

SHIRE OF KOJONUP



Council Minutes

21st October 2008

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

The Shire President declared the meeting open at 3.02pm 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.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr Michael Baulch	
Cr John Benn	
Cr Will Carrington-Jones	Leave of Absence
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Rosemary Cussons	Manager of The Kodja Place
Mrs Heather Marland	Senior Finance Officer

Four members of the public were present in the Gallery.

APOLOGIES

Cr Carrington-Jones	
Mr Craig McVee	Works Manager

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

251/08 MOVED Cr Pritchard seconded Cr Hewson that Cr Graham be granted Leave of Absence for the Council meeting to be held 18th November 2008.

CARRIED 8/0

COUNCIL DECISION

252/08 MOVED Cr Benn seconded Cr Trethowan that Cr Carrington-Jones be granted Leave of Absence for the Council meeting being held today, 21st October 2008.

CARRIED 8/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING – 16th September 2008

Corrections: Nil

COUNCIL DECISION

253/08 MOVED Cr Pritchard seconded Cr Graham that the Minutes of the Ordinary Meeting of Council held on 16th September 2008 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

1. At the GWN Top Tourism awards last week, it was announced that Kojonup was:
 - a) Winner GWN 2008 Top Tourism Town with Population Under 2500,
 - b) Winner GWN 2008 Top Tourism Town Winner Cultural Interpretation Category
 - c) Joint Winner GWN 2008 Top Tourism Community Relations Category
 - d) Visitor Centre Association of WA 2008 Pioneer Award presented to John Benn for his outstanding contribution to pioneering the development of tourism in Regional Western Australia.
2. The Australian Local Government Women's Association WA Branch held an event in Kojonup on 26th September 2008 which was very successful with positive feedback from the participants.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Mr Max Cussons representing the Kojonup Historical Society presented Council with information regarding the creation of a wall to remember residents of Kojonup.

The report is attached to these Minutes.

The report generated positive discussion. The Chief Executive Officer said that the Shire will commit resources to further the project.

3.24pm Mr Max Cussons left the Chambers

9 DECLARATIONS OF INTEREST

Cr Mathwin declared a Financial Interest in Item 13.7.

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – Monthly Statement of Financial Activity**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Monday, 13th October 2008
FILE NO: 06.15.01
ATTACHMENT: Monthly Statement of Financial Activity 1st July to 30th September 2008

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.

BACKGROUND

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 1st July 2007 to 30th September 2008 shows a solid position with 81% of rates collected to 30th September 2008 and a total amount of cash holdings of \$4,472,683 of which \$1,657,248 is held in fully cash backed Reserves.

With the recent volatility of the financial market and banking sector cash holdings have been maintained as straight cash deposits, the level of interest earnings are still exceeding current budget expectations. Once the market has settled it is intended that surplus cash be invested in short term deposits to maximise investment return.

Solid progress has been made with respect to Council's plant replacement program with the ordering and/or delivery of new plant items in October being the Isuzu Giga CXZ455 Tip Truck, Toro Groundmaster 7200 - mower, JCB 80302 Mini Excavator, Isuzu NPR300 Crew Cab and Toyota Hilux SR 4x2 Single Cab Tray Top. In addition the tender for the new Motor Grader closed on 26th September 2008 and will be consider by separate item at this meeting.

Councils Auditors where onsite on the 8th, 9th and 10th October to conduct the audit of the 2007/2008 financial year. The Audit was a thorough process and feedback thus far has been very positive. It is likely that the Auditors Management Report, Audit Report and Annual Financial Report will be presented to Council and Audit Committee in the month of November.

It should be noted that Depreciation has not yet been updated for the 2008/09 financial year – this will be completed when finalisation of the Audit has occurred.

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	
254/08	MOVED Cr Trethowan seconded Cr Marsh that the Monthly Statement of Financial Activity, as attached, be accepted.
	CARRIED
	8/0

The Chief Executive Officer asked that Item 11.1 Motor Grader Tender 04 OF 20089-2009 be brought forward to accommodate the interest of the members of the Gallery.

The Presiding Member agreed to this request and brought forward Item 11.1 to the members of Council.

Mr Dan Sullivan, Mr Ron Oliver and Mr Archie Michael were welcomed to Council Chambers and were invited to contribute to the discussion of Item 11.1.

3.29pm Mrs R Cussons left the Chamber

3.35pm Mrs R Cussons returned to the Chamber

11.1 MOTOR GRADER TENDER 04 OF 2008-2009

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
DATE: Friday, 17th October 2008
FILE NO: 06.30.01
ATTACHMENT: Motor Grader Specification
 Original and Alternate Criteria Assessment – Confidential attachment
 Staff Feedback Assessment - Confidential attachment

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being requested to consider options for the sale of the Shires CAT12G Grader and purchase of one new replacement grader.

BACKGROUND

Council provided funds in the 2008/09 Budget for the purchase of a new Motor Grader and trade or outright sale of the Caterpillar 12G grader. The item had previously been identified in Council's long term plant replacement program.

COMMENT

Council is being requested to not accept any initial tender for the supply and delivery of one new Motor Grader and trade of Council's existing Caterpillar 12G grader and consider acceptance of alternate offers for outright purchase from original tenderers and outright sale of the Caterpillar 12G Grader to a late tenderer who tendered for outright purchase only.

Requests for tenders were advertised in the Western Australian Newspaper on 10th and 13th September 2008 with a closing date of Wednesday 26th September 2008.

Tenders were sought for a Motor Grader including a 14ft blade, following further investigation by the Manager of Works it is apparent that a 12ft blade will better suit the operations of the Shire. It was noted that all vendors who tendered by the deadline to supply a grader also provided tenders for a 12 foot blade option.

There was only one tender for outright purchase of the Shires existing Cat 12G grader and this was received one day after close of tenders despite being postmarked well before. Given the outright sale of the Shires used grader provides greater value to the Shire, Officers approached vendors who submitted tenders for supply of the new grader to confirm 12 foot blade option pricing and no trade options. Vendors who also expressed an interest in outright purchase of the used 12 G grader but did not submit a tender, were contacted to advise that late offers would be considered only one late response had been considered.

An offer to purchase the Shire 12G grader was subsequently received by Smith Broughton and NG & JM Turich reconfirmed their offer.

Council were briefed on the tender process on 7th October 2008 and also advised regarding the WALGA heavy Equipment Preferred Supplier agreement that had just been announced and allowed Councils to purchase direct from suppliers after seeking quotations. Given the respondents were all on the preferred supplier list and Council had commenced a rigorous assessment process it was agreed to continue the process for transparency but for the reasons listed above, and the increased value to ratepayers from the no trade options, that all tenders be rejected.

The following tenders were received at the close of the tender period:

- Westrac – Supply of Caterpillar Graders
- CJD Equipment – Supply of Volvo Graders
- HCMA (Hitachi) – Supply of John Deere Grader
- Two tenders were received after the close of the tender period:
- WCM – Supply of Chenggong MG1421B Grader
- NG & JM Turich – Outright Purchase of Caterpillar 12G Grader

Demonstrations of the Caterpillar 12M 12, Volvo G940 and John Deere 670D were attended by the following staff:

Craig McVee - Manager of Works
Dale Simmons – Mechanic
Danny Sullivan – Grader Driver
Ron Oliver – Grader Driver
Archie Michael – Grader Driver
Richard McKenzie – OHS representative

The demonstrations allowed staff to view and operate the machines, it also allowed for assessment of OHS, performance and suitability. Councillor Graham attended the John Deere demonstration and received feedback direct from staff on the other demonstrations.

A detailed analysis of the tenders was then undertaken by the Manager of Works, Manager of Corporate Services and Chief Executive Officer. Through this analysis it was apparent that an alternate offer may be able to be reached that ensures Council receives the best value for money proposition.

The results of this analysis are attached to the Agenda as a confidential attachment along with the specification for the Motor Grader that was included in the tender document.

This attachment is confidential due to the commercial sensitive nature of the proposals and the requirement for council staff to provide open and honest feedback to councillors without risk of defamation when providing positive, negative and comparative comments on the graders short listed for demonstration.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Section 3.57 Local Government Act 1995 and Division 2 of the Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS

Council Policy sets the criteria for assessment of tenders.

FINANCIAL IMPLICATIONS

The 2007/08 Budget Provides for a net changeover of \$255,000. The officer recommendation if adopted will result in a saving to budget of \$18,410.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION 1**

That Council close the meeting in accordance with section 5.23 (2)(c) & (e) to allow the Council to consider the confidential attachment as the attachment relates to information of a commercially sensitive nature which will result in a contract to purchase a Grader being entered into.

COUNCIL DECISION

255/08 **MOVED Cr Marsh seconded Cr Pritchard that Council close the meeting in accordance with section 5.23 (2)(c) & (e) to allow the Council to consider the confidential attachment as the attachment relates to information of a commercially sensitive nature which will result in a contract to purchase a Grader being entered into.**

CARRIED

8/0

OFFICER RECOMMENDATION 2

That the meeting be reopened to the public.

COUNCIL DECISION

256/08 **MOVED Cr Hewson seconded Cr Trethowan that the meeting be reopened to the public.**

CARRIED

8/0

OFFICER RECOMMENDATION 3

That Council:

1. Does not accept any of the original tenders submitted,
2. Accepts the Alternate Tender offered by Westrac for the supply of the new Caterpillar 12M 12 Motor Grader as outright purchase for the amount of \$324,090 excluding GST,
3. Accepts the Offer from NG & JM Turich for the outright purchase of the Caterpillar 12G Grader for the amount of \$87,500 excluding GST.

COUNCIL DECISION

257/08 **MOVED Cr Benn seconded Cr Pritchard that Council:**

1. Does not accept any of the original tenders submitted,
2. Accepts the Alternate Tender offered by Westrac for the supply of the new Caterpillar 12M 12 Motor Grader as outright purchase for the amount of \$324,090 excluding GST,
3. Accepts the Offer from NG & JM Turich for the outright purchase of the Caterpillar 12G Grader for the amount of \$87,500 excluding GST.

CARRIED

8/0

3.51pm Mr Sullivan, Mr Oliver and Mr Michael left the Chamber

The Works Manager, Mr Craig McVee was congratulated by the Presiding Member and Chief Executive Officer on his leadership role in the decision making process regarding the purchase of the Grader.

COUNCIL DECISION

258/08	MOVED Cr Benn seconded Cr Marsh that the Council meeting be adjourned in order that a special meeting with the Department of Housing and the Police be held.	CARRIED	8/0
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4.06pm The meeting was adjourned.

6.00pm The meeting was re-opened and all those who left the Chamber at the adjournment returned except Mrs R Cussons who had left the meeting.

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Finance Officer
 DATE: Thursday, 16 October 2008
 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 09/09/2008 to 10/10/2008 comprising of Municipal Cheques 9940 to 9969, EFTs 3650 to 3724 and Internal Payment Vouchers 1572 to 1606 totalling \$545,930.03 and as attached to this agenda, be received.

COUNCIL DECISION

259/08 **MOVED** Cr Benn seconded Cr Pritchard that the g from 09/09/2008 to 10/10/2008 comprising of Municipal Cheques 9940 to 9969, EFTs 3650 to 3724 and Internal Payment Vouchers 1572 to 1606 totalling \$545,930.03 and as attached to this agenda, be received.

CARRIED**8/0****10.3 FEES AND CHARGES – THE KODJA PLACE**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, 15th October 2008
FILE NO: 03.05.05
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the fees and charges associated with the operation of the Kodja Place Interpretive Centre and authorise the Chief Executive Officer to waive fees for local Community Groups and local Not For Profit organisations.

BACKGROUND

As from 1st October, the Kodja Place came under a new management structure as appointed by the Council. Council is now asked to consider changes in the fees and charges of the Kodja Place as it is considered that all visitors to the centre who are from the Kojonup Shire should have free entry to the linear gallery, Story Place and Rose Maze. The fees and charges for outside visitors are to remain as for previous years.

It is also desirable that visitors who pay their admission fee be granted a monthly pass to enable and encourage them to return to the Kodja Place to continue their discovery of all that the centre has to offer.

The current fees and charges, as previously determined by the Kojonup Tourist Association, and proposed fees and charges are show in the table below.

The fees and charges that are here presented are recommended by Mrs Rosemary Cussons, the Kodja Place Manager.

Daily Admission Charge per person	GST Inc.	Current Charge	Proposed Charge
Adult	Y	\$ 6.00	\$ 6.00
Senior	Y	\$ 3.00	\$ 3.00
Child and/or student	Y	\$ 3.00	\$ 3.00
Family (2 adults + 2 or more school age children or younger)	Y	\$16.00	\$16.00
Groups over 10 (per person)	Y	\$ 3.00	\$ 3.00
Shire of Kojonup local resident/ratepayer	Y	\$ 6.00	Free of charge
Visitors Monthly Pass: an option taken up by any visitor for a period of 1 month from the date of their initial visit and payment of entry fee.			Cost of the appropriate proposed charge

COMMENTS

The proposed fee structure only shows change of free entry to the Shire of Kojonup residents/ratepayers and the option of a month's entry for paying visitors for future visits in the following month.

The admission of local residents/ratepayers to the Kodja Place free of charge will:

- benefit the local community providing a better sense of ownership of the centre.
- better place local people to regard the Kodja Place as an asset that is readily available to those who live and work in the district.
- assist in residents/ratepayers having the opportunity to increased participation and interest in events and future development of the Kodja Place.
- act as an incentive for local residents/ratepayers to promote the centre to their visitors by removing the cost of repeat visits when accompanying new visitors.

CONSULTATION

None required.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.16 - "Imposition of fees and charges" and Section 6.19 "Local government to give notice of fees and charges".

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

The proposed changes will have a minimal net impact on the Operational Budget for the Kodja Place.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

1. That in accordance with section 6.16 of the Local Government Act 1995 Council adopts the proposed new fee structure for the Kodja Place, and
2. That in accordance with section 6.19 of the Local Government Act 1995 Council gives Local Public Notice of the new fee structure.
3. That Council delegate power to the Chief Executive Officer to waive fees for local Community Groups and local Not For Profit organisations in accordance with Council Policy and Budget constraints.

COUNCIL DECISION

260/08 MOVED Cr Hewson seconded Cr Benn

1. **That in accordance with section 6.16 of the Local Government Act 1995 Council adopts the proposed new fee structure for the Kodja Place, and**
2. **That in accordance with section 6.19 of the Local Government Act 1995 Council gives Local Public Notice of the new fee structure.**
3. **That Council delegate power to the Chief Executive Officer to waive fees for local Community Groups and local Not For Profit organisations in accordance with Council Policy and Budget constraints.**

CARRIED BY AN ABSOLUTE MAJORITY

8/0

11 ENGINEERING & WORKS REPORTS

11.1 MOTOR GRADER TENDER 04 OF 2008-2009

Item 11.1 was dealt with after Item 10.1- see page 6

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 AMALGAMATION/RESUBDIVISION APPLICATION 138496 – LOTS 3, 475, 1268 and 1334 BOYUP BROOK – KOJONUP ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 11th September 2008
 FILE NO: 14.06.01
 APPLICANT: RAS Machin (Licensed Surveyor)
 OWNER: RS & MJ Huston
 ATTACHMENT: Plan of Subdivision

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to re-subdivide the above four (4) lots on the corner of the Boyup Brook – Kojonup Road and Mandalup Road as shown on the attached plan of subdivision.

It is recommended that the application be supported.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and Local Government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The landowners have stated the purpose of the subdivision is '... realignment of existing boundaries to more reflect current practice and reduce creek crossings by new boundary fence program'.

The subject lot is zoned Rural under Town Planning Scheme No. 3. The Shire's Town Planning Scheme Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well made developed road access to it.
- The amenity of the area is not adversely affected.

The use of the land will remain agriculture and the lots have access to developed roads. The re-subdivision complies with the Shire's Policy requirements and should be supported.

The WAPC have been advised accordingly and advice given that any upgrading of the roads and/or new crossovers to the properties will be the responsibility of the landowner to construct to the Shire's specifications.

CONSULTATION

Nil required.

STATUTORY ENVIRONMENT

Complies with Town Planning Scheme No 3.

POLICY IMPLICATIONS

Complies with Town Planning Scheme Policy No. 11 'Applications for Subdivision'.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS Simple Majority**OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 3, 475, 1268 and 1334 corner Boyup Brook–Kojonup Road and Mandalup Road, Kojonup into four (4) lots as proposed on WAPC File 138496 and request the following advice be placed upon the approval:

- Any upgrading of the roads and/or new crossovers to the properties will be the responsibility of the landowner to construct to the Shire's specifications.

COUNCIL DECISION

261/08 **MOVED** Cr Graham seconded Cr Pritchard that Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 3, 475, 1268 and 1334 corner Boyup Brook–Kojonup Road and Mandalup Road, Kojonup into four (4) lots as proposed on WAPC File 138496 on the condition that the laneway constituting access to Lot C be at least 20m wide, and request the following advice be placed upon the approval:

- Any upgrading of the roads and/or new crossovers to the properties will be the responsibility of the landowner to construct to the Shire's specifications.

CARRIED

8/0

REASON FOR CHANGE: Council agreed that the width of the lane should be wide enough to cater for large agricultural machinery.
Crs Graham and Pritchard accepted the amendment to the recommendation.

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2008/09 CHRISTMAS/NEW YEAR**

AUTHOR: Heather Marland – Senior Finance Officer
DATE: 14th October 2008
FILE NO: 04.05.01
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To approve an application to close the Office and Library over the 2008/09 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 2008/09 period.

COMMENT

It is proposed that the Office will be closed for the Christmas / New Year break from 4.30pm Wednesday 24th December 2008 and re-open on Monday 5th January 2009 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 25th December 2008 to Saturday 3rd January 2009 inclusive and that local notice be given as required.

COUNCIL DECISION

262/08	MOVED Cr Trethowan seconded Cr Hewson that approval be granted to close the Office and Library for the period Thursday 25th December 2008 to Saturday 3rd January 2009 inclusive and that local notice be given as required.	CARRIED	8/0
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13.2 KEVIN O'HALLORAN MEMORIAL SWIMMING POOL MANAGEMENT CONTRACT

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
 DATE: Thursday, 16th October 2008
 FILE NO: 03.03.05
 ATTACHMENT: PROPOSED YMCA BUDGET – Confidential Attachment

DECLARATION OF INTEREST

Nil

SUMMARY

To authorise a 1 (one) year contract with YMCA for the management of the Kevin O'Halloran swimming pool to cover the 2008/09 season.

BACKGROUND

The contract for the management of the Kevin O'Halloran swimming pool expired at the end of the 2007/2008 season, following the exercising of the last option period. YMCA has managed the pool under the previous contract for five years, which included two option periods of one year extension.

COMMENT

Tenders are required to be called where the value of the contract exceeds \$100,000.

Discussions have been held with YMCA with respect to management of the facility for the 2008/2009 financial year and a budget provided by them which totals \$97,463.

This budget was present to Councillors at the councillors Briefing Session held on 16th September 2008 where discussion followed with respect to entering into a further 1 (one) year contract with YMCA for the management of the Kevin O'Halloran swimming pool to cover the 2008/09 season.

The reason for entering into a further 1 (one) year contract with YMCA was to ensure that future planning of the facility and infrastructure requirements could be determined with the assistance and expertise that YMCA has to offer. Given YMCA has operated the facility for the past 5 seasons and managed renewal of plant and infrastructure it is believed that they are extremely well placed to assist Council with this process.

Councillors at the briefing session endorsed the Chief Executive Officer to enter into a further 1 (one) year contract with YMCA to allow future planning of the facility and infrastructure requirements to be determined. This endorsement needs to be formalised.

Given the contract value comes under the Tender threshold Council is not required to call Tenders.

The confidential attachment is consider such in accordance with section 5.23(2)(e)(ii) as the information has a commercial value to a person.

CONSULTATION

Councillors have been previously consulted on this issue at the briefing session held 16th September 2008.

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)

Local Government Act (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The contract costs are covered in the 2008/09 budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION 1**

That Council Close the meeting in accordance with section 5.23 (2)(c) & (e) to allow the Council to consider the confidential attachment as the attachment relates to information of a commercially sensitive nature which will result in a contract for operation of the Kevin O'Halloran swimming pool being entered into.

COUNCIL DECISION

263/08 **MOVED** Cr Trethowan seconded Cr Pritchard that Council Close the meeting in accordance with section 5.23 (2)(c) & (e) to allow the Council to consider the confidential attachment as the attachment relates to information of a commercially sensitive nature which will result in a contract for operation of the Kevin O'Halloran swimming pool being entered into.

CARRIED

8/0

OFFICER RECOMMENDATION 2

That the meeting be reopened to the public.

COUNCIL DECISION

264/08	MOVED Cr Trethowan seconded Cr Marsh that the meeting be reopened to the public.	CARRIED	8/0
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OFFICER RECOMMENDATION 3

That the Chief Executive Officer be authorised to enter into a further 1 (one) year contract with the YMCA for the management of the Kevin O'Halloran Pool for the 2008/09 year on the basis of the Budget provide by YMCA.

COUNCIL DECISION

265/08	MOVED Cr Marsh seconded Cr Trethowan that the Chief Executive Officer be authorised to enter into a further 1 (one) year contract with the YMCA for the management of the Kevin O'Halloran Pool for the 2008/09 year on the basis of the Budget provide by YMCA.	CARRIED	8/0
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13.3 **CUSTOMER SERVICE CHARTER AND COMPLAINTS POLICY**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 16 October 2008
 FILE NO:
 ATTACHMENT: Customer Service Charter
 Service Requests and Complaints Policy

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a customer service charter and complaint management policy for the Shire of Kojonup.

BACKGROUND

The Shire has undergone considerable restructure over the past four years to address issues with its governance and financial performance. This turnaround of the organisation has taken up most of the resources, to ensure that there was no further burden on the ratepayers due to some of the past issues.

It is acknowledged that during this "survival mode" the Shire operations have not had the capacity to be as responsive to issues as the community would expect and the management of the Shire would have liked. The focus has now shifted to rebuilding capacity and aligning the organisation with the strategic plan and direction of the Council.

The Customer Service Charter and associated Service Requests and Complaints Policy are designed to help document and communicate how the Shire will communicate, respond, and attempt to resolve issues.

COMMENT

The Customer Service Charter, and Service Requests and Complaints Policy state the level of service and process that the community can expect when dealing with the Shire. These will be effective from 1 November 2008, when we will have the ability to better track and measure performance against the requirements. Regular reports will be received by Council regarding the performance against the agreed expectations. This timeframe will also allow the charter and policy to be communicated to the community in a newsletter within the next week.

We have acknowledged the previous inability to respond adequately, due to capacity issues and resources that have been required for the financial and high end governance of the organisation, as well as defending the Supreme Court Action against the Shire. While meeting the expectations moving forward, Officers will still be working through any backlog, however, anyone who wishes an outstanding issue to be addressed as per the new arrangements can approach the Shire with a clear understanding of how that will be addressed.

The Chief Executive Officer apologises for any approach in the past that has not met expectations. The patience of the community is appreciated, and this has allowed the financial and governance issues identified in 2004/5 to be addressed in a manner that has not resulted in “knee jerk” reactions to increase administration staffing levels in a manner that would have significantly increased rates. Thanks to a very committed staff we are now able to better serve the community with less staff and significantly reduced ongoing cost than would otherwise have been the case if we had not been able to work through the issues in a systematic way.

CONSULTATION

The Customer Service Charter and Complaint Policy have been workshopped by the Council to ensure it provides the balance between community expectations and cost effective staffing levels to support the system.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

The documents will form part of the policy manual.

FINANCIAL IMPLICATIONS

Nil. The expected service levels can now be accommodated within the existing staff structure. The records management software upgrade is part of the approved budget.

STRATEGIC IMPLICATIONS

The policies are part of the Strategic Plan and central to our focus on serving our community.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

- a) That Council adopt the Customer Service Charter, as attached to the agenda.
- b) That Council adopt the Service Request and Complaint Policy, as attached to the agenda.

COUNCIL DECISION

266/08	MOVED Cr Hewson seconded Cr Trethowan	
	<ol style="list-style-type: none"> a) That Council adopt the Customer Service Charter, as attached to the agenda. b) That Council adopt the Service Request and Complaint Policy, as attached to the agenda. 	
	CARRIED	8/0

13.4 AGREEMENT FOR VISITOR SERVICING AT THE KODJA PLACE

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Thursday, 16 October 2008
 FILE NO:
 ATTACHMENT: Memorandum of Understanding

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the memorandum of understanding with the Kojonup Tourist Association for delivery of Visitor Services at the Kodja Place.

BACKGROUND

On 16th September 2008 the Council resolved:

- “250/08 MOVED Cr Pritchard seconded Cr Marsh that the Shire President and Deputy Shire President be authorised to approve and execute the memorandum of understanding between the Shire of Kojonup and the Kojonup Tourist Association, to operate the Kojonup Visitors Centre at its current location in the Kodja Place on the following conditions:
- a) the consideration takes place at an internal review committee meeting on 25th September 2008, where discussions are fully minuted;
 - b) the minutes document the feedback from individual Councillors to the Shire President or Deputy Shire President;
 - c) the agreement is tabled at the next Council meeting to ensure it is a matter of public record”

COMMENT

The internal review committee considered feedback from Councillors and KTA regarding:

- a) The use of office space, and future rationalisation of all storage at TKP;
- b) The desire to have better demographic data on where our visitors come from.
- c) A request for the agreement to be countersigned by the CEO.
- d) Queries regarding the treatment of accrued funding and the implications of rules regarding disbursement of assets of incorporated associations.
- e) Confirmation on the treatment of GST.

The attached memorandum of understanding was executed by all parties on 30 September 2008.

CONSULTATION

All Councillors were given the opportunity to comment individually and KTA consulted within their membership.

Jenny Nichol was asked by the Shire to review the intention and structure of the MOU.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The agreement documents a funding level approved in Councils budget, therefore there is nil effect to budget.

The agreement better allocates previous staffing and other costs to Council directly to the Kojonup Tourist Association, with appropriate performance indicators, and controls.

STRATEGIC IMPLICATIONS

The resolution of governance issues at The Kodja Place has been a key imperative within the strategic plan.

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION**

That Council receive the Memorandum of Understanding between the Shire and Kojonup Tourist Association.

COUNCIL DECISION

267/08 **MOVED Cr Marsh seconded Cr Hewson that Council receive the Memorandum of Understanding between the Shire and Kojonup Tourist Association.**

CARRIED

8/0

13.5 VOLUNTARY REGIONAL ORGANISATION OF COUNCILS

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 16th October 2008
FILE NO:
ATTACHMENT: Draft Agreement

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to seek the Council's endorsement for the formation of a Voluntary Regional Organisation of Councils (VROC) with the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet as members.

BACKGROUND

Following an approach from the Shire of Plantagenet, the Chief Executive Officers of the Shires of Broomehill-Tambellup, Cranbrook, Kojonup, and Plantagenet, met to discuss the desire and administrative process to consider a Voluntary Regional Organisation of Councils (VROC) between the listed Shires. This culminated in the meeting of CEOs and Shire Presidents on 10th September 2008.

COMMENTS

A draft agreement was tabled at the meeting on 10th September 2008 and this is attached to the agenda.

All parties were positive about the "strategic fit" and commitment of the Shires at the table to the partnering arrangement. The level of co-operation between the proposed member Councils is very high and the working relationships between each of the Chief Executive Officers is also of a high standard. Possible areas that may benefit from a VROC include:

- Joint Tendering and Purchasing;
- Bitumen Works;
- Information Communications Technology;
- Town Planning Services;
- Engineering Services;
- Standardised Procedures and Terminology;
- Records Management; and
- Refuse Site Management.

Shires can opt in and out of specific projects, which can also be widened to other adjacent Shires.

CONSULTATION

This matter has been discussed with the Shire Presidents and Chief Executive Officers of the Shires of Broomehill -Tambellup, Cranbrook, Kojonup and Plantagenet. The Shire of Woodanilling has been involved in those discussions, examining opportunities to collaborate on projects.

STATUTORY ENVIRONMENT

Section 3.61 of the Local Government Act (1995) relates to the establishment of a Regional Local Government. A Regional Local Government established pursuant to the Act is constituted as a Body Corporate with perpetual succession and a common seal. Opponents to the creation of a Regional Local Government indicate that this creates a further level of government with the attendant overheads.

A VROC on the other hand is not constituted as a Body Corporate and only exists while the members of such an alliance continue to cooperate for joint initiatives. A draft Partnering Agreement is attached to this report setting out the terms of such a possible alliance.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The setting up of a VROC has no cost to the Council.

However, projects that are endorsed by the VROC do need to be funded.

STRATEGIC IMPLICATIONS

Resource sharing and pursuit of cost efficiencies and service improvement, such as possible through a VROC are encouraged within the Shires strategic plan.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That the Partnering Agreement between the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet for shared projects within the areas of those Councils be adopted.

COUNCIL DECISION

268/08	MOVED Cr Trethowan seconded Cr Marsh that the Partnering Agreement between the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet for shared projects within the areas of those Councils be adopted.	CARRIED	8/0
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13.6 AMENDMENT OF TOWN PLANNING SCHEME NO.3 TEXT - DELEGATIONS

AUTHOR: Stephen Gash
 DATE: 16th October 2008
 FILE NO: 14.04.01
 ATTACHMENT: Extract of Town Planning Regulations 1967 - Delegations

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a request to initiate an amendment of the Shire of Kojonup Town Planning Scheme No. 3 text.

BACKGROUND

Council is required to consider many planning applications that fit directly within the Shire Town Planning Scheme, are of a simple nature, with no objection from affected parties, and verified from our town planning consultant.

COMMENTS

Many of the planning applications are time critical and officers are seeking relevant delegations to ensure that the Shires approval process for small scale, simple applications that comply with the Town Planning Scheme No 3 and are supported by our town planning consultant can be processed and approved in the most responsive manner.

Clear conditions are proposed to guide scope of what can be considered by Officers. Reporting on the use of this delegation will still allow Council to be appropriately informed on the applications. A sample town planning consultant report is attached, to demonstrate what information Councillors can also access if they want further information.

The Chief Executive Officer can still use his discretion to ask Council to consider any planning application that falls under the conditions of this delegation if it is felt there are strategic implications that may be appropriate for the Council.

To progress the issue Council needs to initiate an amendment to the Shire of Kojonup Town Planning Scheme No.3 text to include the provisions on the model scheme text regarding delegation. This will be subject to the requirements of the Planning and Development Act 2005.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

- Shire of Kojonup Town Planning Scheme No 3
- Local Government Act 1995
- Planning and Development Act 2005
- Town Planning Regulations 1967

POLICY IMPLICATIONS

These delegations will support the response required under the Customer Service Charter

FINANCIAL IMPLICATIONS

Advertising and amendments costs are covered within the Shire's adopted budget.

STRATEGIC IMPLICATIONS

This will support a more responsive administration process.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That Council resolve to amend the Shire of Kojonup Town Planning Scheme No. 3 to insert the model text regarding delegations, from the Town Planning Regulations 1967, pursuant to section 75 of the Planning and Development Act 2005 .

COUNCIL DECISION

269/08 MOVED Cr Pritchard seconded Cr Benn that Council resolve to amend the Shire of Kojonup Town Planning Scheme No. 3 to insert the model text regarding delegations, from the Town Planning Regulations 1967, pursuant to section 75 of the Planning and Development Act 2005 .

CARRIED BY AN ABSOLUTE MAJORITY

8/0

6.42pm Cr Mathwin declared a financial interest in Item 13.7 and left the Chamber.

Cr Trethowan took the Chair in the absence of the Presiding Member.

13.7 AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT – ATTENDANCE BY SHIRE PRESIDENT

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 16th October 2008
 FILE NO: 04.02.03
 ATTACHMENT:

DECLARATION OF INTEREST

Nil

SUMMARY

To seek authority from the Council for the Shire President to attend the inaugural meeting of the Australian Council of Local Government (ACLG) to be hosted by the Prime Minister at Parliament House Canberra on 18th November 2008 with a welcoming function on the prior evening.

BACKGROUND

The inaugural meeting of the ACLG fulfils an election promise by the Federal Government and '*...will give communities a real voice in addressing issues of vital national and local interest, including priorities for national and local infrastructure... and examining a process for recognition of local government in the commonwealth constitution.*'

The Mayors and Presidents of all Councils across Australia, the heads of local representative organisations and State and Territory Ministers for local government and planning have been invited to attend the meeting.

COMMENTS

This is an important forum and appropriate for representation on behalf of the Shire of Kojonup. It is also appropriate for a briefing session to be held prior to the ACLG to ensure the Council delegate has a clear understanding on the priority issues for Kojonup.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The travel and accommodation costs can be incorporated within the overall Shire budget, but may require amendment to allocate to the Governance schedule. The cost of the trip is estimated at \$1,500.

STRATEGIC IMPLICATIONS

This is an important forum to ensure relevant strategic issues are raised with the Commonwealth Government.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Shire President Councillor Jill Mathwin be authorised to attend the Australian Council of Local Government Meeting to be held in Canberra on 17th to 18th November 2008.

COUNCIL DECISION

270/08 MOVED Cr Hewson seconded Cr Benn that Shire President Councillor Jill Mathwin be authorised to attend the Australian Council of Local Government Meeting to be held in Canberra on 17th to 18th November 2008.

CARRIED

7/0

6.51pm Cr Mathwin returned to the Chamber and was advised by the Chief Executive Officer of Council Decision relating to Item 13.7.

Cr Mathwin resumed the Chair and presided over the meeting.

13.8 LOCAL GOVERNMENT CONSTITUTIONAL SUMMIT

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 16th October 2008
FILE NO:
ATTACHMENT: Local Government Constitution Summit Program

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a request from the Shire of Plantagenet for joint funding a delegate from within the VROC partners to attend the Local Government Constitutional Summit in Melbourne from 8th to 11th December 2008.

BACKGROUND

The Australian Local Government Association (ALGA), in consultation with state and territory local government associations, is convening a Local Government Constitutional Summit at the end of this year to bring together councils to discuss and reach agreement on a position to put to the Federal Government regarding constitutional recognition.

COMMENTS

The Shire of Plantagenet has approached the Shires of Broomehill-Tambellup, Cranbrook and Kojonup, as VROC partners, to jointly fund one delegate to the summit. It has been suggested that whichever elected representative goes to that Meeting (to be chosen from Broomehill – Tambellup, Cranbrook or Kojonup) that that representative should make an address to each of the other Councils.

The program for the summit is attached.

If the proposal is endorsed, Council should ensure that at the forum to elect a delegate from the four Councils that the Shire of Kojonup position can be concisely conveyed, to assess for alignment with other VROC partners, and ensure the delegate has a clear understanding of the relevant positions.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A one quarter share of the cost of airfares, accommodation and registration is likely to be \$600.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That the Shires of Broomehill-Tambellup, Cranbrook and Plantagenet be advised that if one elected representative on behalf of those Councils and Kojonup attend the Local Government Constitutional Summit to be held 8th to 11th December 2008 in Melbourne, Kojonup would contribute 25% of registration, accommodation and travel expenses provided each of the other Shires agreed to the proposal.

COUNCIL DECISION

271/08 **MOVED** Cr Hewson seconded Cr Marsh that the Shires of Broomehill-Tambellup, Cranbrook and Plantagenet be advised that if one elected representative on behalf of those Councils and Kojonup attend the Local Government Constitutional Summit to be held 8th to 11th December 2008 in Melbourne, Kojonup would contribute 25% of registration, accommodation and travel expenses provided each of the other Shires agreed to the proposal.

CARRIED

8/0

14 COMMITTEES OF COUNCIL**14.1 SPRINGHAVEN ADVISORY COMMITTEE – 11th September 2008****OFFICER RECOMMENDATION**

That the attached minutes of the Springhaven Advisory Committee meeting held Thursday 11th September 2008 be received and endorsed by Council.

COUNCIL DECISION

272/08 MOVED Cr Hewson seconded Cr Trethowan that the attached minutes of the Springhaven Advisory Committee meeting held Thursday 11th September 2008 be received by Council.

CARRIED**8/0**

REASON FOR CHANGE: As the minutes of the Springhaven Advisory Committee had not been circulated prior to the meeting, Council agreed that the minutes would only be received, but not endorsed.

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

Nil

18 NEXT MEETINGTuesday 18th November 2008 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 7.07pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

- Item 10.1 Monthly Statement of Financial Activity 1st July to 30th September 2008
- Item 10.2 Monthly Payment Listing
- Item 11.1 Grader Specification, Confidential Attachments - Original and Alternate Criteria Assessment – Confidential attachment - Staff Feedback Assessment
- Item 12.1 Plan of subdivision lots 3, 475, 1268, 1334 Boyup Brook-Kojonup Road
- Item 13.2 Proposed YMCA Budget – Confidential Attachment
- Item 13.3 Customer Service Charter & Service Requests and Complaints Policy
- Item 13.4 Memorandum of Understanding
- Item 13.5 VROC Draft Agreement
- Item 13.6 Extract of Town Planning Regulations 1967 - Delegations
- Item 13.8 Local Government Constitution Summit Program

 Presiding Member

 Date