 1995 preside over the meeting until such time as the office of President is filled.

The Chief Executive Officer 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 Frank Pritchard  
Cr Greg Marsh  
Cr Rosemary Hewson

John Benn	Councillor elect
Michael Baulch	Councillor elect
Jane Trethowan	Councillor elect
Ian Pedler	Councillor elect

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

Hon William Noel Stretch	Justice of the Peace
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**APOLOGIES****2.1 SWEARING IN OF NEW COUNCILLORS**

The Chief Executive Officer will call upon each of the newly elected Councillors to make an oath or affirmation of allegiance and declaration in the prescribed manner before Hon William Noel Stretch , JP before commencing duties as a Councillor.

**2.2 ELECTION OF PRESIDENT (2 year term)**

*NOTE: Nomination for President must be made in writing to the CEO at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must accept the nomination either orally or in writing.*

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

The successful nominee will then make an oath or affirmation of allegiance and a declaration in the prescribed manner before Hon William Noel Stretch , JP, before commencing his/her duties as the President of the Council and preside over the meeting.

**2.3 ELECTION OF DEPUTY PRESIDENT (2 year term)**

*NOTE: Nominations for the office of Deputy President must be made in writing to the CEO at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must accept the nomination either orally or in writing.*

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

The successful nominee will then make an oath or affirmation of allegiance and a declaration in the prescribed manner before Hon William Noel Stretch , JP, before commencing his/her duties as the Deputy President of the Council.

**2.4 REVIEW OF COMMITTEES:**

AUTHOR: Chief Executive Officer, Stephen Gash

DATE: Tuesday, October 11, 2011

FILE NO:

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To review the Councillor representation on committees.

**BACKGROUND**

All appointments to committees, whether the person is an elected member, employee or community member expired on the 15<sup>th</sup> October 2011.

In March 2004, the Council dispensed with the structure of four standing committees and one council meeting per month. Since then, the Council has established an Audit Committee. As there has not been any directive given on changing the current system of two council meetings per month, the matter is not considered.

However, there are a number of other committees that have been established by the Council and a review of and appointments to these committees should be considered.

**COMMENT**

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate or to add diversity to existing groups to ensure the appropriate mix of skills are present.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

The Act does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the new Act is built is for better decision-making and more efficient and effective local government. (Ref: Section 1.3 (2)). Consequently, there is nothing that precludes Council from appointing one or two deputies for each Committee.

**Committee Composition**

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

**CONSULTATION**

No consultation has occurred.

**STATUTORY REQUIREMENTS**

The election / appointment of members to Committees and their operation is set out in Sections 5.8 to 5.25 inclusive plus the Local Government (Administration) Regulations, 1995.

Council may by **absolute majority** establish Committees comprising of 3 or more persons, be it members, employees and/ or other persons to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A committee is to have as its members, persons appointed by **absolute majority** by the Council. Ref. Section 5.10 of the Act.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications as long as an appropriate hand over is conducted for any change in membership.

**OFFICER RECOMMENDATION****VOTING REQUIREMENTS - ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

**That pursuant to Section 5.10 of the Local Government Act, 1995 Council review all committees. Nominations are to be called for the relevant Committees and any election to be decided by secret ballot.**

**2.4.1 AUDIT COMMITTEE**

Previous members:

The entire Council plus Mr David Prasser-Jones (Independent community member).

**NEWLY ELECTED MEMBERS**

**2.4.2 BUSHFIRE ADVISORY COMMITTEE**

Previous member and deputy member: Cr Marsh (Member), Cr Benn (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.3 SPRINGHAVEN ADVISORY COMMITTEE**

Previous members and deputy member:

Cr Hewson, Marsh and Mathwin (Members)  
Cr Benn (Deputy)

**NEWLY ELECTED MEMBERS**

**Members**  
**Deputy**

**2.4.4 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE**

Previous members and deputy member: Cr Benn (Member), Cr Pedler (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.5 SPORTING PRECINCT REDEVELOPMENT COMMITTEE**

Previous members and deputy member: Cr Baulch, Marsh and Trethowan (Members)  
Cr Mathwin (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.6 Other Committees as determined by Council**

**APPOINTMENT OF DELEGATES TO OTHER LOCAL AND REGIONAL ORGANISATIONS**

**2.4.7 GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION**

Previous delegates and deputies: Cr Mathwin and Cr Trethowan (Members), Cr Benn and Cr Pritchard (Deputies)

**NEWLY ELECTED MEMBERS**

**Members**  
**Deputy**

**2.4.8 GREAT SOUTHERN REGIONAL ROAD GROUP and TIRES**

Previous delegate and deputy: Cr Trethowan (Member) Cr Baulch and Cr Pedler (Deputies)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputies**

**2.4.9 KOJONUP HOMES FOR THE AGED COMMITTEE**

Previous delegate and deputy: Cr Hewson (Member), Cr Mathwin (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.10 KOJONUP TOURIST ASSOCIATION**

Previous delegate and deputy: Cr Pedler (Member), Cr Pritchard (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.11 KOJONUP HISTORICAL SOCIETY**

Previous delegate and deputy: Cr Pritchard (Member), Cr Hewson (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.12 KOJONUP TELECENTRE ADVISORY COMMITTEE**

Previous delegate and deputy: Cr Baulch (Member), Cr Pedler (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.13 SCHOOL BUS ADVISORY COMMITTEE**

Previous delegate and deputy: Cr Marsh (Member), Cr Trethowan (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.14 REGIONAL RECREATION ADVISORY GROUP**

Previous delegate and deputy: Cr Trethowan (Member), Cr Baulch (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.15 SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)**

Previous delegate and deputy: Cr Mathwin (Member), Cr Trethowan (Deputy)

**NEWLY ELECTED MEMBERS**

**Member**  
**Deputy**

**2.4.16 MURADUP MEMORIAL PRECINCT COMMITTEE**

Previous delegate: Cr Marsh (Member)

**NEWLY ELECTED MEMBERS**

**Member**

**COUNCIL DECISION - (ABSOLUTE MAJORITY REQUIRED)**

/11 MOVED Cr seconded Cr that pursuant to Section 5.10 of the Local Government Act, 1995 Council review all committees and that the following appointments of Councillors to committees be endorsed.

CARRIED/LOST /

**COUNCIL DECISION - (ABSOLUTE MAJORITY REQUIRED)**

/11 MOVED Cr seconded Cr that under the Local Government Act, Council call for members of the Community to be members of the required Committees as listed in Item 2.4.1 to Item 2.4.16 in this Agenda

CARRIED/LOST /

**3 PUBLIC QUESTION TIME**



4 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 20<sup>th</sup> September 2011

Corrections:

COUNCIL DECISION

/11      MOVED Cr                              seconded Cr                              that the Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> September 2011 be confirmed as a true record.

CARRIED/LOST                              /

7 **ANNOUNCEMENTS** by the Presiding Member without discussion

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Tuesday, October 11, 2011  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 30<sup>th</sup> September 2011

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 30<sup>th</sup> September 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 1<sup>st</sup> July 2005.

**COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 30<sup>th</sup> September 2011 show a solid position with 78.78% of rates collected to 30<sup>th</sup> September 2011 and a total amount of cash holdings of \$4,213,860 of which \$2,051,817 is held in fully cash backed Reserves.

The Annual Financial Statements for the year ended 30<sup>th</sup> June 2011 have been completed and forwarded to Council's auditors; the actual onsite Audit is scheduled for the week commencing 31<sup>st</sup> October 2011. Depreciation has not been updated in the attached Statements of Financial Activity, pending final Audit for the Financial Year ended 30<sup>th</sup> June 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 of Financial Activity for the period of 1<sup>st</sup> July 2011 to 30<sup>th</sup> September 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:**                         Wednesday, 12 October 2011  
**FILE NO:**                      FM.AUT.1  
**ATTACHMENT:**                10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> September 2011 to 30<sup>th</sup> September 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 01/09/2011 to 30/09/2011 comprising of Municipal Cheques 11894 to 11943, EFT's 7640 to 7767 and Internal Payment Vouchers 2809 to 2845 totalling \$564,742.19 and as attached to this agenda, be received.

**COUNCIL DECISION**

/11      MOVED Cr

seconded Cr

CARRIED/LOST

/

**11      ENGINEERING & WORKS REPORTS****12      ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****13      CORPORATE & COMMUNITY SERVICES REPORTS****13.1    EXTRAORDINARY ELECTION – SETTING DATE FOR ELECTION TO BE HELD**

AUTHOR:                      Kim Dolzadelli – Manager Corporate Services  
 DATE:                              Monday, October 10, 2011  
 FILE NO:                        GO.ELE.11  
 ATTACHMENT:                13.1 Election Time Table

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To set the date for the Extraordinary Election required to fill one (1) vacancy of Councillor left from the Ordinary Election of 15<sup>th</sup> October 2011.

**BACKGROUND**

The date set for this years Ordinary Election was 15<sup>th</sup> October 2011. There were 5 vacancies and at the close of the nomination period 4 nominations had been received with each of these candidates being declared elected unopposed.

This left one vacancy for which an Extraordinary Election now needs to be held.

**COMMENTS**

The Requirements for the setting of a date for Extraordinary Election Days is governed by section 4.9 of the Local Government Act 1995 which states the following:

"4.9.    *Election day for extraordinary election*

- (1)      *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
- (a)      *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*

- (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
  - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
  - (b) *advise the CEO of the day fixed.”*

Councillors were canvassed at its briefing session held 20<sup>th</sup> September 2011 with respect to an appropriate date for the Election to be held given the busy period ahead with Christmas and harvest timeframes within the community.

Officers have prepared the attached Election Time Table giving options to Council which will also fit with statutory requirements of the Local Government Act 1995 and Local Government Elections Regulations 1997. The Officers recommendation reflects the need for further Council consideration of this item.

#### **CONSULTATION**

WA Electoral Commission, Mr Phil Richards, with respect to timeframes and requirements of notice for requesting a new Residents Roll for the Extraordinary Election.

#### **STATUTORY ENVIRONMENT**

*Section 4.9, Local Government Act 1995*

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

There will be a cost to running the Extraordinary Election; Council has provision within in the 2011/12 Budget.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

**That the date for the Extraordinary Election be set for Saturday \_\_\_/\_\_\_/\_\_\_ and that the WA Electoral Commission be advised of the requirement for a new Electoral Roll to be prepared.**

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**15**     **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Notice is given that Council will be asked to consider the Local Emergency Arrangements following endorsement at the Local Emergency Management Committee meeting on 27<sup>th</sup> September 2011. A copy of the minutes of the LEMC and Plan will be provided prior to the Council meeting.

**16**     **NEW BUSINESS**

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

**17**     **CONFIDENTIAL REPORTS**

**18**     **NEXT MEETING**

Tuesday, 15<sup>th</sup> November 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 1 <sup>st</sup> July 2011 to 30 <sup>th</sup> September 2011
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> September 2011 to 30 <sup>th</sup> September 2011
Item 13.1	Election Time Table