

SHIRE OF KOJONUP



Council Minutes

20th October 2009

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 20th October 2009****TABLE OF CONTENTS**

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SHIRE OF KOJONUP**MINUTES****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 presided over the meeting in accordance with Schedule 2.3 (3) of the Local Government Act, 1995 until such time as the office of President was filled.

The Chief Executive Officer declared the meeting opened at 3:00pm and alerted 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.

The Chief Executive Officer welcomed all Present at the Meeting.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr John Benn
Cr Ian Pedler

Greg Marsh	Cr Elect
Frank Pritchard	Cr Elect
Rosemary Hewson	Cr Elect

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Mrs Rosemary Cussons	Manager of Kodja Place

Mrs Pat Bunny	Justice of the Peace
Mr Will Carrington-Jones	Public Gallery
Ms Glenys Russell	Public Gallery

APOLOGIES

Cr Michael Baulch

The Chief Executive Officer declared that the nominations for President and Deputy President were currently still open and will close shortly after the Swearing in of the New Councillors.

2.1 SWEARING IN OF NEW COUNCILLORS

The Chief Executive Officer called upon each of the newly elected Councillors to make an oath or affirmation of allegiance and declaration in the prescribed manner before Mrs P Bunny, JP before commencing duties as a Councillor.

Councillors Elect Rosemary Hewson, Frank Pritchard and Greg Marsh made an oath of allegiance and declaration in the prescribed manner before Mrs P Bunny, JP.

The Chief Executive Officer asked all present to join in Congratulations.

Mrs P Bunny, JP congratulated the newly elected Councillors and wished them well for the duration of their four year term in office.

2.2 ELECTION OF PRESIDENT (2 year term)

The Chief Executive Officer announced that nominations for the position of Shire President would close in one minutes time.

The Chief Executive Officer then declared that nominations for the position of Shire President were closed.

The Chief Executive Officer announced that the only nomination for the position of President was Cr Mathwin.

Cr Mathwin verbally confirmed that she had agreed to the nomination.

As there were no other nominations, the Chief Executive Officer declared Cr Jill Mathwin elected unopposed as President in accordance with Local Government Act 1995 Section 2.6 (3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.

Cr Jill Mathwin made an oath of allegiance and declaration in the prescribed manner before Mrs P Bunny, JP and commenced her duties as the President of the Council and presided over the meeting.

Cr Mathwin thanked the Councillors for their support and confidence in re-electing her to the office of Shire President and that she would carry out her duties to the best of her ability for her time in office.

NOTE: Nomination for President was made in writing to the CEO prior to the meeting. The Councillor nominated accepted the nomination both orally at the meeting and in writing prior to the meeting.

2.3 ELECTION OF DEPUTY PRESIDENT (2 year term)

The Shire President announced that nominations for the position of Deputy Shire President would close in one minute's time.

The Shire President then declared that nominations for the position of Deputy Shire President were closed.

The Shire President announced that the only nomination for the position of Deputy President was Cr Trethowan.

Cr Trethowan verbally confirmed that she agreed to the nomination.

As there were no other nominations, the Shire President declared Cr Jane Trethowan elected unopposed as Deputy President in accordance with Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.

Cr Jane Trethowan made an affirmation of allegiance and declaration in the prescribed manner before Mrs P Bunny, JP, before commencing her duties as the Deputy President of the Council.

NOTE: Nomination for Deputy President was made in writing to the CEO prior to the meeting. The Councillor nominated accepted the nomination both orally at the meeting and in writing prior to the meeting.

Cr Mathwin thanked the Justice of the Peace, Mrs P Bunny for presiding over the declarations of the newly elected Councillors and for her continued support of the Shire of Kojonup.

Cr Mathwin thanked the outgoing Council member Will Carrington-Jones for his presence at the meeting and for the work he had done whilst a member of Council. Cr Mathwin also welcomed members of the gallery to the meeting.

Item 3 through to Item 13.1 were discussed next so the members of the gallery could make their presentations at an earlier stage in the meeting. Item 2.4 was then discussed and then Item 14, 15, 16 and so on.

2.4 REVIEW OF COMMITTEES:

AUTHOR: Chief Executive Officer, Stephen Gash
DATE: Wednesday, October 14, 2009
FILE NO: 04.02.05

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 20th October 2009.

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 Carrington-Jones and Cr Benn (Deputies)

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: Carrington-Jones (Member), Cr Benn (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 Graham (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 Graham (Deputies)

NEWLY ELECTED MEMBERS

Member
Deputies

2.4.9 KOJONUP HOMES FOR THE AGED COMMITTEE

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

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.10 KOJONUP TOURIST ASSOCIATION

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

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.11 KOJONUP HISTORICAL SOCIETY

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

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.12 KOJONUP HOME AND COMMUNITY CARE COMMITTEE

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

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.13 KOJONUP TELECENTRE ADVISORY COMMITTEE

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

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.14 SCHOOL BUS ADVISORY COMMITTEE

Previous delegate and deputy: Cr Carrington-Jones (Member), Cr Trethowan (Deputy)

NEWLY ELECTED MEMBERS

Member
Deputy

2.4.15 REGIONAL RECREATION ADVISORY GROUP newly elected members

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

Member	Cr Trethowan
Deputy	Cr Baulch

COUNCIL DECISION - (ABSOLUTE MAJORITY REQUIRED)

104/09 MOVED Cr Trethowan seconded Cr Marsh

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.

2.4.1 AUDIT COMMITTEE

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

2.4.2 BUSHFIRE ADVISORY COMMITTEE

NEWLY ELECTED MEMBERS

Member	Cr Marsh
Deputy	Cr Benn

2.4.3 SPRINGHAVEN ADVISORY COMMITTEE**NEWLY ELECTED MEMBERS**

Members	Cr Hewson, Mathwin and Marsh
Deputy	Cr Benn

2.4.4 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE**NEWLY ELECTED MEMBERS**

Member	Cr Benn
Deputy	Cr Pedler

2.4.5 SPORTING PRECINCT REDEVELOPMENT COMMITTEE**NEWLY ELECTED MEMBERS**

Member	Cr Baulch, Marsh and Trethowan
Deputy	Cr Mathwin

2.4.7 Other Committees as determined by Council

New Committee formed called the Southern Link VROC (Voluntary Regional Organisation of Councils).

Member	Cr Mathwin
Deputy	Cr Trethowan

APPOINTMENT OF DELEGATES TO OTHER LOCAL AND REGIONAL ORGANISATIONS**2.4.7 GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION****NEWLY ELECTED MEMBERS**

Members	Cr Mathwin and Trethowan
Deputy	Cr Benn and Pritchard

2.4.8 GREAT SOUTHERN REGIONAL ROAD GROUP and TIRES**NEWLY ELECTED MEMBERS**

Member	Cr Trethowan
Deputies	Cr Pedler and Baulch

2.4.9 KOJONUP HOMES FOR THE AGED COMMITTEE**NEWLY ELECTED MEMBERS**

Member	Cr Hewson
Deputy	Cr Mathwin

2.4.10 KOJONUP TOURIST ASSOCIATION**NEWLY ELECTED MEMBERS**

Member	Cr Pedler
Deputy	Cr Pritchard

2.4.11 KOJONUP HISTORICAL SOCIETY**NEWLY ELECTED MEMBERS**

Member	Cr Pritchard
Deputy	Cr Hewson

2.4.12 KOJONUP HOME AND COMMUNITY CARE COMMITTEE

(Council decided that there was no need for the Kojonup Home and Community Care Committee at this point in time).

2.4.13 KOJONUP TELECENTRE ADVISORY COMMITTEE**NEWLY ELECTED MEMBERS**

Member	Cr Baulch
Deputy	Cr Pedler

2.4.14 SCHOOL BUS ADVISORY COMMITTEE**NEWLY ELECTED MEMBERS**

Member	Cr Marsh
Deputy	Cr Trethowan

2.4.15 REGIONAL RECREATION ADVISORY GROUP newly elected members**NEWLY ELECTED MEMBERS**

Member	Cr Trethowan
Deputy	Cr Baulch

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason for Change: Council decided there was no need for the Kojonup Home and Community Care Committee at this point in time and also decided that it was appropriate to form the Southern Link VROC committee to ensure appropriate endorsed representation by the Shire of Kojonup within the Southern Link VROC.

COUNCIL DECISION

105/09 **MOVED** Cr Benn seconded Cr Hewson that a new Committee be formed called the Southern Link VROC (Voluntary Regional Organisation of Councils).

CARRIED BY ABSOLUTE MAJORITY 7/0

COUNCIL DECISION

106/09 **MOVED** Cr Trethowan seconded Cr Marsh that Council endorse the creation under the Local Government Act to form the Committees listed from Item 2.4.1 to Item 2.4.15 excluding 2.4.12 in these Minutes.

CARRIED BY ABSOLUTE MAJORITY 7/0

COUNCIL DECISION

107/09 **MOVED** Cr Benn seconded Cr Pedler 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, 2.4.3 and 2.4.5 in these Minutes.

CARRIED BY ABSOLUTE MAJORITY 7/0

3 **PUBLIC QUESTION TIME**

Nil

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

Nil

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Baulch had applied for a leave of absence for the 20 October 2009 meeting.

COUNCIL DECISION

108/09 **MOVED** Cr Benn seconded Cr Trethowan that Cr Baulch be granted Leave of Absence for the Council Meeting held 20th October 2009.

CARRIED 7/0

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 15th September 2009

Corrections: Nil

COUNCIL DECISION

109/09 **MOVED** Cr Pedler seconded Cr Marsh that the Minutes of the Ordinary Meeting of Council held on 15th September 2009 be confirmed as a true record.

CARRIED 7/0

SPECIAL MEETING 29th September 2009

Corrections:

On Page 4 under Comments the word “are” be changed to “area”.

COUNCIL DECISION

110/09 **MOVED** Cr Hewson seconded Cr Pritchard that the Minutes of the Special Meeting of Council held on 29th September 2009 be confirmed as a true record with the above correction being noted.

CARRIED 7/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Shire President congratulated Newly Elected Councillors and thanked former Councillors Graham and Carrington-Jones for their time and efforts whilst they served on Council.
The Shire President thanked all staff involved in the running of election.
The Shire President congratulated the Kojonup Tourist Association (KTA) on recent awards and invited KTA Manager Glenys Russell to speak on behalf of the Tourist Association.

Glenys Russell on behalf of the Tourist Association gave an overview of award outcomes.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Will Carrington-Jones (former Councillor) congratulated all newly elected Councillors, and acknowledged all past councillors and staff. He also thanked Cr Mathwin and Cr Trethowan for their efforts. Mr Carrington-Jones also noted that he thoroughly enjoyed his time spent on Council and wished the Council well in it's future endeavors.

9 DECLARATIONS OF INTEREST

Nil

3:31pm Mrs Rosemary Cussons and Ms Glenys Russell left the Chambers.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Tuesday, October 13, 2009
FILE NO: 06.15.01
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July to 30th September 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2009 to 30th September 2009.

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 1 July 2009 to 30 September 2009 shows a solid position with 79.25% of rates collected to 30th September 2009 and a total amount of cash holdings of \$5,174,572 of which \$2,052,521 is held in fully cash backed Reserves.

An analysis of outstanding Rate Debtors has been undertaken as at 30th September 2009 which shows of the outstanding amount of \$638,264, 58% or \$369,192 relate to installment payers and 42% or \$269,072 relate to non installment payers. Final notices have been sent to those ratepayers who did not choose an installment option and at the time of this report being written a further \$37,000 had been received.

It must be noted that depreciation has not been run for the current financial year and will not be until after the final Annual Audit report is received. Depreciation is a non cash item which does not impact on Councils Rate Setting Statement or Cash surplus position.

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, as attached, be accepted.

COUNCIL DECISION

111/09 MOVED Cr Marsh seconded Cr Benn that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 7/0

3:41pm Mr Will Carrington-Jones and Mrs Pat Bunny JP left the Chambers.

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Tuesday, October 13, 2009
FILE NO: 06.15.01
ATTACHMENT: Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive a list of payments made since the last similar list was received.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

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 the Payment Listing from 01/09/2009 to 30/09/2009 comprising of Municipal Cheques 10605 to 10660, EFTs 4787 to 4850 and Internal Payment Vouchers 1967 to 2001 totaling \$1,293,821.77 and as attached to this agenda, be received.

COUNCIL DECISION

112/09 MOVED Cr Marsh seconded Cr Hewson that the Payment Listing from 01/09/2009 to 30/09/2009 comprising of Municipal Cheques 10605 to 10660, EFTs 4787 to 4850 and Internal Payment Vouchers 1967 to 2001 totaling \$1,293,821.77 and as attached to this agenda, be received.

CARRIED

7/0

3:52pm Mrs Heather Marland left the chambers.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**12.1 INTRODUCTION OF DEVELOPMENT ASSESSMENT PANELS WITHIN WESTERN AUSTRALIA.**

AUTHOR: Phil Shephard – Town Planner
 DATE: 7 October 2009
 FILE NO: 14.04.01
 APPLICANT: n/a
 OWNER: n/a
 ATTACHMENTS: 12.1.1 Correspondence from Director General Department of Planning.
 12.1.2 Implementing Development Assessment Panels in Western Australia Discussion Paper (Department of Planning, September 2009).
 12.1.3 Development Assessment Panels: Questions and Answers.

DECLARATION OF INTEREST

Nil.

SUMMARY

The Minister for Planning has announced the creation of Development Assessment Panels (DAP's) consisting of (3) expert members and (2) selected Local Government Councillors to deal with planning applications of a certain type/value in the Shire instead of existing Council practices.

The Department of Planning are seeking submissions on the formation and operation of the DAP's throughout the State.

The recommendation is to prepare a submission to the Department of Planning opposing the introduction of Development Assessment Panels to determine development applications within the Shire of Kojonup.

BACKGROUND

The Minister for Planning on 11 September 2009 announced the release of the discussion paper 'Implementing Development Assessment Panels in Western Australia' (copy attached) and advised that the State Government is committed to implementing these panels throughout Western Australia.

The discussion paper is now open for comment and submissions have been invited with the closing date being 2 November 2009.

The Department of Planning also conducted a presentation in Albany on 24 September 2009 for interested persons and this was attended by the Town Planner.

COMMENT

It is clear from the information contained in the attachments and delivered at the Albany presentation that the State Government are totally committed to the introduction of DAP's and they will become operational as soon as the legislation can be drafted and approved.

It was also clear from the Albany presentation that the staff providing the information had a poor understanding/appreciation of the works and processes of a rural/regional Local Government and was unable to prove the benefits espoused would actually be delivered to the existing assessment process in these circumstances. It was clear that when a region scheme was in operation such as in Perth, Peel or Bunbury, the DAP's may provide benefits due to the current dual approval from both State and Local Governments requirement being removed.

The Albany presentation summarised the discussion paper and background to the DAP proposal. Other information provided at the presentation can be summarised as follows:

- The introduction of DAP's is to improve current planning framework and meet the National Guidelines established by the Council of Australian Governments and their Development Assessment Forum's Leading Practice Model.
- The State Government intends to improve and streamline the planning approval process through:
 - ✓ Introduction of new planning regulations,
 - ✓ Review of Model Scheme Text,
 - ✓ General scheme provisions to be adopted/introduced into Local Planning Schemes by Regulation, and
 - ✓ Requiring complex applications be dealt with by DAP's not Council's.
- The State believe DAP's are necessary because:
 - ✓ There is too much variation between Local Governments in the level of delegation available to staff dealing with planning applications,
 - ✓ These changes will promote more consistency and transparency in the decision-making process,
 - ✓ It will allow Councillors to focus on strategic planning rather than statutory planning, and
 - ✓ They will provide a balance between political and technical aspects in the planning process.
- Current data shows that only 3% of all planning applications (in non-metro areas) would need to be referred to DAP's.
- The Shire of Kojonup would be served by a Joint DAP set up to deal with all applications received in the Great Southern Region of the WA Planning Commission (which includes the following Local Governments – Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet and Woodanilling).
- The proposed regulations will set out the type/value of applications to be referred to a DAP, the processes, costs/fees and administrative processes.
- The Shire would still be responsible and will be able to concentrate on preparing strategic land use planning documents.
- They expect that the Independent Technical Expert will be sourced from non-metropolitan areas.
- All DAP members would receive training prior to taking up the role.
- DAP members would be appointed by the Minister for Planning for a period of 2 years.
- The consultation deadline of 2 November 2009 will not be extended, and
- The consultation process is intended to refine and identify additional issues within the implementation of the DAP's.

In considering the preparation of a submission on the DAP's, Council should assess and critique the given rationale and objectives against the Shire's current practice to see if the benefits espoused are likely to be achieved within the Shire of Kojonup.

The purpose and objectives of the DAP's provided in the attached information can be summarised to achieve the following outcomes:

- Streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;
- Involve independent technical experts in the determination process;
- Encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- Reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

Streamline Determinations and Remove Dual Approvals

The recent types of application that would be required to be referred to a DAP within the Shire include rebuilding of the Co-op, CBH works, rural industries and 2 non-complying residential developments. The Council either granted approval by delegated authority to the CEO; at the next available Council Meeting and in the case of the Co-op held a Special Council Meeting to expedite the approval.

There is no evidence provided to show that a DAP would or could have operated more efficiently and reduced these turnaround times. The frequency of decision-making won't improve as the joint

DAP is most likely to meet on a monthly basis which simply mirrors Local Governments in the region.

The availability of DAP members (and number of appointed panel members) to attend meetings is also hard to quantify at this stage. If there is insufficient appointed members or they have scheduling problems, delays may be experienced which could actually reduce existing turnaround times. This may also occur if a DAP member is unfamiliar with the area.

The Shire has continued to improve all administrative processes including the development area and in May and August of this year has approved additional delegations to Staff to achieve improved processing and turnaround times. The delegations provided are available to the public and make clear what applications can be determined by staff and what applications need to be presented to Council for determination.

In regards to the problems experienced with existing dual approvals, there is no region scheme outside of the Perth, Peel and Bunbury areas and the Shire is not affected (i.e. there is no dual approval required in the Shire of Kojonup or anywhere in the Great Southern Region).

As an option to the DAP's, the WA Planning Commission could delegate its powers under the respective region schemes to the Local Government so that it could be dealt with at the one-time by the respective Council. This would also achieve the necessary consistency of decision and remove the present conflicts between some approvals.

Involve Independent Technical Experts in the Determination Process

The papers advise that the use of a DAP will eliminate the need for Council to hire independent experts to investigate particular matters.

The Shire has previously sought the views of such experts on a particular application and when engaged by the Shire, they are most often involved in independently considering the relevant application and providing their views and recommendations for Staff and Councillors to consider through the normal Council processes.

There is no question that the use of a DAP with relevant expertise is beneficial for complex projects where that additional specialist expertise is required. Ideally the DAP (available through the WAPC with the relevant experts available from the appointed pool) could be hired by the Council to provide their views and recommendations on a particular proposal referred to them by the Local Government in determining the application, rather than every time.

Balance Between Independent Professional Advice and Local Representation in Decision-Making for Significant Projects

The papers suggest that large-scale developments may be controversial and local opposition to the proposal may become a factor for staff and Councillors. The use of experts will therefore improve the process as they are independent technical experts and presumably won't be persuaded by local pressures.

The existing planning scheme sets out those applications that are required to be advertised for public comment and also enables Council to decide to advertise any application if considered appropriate. Whilst this is not proposed to change under a DAP, it maybe that the DAP is reluctant to advertise an application unless required to due to their expertise to determine the matter.

The scheme sets out those matters that can be considered by Council in approving or refusing an application. This will not change for the DAP and so it is curious as to why they would reach any other than the same decision as a Council, given the scheme sets this out.

The *Planning Act* allows any proponent to challenge any decision and/or condition made by a Local Government and this would include where a proponent believed was politically motivated and not based on planning grounds. As there is no intention to change these appeal rights with a DAP, one wonders what will be better. If an appeal is lodged, the same parties and processes will be involved and Council will need to defend the DAP decision.

Whilst we have all watched television programs and reports detailing various aspects of controversial projects and the formation of community opposition groups, it is naive to expect that

just because a decision is made by a DAP that the controversy will be removed. The very nature of land use planning often requires the consideration of competing views and the Shire accepts this responsibility and role in implementing its scheme.

The proposal for DAP's is that the agenda will not be available to the public and the decisions will be published on the Council's and WA Planning Commission's website. Irrespective of the need for Council's to conduct any consultation required under the scheme prior to reporting to a DAP, this is a poor outcome and denies the public and presumably other Councillors from reading the reports and recommendations that affect their electors. The Shire has a very open and engaging approach with its community and it would be a backward step to adopt the DAP model.

Reduce the Number of Complex Applications being Determined by Local Governments to Focus their Resources on Strategic Planning

It is accepted that large-scale developments can take longer to assess and this is generally due to their complexity.

As commented previously, the number of applications considered 'complex' in the Regulations are proposed as valued at equal to and/or over \$1 million, where they represent all commercial, retail and office applications; all mixed use/centre applications (such as commercial, retail and residential); all industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications; all grouped dwelling or multiple dwelling applications of over 10 dwellings; non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings; all aged and dependent persons dwelling applications; all infrastructure proposals; strategic land use, transport and infrastructure projects; and all applications for hospitals, TAFEs, universities and non-government schools.

Given the recent applications that would have been required to be referred to a DAP, none provoked controversy and all were handled in-house with existing Council resources. Whilst this does remove resources (staff hours) from other tasks, the referral to a DAP would not achieve the sorts of savings for strategic planning projects as envisaged.

The Shire is already preparing a new planning strategy and scheme and no additional resources will become available as the present officer would need to prepare reports to the DAP (and need to attend their meetings, administration etc.) rather than the Council and/or delegated approval currently available.

Conclusions

The main issues raised by Local Government representatives at the Albany presentation information included:

- The costs of the DAP (approximately \$1300 per sitting) to Local Government,
- Councillor representatives will not receive any sitting fee,
- No considerations of additional costs to Local Government e.g. travel, accommodation, additional site visits, research, additional information requested individually etc.) has been provided for,
- Local Government have minority representation and must vote as independent, not on behalf of the remainder of Council,
- DAP members will be appointed by the Minister not the Council,
- All DAP experts are anticipated to be architects, planners, urban designers etc,
- There is no recognition of the increased development costs in regional and rural areas,
- The proposed closed agenda, meetings is not acceptable,
- No details on access to DAP's for proponents, Councils and the public is provided,
- They are not necessary given there is no region scheme and no dual approvals required,
- The ability of DAP members to travel throughout the Great Southern to attend meetings and some of the logistic problems faced by smaller Council's, and
- The timing of introducing DAP's during the present Local Government structural reform process also being introduced by the State Government and the impact those changes will have on the formation of DAP's.

In conclusion, whilst there are some benefits from the introduction of DAP's within areas of the State experiencing these pressures, there is little expected benefit or improvement from their introduction within the Shire. It is also clear that the State is committed to their introduction.

The options available to Council include:

- Preparing a submission to the Department of Planning;
- Not preparing a submission; or
- Seeking Minister and/or Local Member intervention.

CONSULTATION

The attached information is available at the Planning WA website (<http://www.planning.wa.gov.au/Plans+and+policies/Public+comment/1983.aspx>) and any person or organisation may make a submission. The closing date for submission is 2 November 2009.

The State is committed to introducing DAP's and are seeking submissions on the proposed operations of the DAP's. The submission form provided by the Department of Planning is a question/answer format to assist in the drafting of the Regulations.

It is considered unfortunate that the Department does not also seek comments on the acceptability of DAP's to Local Governments or suggestions on how to improve the present problems identified. The simple 'one size fits all' approach adopted by the State to the introduction of DAP's are not likely to provide the expected benefits given the vastly differing planning needs throughout the State. The substantial matter of Local Government Reform being considered within the sector will also pose some problems to their effective role out.

STATUTORY ENVIRONMENT

The State Government will introduce new Regulations covering operating arrangements, appointment of members, costs, administration etc. The Shire will be bound by the Regulations and will need to comply with those requirements.

No details on the Regulations have been made available at this time.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire will be required to meet the sitting fees and any other costs associated with the operation of the DAP when considering an application within the Shire.

At present application fees are charged in accordance with Council's annually adopted budget. Delegations to present staff exceed the value of developments required to be referred to a DAP and staff will now have to prepare reports for the DAP, attend meetings, provided administration etc. This will negatively impact on the budget as Council would normally receive the whole fee for the same task.

STRATEGIC IMPLICATIONS

The operation of an efficient and effective development assessment process is crucial to a Local Government delivering its adopted long-term planning objectives. The role of all Councillors in determining applications is fundamental to ensuring this occurs. The use of a DAP would remove this role from Council and further erode the capacity of Local Government in that regard.

It is clear that some areas of the State need considerable reform especially in the Metro, Peel and Bunbury regions where region schemes exist and improvements to the system and operations that helps achieves this goal are supported.

The proposed benefits suggesting that additional resources will become available from within existing allocations to Councillors to concentrate on strategic planning is not borne out. Indeed it is expected that a DAP will use more resources than presently required by Council and this will reduce time staff have available for strategic planning tasks.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the Chief Executive Officer and Town Planner lodging a submission to the Department of Planning on the introduction of Development Assessment Panels advising (inter alia):

1. The Shire opposes their introduction as there are no positive benefits expected in the Shire of Kojonup.
2. The Shire believes they are only necessary and will provide benefits in those areas covered by region schemes.
3. The DAP is likely to increase development costs and turnaround times rather than existing Council practices.
4. The Shire of Kojonup (and its elected Councillors) are the most appropriate authority to assess, determine, defend and implement land use planning decisions, not a DAP.
5. The use of experts in assessing planning applications is supported but is not necessary in every application over a certain arbitrary value.
6. There is no recognition of the increased development costs for projects outside of the metropolitan area.
7. The proposal does not recognise the considerable expertise available within local communities or their willingness to seek additional expert advice when required.

COUNCIL DECISION

113/09 MOVED Cr Benn seconded Cr Pritchard that Council approve the Chief Executive Officer and Town Planner lodging a submission to the Department of Planning on the introduction of Development Assessment Panels advising (inter alia):

1. The Shire opposes their introduction as there are no positive benefits expected in the Shire of Kojonup.
2. The Shire believes the DAP are only necessary and will provide benefits in those areas covered by region schemes.
3. The DAP is likely to increase development costs and turnaround times rather than existing Council practices.
4. The Shire of Kojonup (and its elected Councillors) are the most appropriate authority to assess, determine, defend and implement land use planning decisions, not a DAP.
5. The use of experts in assessing planning applications is supported but is not necessary in every application over a certain arbitrary value.
6. There is no recognition of the increased development costs for projects outside of the metropolitan area.
7. The proposal does not recognise the considerable expertise available within local communities or their willingness to seek additional expert advice when required.

CARRIED 7/0

Reason for Change: Point 2 (above) was altered to ensure clarity in reference to "they" being the DAP. Crs' Benn and Pritchard both accepted the change.

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2009/10 CHRISTMAS/NEW YEAR

DATE: 14th October
 AUTHOR: Heather Marland
 FILE NO: 04.05.01
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To approve an application to close the Office and Library over the 2009/10 Christmas and New Year period.

BACKGROUND

Closing the Office and Library temporarily for a few days over the Christmas and New Year holiday period has become normal practice in recent years. A similar approach is once again suggested for the 2009/10 period.

COMMENT

It is proposed that the Office will be closed for the Christmas / New Year break from 4.30pm Wednesday 23rd of December 2009 and reopen on Monday 4th January 2010 at 8.30am.

CONSULTATION

The proposed closures will be advertised in the local press once approved by the Council.

STATUTORY REQUIREMENTS

There are no known statutory requirements.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The financial costs will be minimal – advertising.

STRATEGIC IMPLICATIONS

As the annual Christmas/New Year period is usually quiet and is an opportunity for staff to take annual leave, as required. This has been accepted practice in the past.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That approval be granted to close the Office and Library for the period Thursday 24th December 2009 to Saturday 2nd January 2010 inclusive and that local notice be given as required.

COUNCIL DECISION

114/09 MOVED Cr Trethowan seconded Cr Hewson that approval be granted to close the Office and Library for the period Thursday 24th December 2009 to Saturday 2nd January 2010 inclusive and that local notice be given as required.

CARRIED 7/0

Item 2.4 was now considered then item 14, 15, 16 and so on.

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

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

Nil

17 CONFIDENTIAL REPORTS**17.1 CBH LEASE**

The lease for the use of part of the Showground for temporary grain storage is attached as a confidential document as it contains commercially sensitive information. The tabling of the document satisfies Council resolution 88/09.

The Report was tabled.

4:24pm The Chief Executive Officer declared an interest in Item 17.2 and left the Chamber.

17.2 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW
Confidential report provided under separate cover.**COUNCIL DECISION**

115/09 MOVED Cr Trethowan seconded Cr Pedler that Council:

- 1. Accept the Chief Executive Officer Performance Review for 2008/2009**
- 2. Note the overall performance rating of the Chief Executive Officer as exceeds expectations.**
- 3. Adopt the key performance indicator schedule for the Chief Executive Officer for 2009/2010 being:**
 - To deliver the Strategic Plan**
 - To improve the communication system to ensure a better response to the community.**

CARRIED

7/0

The Chief Executive Officer return to the Chamber after the conclusion of item 17.2.

The Shire President informed the Chief Executive Officer of Council's decision and the President then read aloud the Council Decision.

18 NEXT MEETING

Tuesday, 17th November 2009 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 4:33 pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

- 10.1 Monthly Statement of Financial Activity 1st July to 30th September 2009
- 10.2 Monthly Payment Listing
- 12.1.1 Correspondence from Director General Department of Planning.
- 12.1.2 Implementing Development Assessment Panels in Western Australia Discussion Paper (Department of Planning, September 2009).
- 12.1.3 Development Assessment Panels: Questions and Answers.
- 17.1 CONFIDENTIAL - CBH Lease agreement
- 17.2 CONFIDENTIAL – CEO Performance Review