

SHIRE OF KOJONUP



Council Minutes

25th November 2008

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING HELD ON 25TH NOVEMBER 2008****TABLE OF CONTENTS**

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

The Shire President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew the meetings attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr Michael Baulch	
Cr John Benn	
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
Mr Craig McVee	Works Manager
Mrs Rosemary Cussons	Manger Kodja Place

APOLOGIES

Cr Carrington-Jones

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

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

273/08 MOVED Trethowan Cr seconded Cr Hewson that Cr Carrington-Jones be granted Leave of Absence for the Council meeting held 25th November 2008.

CARRIED 8/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING – 21st October 2008

Corrections: Cr Pritchard page 10 delete “G” and insert the words “Summary of Accounts”

COUNCIL DECISION

274/08 MOVED Cr Pritchard seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 21st October 2008 be confirmed as a true record with the above correction.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

Cr Mathwin thanked councillors for allowing her attendance at the Australian Council of Local Government Meeting held in Canberra on 17 to 18 November 2008, and reiterated her previous report that she viewed the trip as very worth while for the ability to highlight issues facing the Shire of Kojonup regarding Aged Care funding.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Mr Stephen Gash, Chief Executive Officer declared a Financial Interest in Item 11.1 as he is the applicant.

Cr Mathwin declared an impartiality interest in item 13.3.

Cr Hewson declared an impartiality interest in item 13.3.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Thursday, 13 November 2008

FILE NO: 06.15.01

ATTACHMENT: Monthly Statement of Financial Activity 1st July to 31st October 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 31st October 2008 shows a solid position with 85.62% of rates collected to 31st October 2008 and a total amount of cash holdings of \$4,202,267 of which \$1,664,108 is held in fully cash backed Reserves.

Cash holdings continue to be maintained as straight cash deposits.

The Annual Audit has been concluded with the Auditors Management Report, Audit Report and Annual Financial Report being presented to Council in item 13.2 of this meeting. The Audit has made no change to the opening position of the 2008/09 Budget as amended.

It should be noted that Depreciation has not yet been updated for the 2008/09 financial year. Following my attendance to a meeting of the Local Government Finance Professionals on the 31st October 2008, where the new Local Government Accounting Manual was unveiled, it has been decided to reanalyse the rates of depreciation currently being utilised by the Shire.

The Accounting Manual has been under development by the Department of Local Government, since 2006. A number of Departmental staff, WALGA Representatives, Industry consultants and senior Local Government Managers has undertaken a review of all aspects of Accounting issues, which has not been seriously undertaken since 1985.

One of the main issues being addressed in the manual is that of depreciation with regionalised depreciation schedules having been developed. Whilst depreciation is an "Accounting Estimate" and can not be mandated the manual provides a guide which will be useful to Councils and also provide an increased ability to directly compare operating results between different Local Government Authorities. Early analysis points to the fact that the Shire of Kojonup's rates of depreciation are still on the high side.

On the completion of this analysis an Item will be presented to Council with any proposed changes, until this is completed no depreciation will be updated.

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.

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

275/08 MOVED Cr Marsh seconded Cr Hewson that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Finance Officer
DATE: Monday, 17 November 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 11/10/2008 to 14/11/2008 comprising of Municipal Cheques 9970 to 10009, EFTs 3725 to 3793 and Internal Payment Vouchers 1607 to 1644 totalling \$734,439.20 and as attached to this agenda, be received.

COUNCIL DECISION

276/08 MOVED Cr Marsh seconded Cr Benn that the Payment Listing from 11/10/2008 to 14/11/2008 comprising of Municipal Cheques 9970 to 10009, EFTs 3725 to 3793 and Internal Payment Vouchers 1607 to 1644 totalling \$734,439.20 and as attached to this agenda, be received.

CARRIED 8/0

10.3 FEES AND CHARGES FOR HIRING FACILITIES – THE KODJA PLACE

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 19th November 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 hiring of facilities 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 charges for the fees and charges associated with the hiring of facilities of the Kodja Place.

The fees and charges for hiring facilities were set by the Kodja Place Advisory Board and have been in consistent use since that time.

It was decided by Council at its meeting 21st October 2008 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.

It is now proposed that the hiring of facilities at the Kodja Place by local community members and Not For profit organizations, be paid for, but have the opportunity to apply for waiver of costs after payment is made, as is the practice with other hired facilities owned by the Shire.

Outside visitors who hire the facilities are expected to pay the costs set down by the Shire.

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

FACILITY	GST inc	Current Charge	Proposed Charge
Any internal room	yes	\$15 / hour \$60 / day max	\$15 / hour \$60 / day max
Rose Maze	yes	\$50 / function	\$50 / function
Stage area and central lawn		No charge	No charge

COMMENTS

The proposed fee structure shows no change of facility hire costs from previous years.

The hiring and use of Centre facilities by local residents/ratepayers with the benefit of waiver of charges 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 by using the facilities for their events.

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

277/08 MOVED Cr Hewson seconded Cr Graham that:

1. That in accordance with section 6.16 of the Local Government Act 1995 Council adopts the following 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.
4. That a Bond of \$100.00 for use of the Rose Maze or Stage area and central lawn.
5. That a surcharge of \$5.00 per hour be applied for use of power where utilised.
6. That the hire charge for any internal room be \$15 / hour \$60 / day max.
7. That the hire charge for exclusive use of Rose Maze be \$50 per function.
8. That the hire charge for exclusive use of Stage area and central lawn be \$50 per function.

*REASON FOR CHANGE: Council felt that a Bond was appropriate and that where exclusive use of an area was required a fee/hire charge should be imposed.
Crs Hewson and Graham accepted the amendment to the recommendation.*

CARRIED BY ABSOLUTE MAJORITY 8/0

3.40pm Stephen Gash declared a financial interest in Item 11.1 as he is the applicant and left the Chamber.

11 ENGINEERING & WORKS REPORTS**11.1 CONSTRUCTION OF FORREST ROAD KOJONUP**

AUTHOR: Craig McVee – Works Manager
 DATE: 19 November 2008
 FILE NO: Road No 177
 ATTACHMENT: Location Diagrams

DECLARATION OF INTEREST

Mr Stephen Gash is the applicant and therefore has a financial interest in this item.

SUMMARY

Council is being asked to consider an application for a third party to construct a road.

BACKGROUND

Forrest Road to the East of Treasure Road is a gazetted road reserve and documented on all Shire of Kojonup maps and the certificates of title for property adjoining the reserve. Lots 59 and 60 Treasure Road are land locked semi rural blocks fronting the Forrest Road reserve. Lots 59 and 60 are therefore without a current legal access, unless Council allow construction of a segment of Forrest Road or a neighbour grants a right of way or easement.

In September 2000 the previous owners approached the Shire to request an access road be provided. The matter was forwarded to the Consulting Engineer who advised that a road 7 metres wide, 350 metres long with 3 new 375mm culverts would be required. The cost estimate was \$31,000.

The item was forwarded to Council who adopted the Engineering and Works Committee resolution below:

EW 64/00 That Council endorses the Consulting Engineer's view that the responsibility for the provision of road infrastructure of defacto estate development be at the cost of the proponents.

The previous owners were advised by letter that “the Shire has no funds to undertake the subject work and given that there is no obligation upon Council to provide access to the land, felt that the responsibility for the provision of road infrastructure of defacto estate developments be at the cost of the proponents. The proponent or landowner would have to fund the works themselves”.

The previous owner did not take up the offer for the Shire to build the road for \$31,000.

COMMENTS

Council require a legal access to consider a building licence to build any structure on land within the district. Legal access for lot 60 can only be achieved from Forrest Road, across lot 59 with Forrest Road extending to the South West corner of lot 59 and an easement to lot 60, or via an easement across the property to the North of lot 60.

Access via the North of lot 60 is not feasible from the neighbouring land owners perspective and also the sight distance of any driveway would not meet current standards onto Tunney Road, given the proximity to the Tunney / Mather intersection and the topography. Therefore the applicant has suggested the only option is to utilise Forrest Road for access.

The applicant has confirmed he is happy to pay for the building of the road to the appropriate standard and has proposed the following specifications based on the Shire of Kojonup Road Hierarchy:

Approximately 100m length of single lane gravel road 3.5m width
 A cul de sac of 15m diameter as shown on the attached diagram.
 Gravel minimum 150mm thickness at 1.4 compaction
 5% cross fall
 3 new 375mm culverts as marked with headwalls

Minimum 0.7m shoulders to the constructed road.
Curve radius of 20m to the fish tail at the Treasure Road Junction.
Provision of all signage and 12 guide posts.

As constructed plans and full survey will be supplied to the Shire at the applicants cost. A warranty period of 12 months will be provided including all maintenance from the acceptance date at the completion of construction. The Shire will take ownership after the 12 month warranty period only after verification of the satisfactory performance of the asset.

The road will be built with the centre along the midline of the road reserve. It will be up to the owner to wear all costs associated with fencing and crossovers as part of negotiation with other possible users of the road. The road, as it stands, only has the potential for legal access to two blocks and therefore is justified as a single lane access road of 3.5m width with a no through road sign.

Photographs have been attached that demonstrate that the adjacent Treasure Road only has an average pavement width of 3.5m and this is a through road with much greater traffic count. The previous suggestion of 7m width was based on Forrest Road potentially being opened up all the way through. Since the advent of the tree clearing regulations this cannot occur given the density of the remnant vegetation in the reserve. This is also why the applicant only requires approximately 100m length of road as the rest of the access to Lot 60 will be by easement across lot 59, and at no cost to the Shire.

If a future applicant ever wished to apply to extend Forrest Road further and by a change of State Government policy was granted approval to remove the trees then they would be required to upgrade Forrest Road for the extension and to cope with any additional traffic volume.

The proposed segment of road to be constructed requires no clearing within the road reserve and minimal at the intersection. The sight visibility is excellent along the full proposed 100m length and the speed environment is proposed at 40 to 60km/hr.

The 15m diameter cul de sac will allow turning of rubbish and other service vehicles and is the same size as that at Loton Close.

A private contractor will be used and the owner will indemnify the Shire during the construction and warranty period. The applicant is also responsible to ensure the drainage accommodates runoff as per development standards.

CONSULTATION

None required. If Council approve the opening and construction of the road it is then up to the applicant to negotiate and accommodate all access, crossover, drainage and fencing requirements while still meeting the Councils required specification.

STATUTORY ENVIRONMENT

Land Administration Act 1997
Shire of Kojonup Town Planning Scheme No 3

POLICY IMPLICATIONS

Town Planning Scheme No 3
A 3.5m single lane gravel road is consistent with the Shire of Kojonup road hierarchy for a low volume access road.

FINANCIAL IMPLICATIONS

Nil. All costs are to be covered by applicant.

STRATEGIC IMPLICATIONS

This application would set a precedent for other land owners wanting access to semi rural properties to contribute fully to any development costs, rather than the expectation that a road will be provided on gazetted road reserves that may only benefit the applicant.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council approve the applicant to construct the segment of Forrest Road between Treasure Road intersection and 20m past the South West corner of lot 59 Forrest Road subject to the following conditions:

1. The construction will be to a minimum standard of 3.5m wide and 150mm deep gravel with 1.4 compaction, 5% cross fall and 0.7m shoulders.
2. Three 375mm culverts and headwalls are inserted as per the concept plan.
3. Signage will be provided to the satisfaction of the Works Manager
4. A warranty period of 12 months applies after construction.
5. The applicant indemnifies the Shire for all activity on the road during the construction and warranty period.
6. As constructed plans and full pickup survey are provided at the completion of construction which verify construction to the required specification.
7. The applicant will wear all costs for the approval, construction, survey, lodgement, and warranty period.
8. The future costs of any crossover that a resident may have been otherwise entitled to approach the Shire for assistance on the specified segment of road will be the responsibility of the applicant for a 2 year period from the expiration of the warranty period.

COUNCIL DECISION

278/08 MOVED Cr Trethowan seconded Cr Pritchard that Council approve the applicant to construct the segment of Forrest Road between Treasure Road intersection and 20m past the South West corner of lot 59 Forrest Road subject to the following conditions:

1. The construction will be to a minimum standard of 3.5m wide and 150mm deep gravel with 1.4 compaction, 5% cross fall and 0.7m shoulders.
2. Three 375mm culverts and headwalls are inserted as per the concept plan.
3. Signage will be provided to the satisfaction of the Works Manager
4. A warranty period of 12 months applies after construction.
5. The applicant indemnifies the Shire for all activity on the road during the construction and warranty period.
6. As constructed plans and full pickup survey are provided at the completion of construction which verify construction to the required specification.
7. The applicant will wear all costs for the approval, construction, survey, lodgement, and warranty period.
8. That the cost of fencing to the proposed to be constructed section road be borne by individual landowners.
9. That the applicant be allowed to have a crossover in accordance with current Shire policy.
10. That the applicant is to fence the end point of the constructed Road.

CARRIED 8/0

REASON FOR CHANGE: Council felt that individual land owners should be responsible for their own fencing and crossovers in accordance with current Shire policy. Crs Trethowan and Pritchard accepted the amendment to the recommendation

4.10pm Stephen Gash, Chief Executive Officer returned to the Chamber and was advised by the presiding Member of Council Decision relating to Item 11.1.

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**12.1 BUILDING LICENSE 30 Katanning Road Kojonup**

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 19 November 2008
FILE NO: 05.02.35
ATTACHMENT: Building Plans 34 Katanning Road Kojonup

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the building plans for the extension to 34 Katanning Road Kojonup.

BACKGROUND

The premise is a 3 bedroom property owned by the Shire of Kojonup. An extension of the building is proposed to convert the house from three to four bedrooms.

The extension was viewed as preferable to attempting to acquire another 4 bedroom house in the current market. An allocation has been made in Councils 2008/09 budget to undertake the work.

COMMENTS

Council normally delegates the power to approve building license applications to the Shires Building surveyor. This is not possible when the Shire Building Surveyor is proposed to undertake the work.

The Council are therefore required to approve the building license. The Local Government (Miscellaneous Provisions) Act 1960 requires Council to seek advice from a suitable Building Surveyor when making such a decision.

Mr Allan Watkins was forwarded the attached building plans and asked to consider compliance with the Building Code of Australia (BCA) and standard requirements to issue a building license. Council are directed to the stamped plans and building license application processed by Mr Watkins, confirming compliance with the BCA and suggested approval.

CONSULTATION

Nil required

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 and regulations.
Building Code of Australia

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Council has approved a budget of \$60,000 allocated to staff housing improvements of which \$40,000 was allocated to undertake this work in 2008/09.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council approve the building license application number 13.11.08 for the extension to 34 Katanning Road Kojonup as signed by Mr A Watkins.

COUNCIL DECISION

279/08 MOVED Cr Trethowan seconded Cr Marsh that Council approve the building license application number 13.11.08 for the extension to 34 Katanning Road Kojonup as signed by Mr A Watkins.

CARRIED 8/0

12.2 NAMING OF BIN ROAD, QUALEUP

AUTHOR: Phil Shephard – Town Planner
DATE: 22 November 2008
FILE NO: 05.05.01
APPLICANT: Geographic Names Committee & JA Berry
OWNER: N/A
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

Council has received correspondence requesting clarification of the naming of Bin Road, Qualeup.

It is recommended that the name Bin Road be retained.

BACKGROUND

The correspondent resides in Qualeup and has requested that Council advise of the official name for the road and requests that a road name sign be erected accordingly. He advises that it has been referred to as both Bailey Street and Bin Road in previous correspondence.

The Geographic Names Committee requires Council's advice as it is processing a Certificate of Title for the correspondent.

COMMENT

The renaming of Bailey Road to Bin Road was officially approved by Ministerial Order on 15 April 2005 and Council advised by correspondence from the Geographic Names Committee of the Department of Land Information. The Department were advised that the renaming to Bin Road was supported on the basis that this is the name that the road was known locally and was consistent with the Shire's Fire Maps and MRWA/Roman road asset databases etc.

The naming of roads within Western Australia is performed by the Geographic Names Committee. The process of renaming a road requires support from the Local Government and is not usually accepted unless the majority of affected residents agree to the change.

In this case, the name Bin Road shows up on various Council records dating back to the early 1970's. The official change to Bin Road in 2005 was the result of Council addressing several road name anomalies when the rural street addressing project was being considered by the Department of Land Information in 2004.

Whilst Council is at liberty to consider the renaming back to Bailey Street or another name, staff does not consider there is adequate justification provided in this instance to warrant a change and recommend that the name Bin Road be retained.

The naming of a road within the Shire to recognise the Bailey family is an option available to Council to consider. Council is reminded that there is also a Bailye Road (off Albany Highway approximately 13kms north of Kojonup and 2kms south of Cherry Pool Road) and if a road was selected to be named Bailey, Council would need to ensure that there is no confusion between the

two. The name change or introduction of a new road name would also need to be canvassed for support with any affected landowners.

The internal process of road name changes has now been modified to ensure that where road names changes are approved all affected landowners and relevant government agencies will be notified accordingly.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications. The provision of a road name sign will be provided through the road maintenance budget.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council advise the correspondent and Geographic Names Committee that it wishes to retain Bin Road as it is the common locally known and accepted road name.

COUNCIL DECISION

280/08 MOVED Cr Trethowan seconded Cr Pritchard that Council advises the correspondent and Geographic Names Committee that it wishes to retain Bin Road as it is the common locally known and accepted road name.

CARRIED 8/0

Cr Trethowan left the chamber 4.27pm

Cr Trethowan returned to the chamber 4.29pm

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 EXTRAORDINARY ELECTION – Setting Date of Election

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Monday, 3 November 2008
 FILE NO: 04.03.02
 ATTACHMENT: Proposed Election Timetable

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to set the date for an Extraordinary Election to fill the current (one) councillor vacancy.

BACKGROUND

Council held an Ordinary Election on 21st October 2007 in order to fill five vacancies due to the expiration of terms of office, during this election process only four nominations were received with the four candidates being elected unopposed.

Following on from the Ordinary Election Council held an Extraordinary Election, with Election Day being set down for the 15th December 2007 to fill the one vacancy. No nominations were received for this Election and on the advice of the Department of Local Government and Regional Development Council have since made attempts to fill the vacancy using the provisions as set out in section 4.57(3) of the Local Government Act 1995 as stated below.

“4.57. Less candidates than vacancies

(3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

** Absolute majority required.”*

Attempts to fill the vacancy in accordance with the provisions of section 4.57(3) of the Local Government Act 1995 have been unsuccessful.

COMMENTS

Council has previously held discussions at the briefing session held 21st October 2008 where possible dates for an Extraordinary Election were discussed.

The Officers recommendation is that the Election Day be set down for Saturday, 28th February 2009 as this date does not conflict with any public holidays, office closures or weekend days where critical dates occur.

The attached timetable for the proposed Election date has been discussed with Mr Gary Fawkes of the Western Australian Electoral Commission, who has confirmed the appropriateness of the timetable meeting statutory deadlines.

CONSULTATION

Council, the Department of Local Government and Regional Development and the Western Australian Electoral Commission have previously been consulted with respect to this issue.

STATUTORY ENVIRONMENT

Part 4 “Elections and Other Polls” of the Local Government Act 1995.

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Council has an operation Budget of \$3,000 to cover the cost of Election and Poll expenses.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council set the date for the Extraordinary Election to fill one councillor vacancy with a term to expire October 2011 to be Saturday, 28th February 2009.

COUNCIL DECISION

281/08 MOVED Cr Trethowan seconded Cr Marsh that Council set the date for the Extraordinary Election to fill one councillor vacancy with a term to expire October 2011 to be Saturday, 28th February 2009.

CARRIED 8/0

13.2 2007/08 ANNUAL REPORT AND ELECTORS MEETING

DATE: Monday, 3 November 2008
AUTHOR: Stephen Gash, Chief Executive Officer
FILE NO: 3.03.01
ATTACHMENTS: Annual Report 2007-08 including Annual Financial Report and Audit Report
Audit Management Letter

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Shire of Kojonup's 2007/08 Annual Report as circularised with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

COMMENT

The Council is to accept the annual report by 31st December following the year end or no later than two months after receiving the audit report. The Audit Report was received on 24th October 2008 and a copy has been forwarded directly to the Department of Local Government and Regional Development.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual elector's meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given.

CONSULTATION

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

STATUTORY ENVIRONMENT

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995
Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

OFFICER RECOMMENDATION 1 - (VOTING REQUIREMENTS - ABSOLUTE MAJORITY)

That Council Accepts the Annual Report including the Annual Financial Report for the 2007/2008 year.

COUNCIL DECISION

282/08 MOVED Cr Marsh seconded Cr Benn that Council Accepts the Annual Report including the Annual Financial Report for the 2007/2008 year.

CARRIED BY ABSOLUTE MAJORITY 8/0

OFFICER RECOMMENDATION 2 (VOTING REQUIREMENTS - SIMPLE MAJORITY)

That Council:

1. Hold the Annual Electors meeting on Tuesday 16th December 2008 in the Lesser Hall, Kojonup, commencing at 7:00pm;
2. Receives the Audit Report and Audit Management Letter;
3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.

COUNCIL DECISION

283/08 MOVED Cr Trethowan seconded Cr Marsh that Council:

- 1. Hold the Annual Electors meeting on Tuesday 16th December 2008 in the Lesser Hall, Kojonup, commencing at 7:00pm;**
- 2. Receives the Audit Report and Audit Management Letter;**
- 3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.**

CARRIED 8/0

Councillors congratulated all staff on their efforts.

Cllr Mathwin and Hewson declared impartiality interest in item 13.3 as they are members of the Kojonup Women's Club. At the start of the meeting under item 9 both Councillors verbally stated their interest and read the disclaimer and declared that they would consider the matter on its merits and vote accordingly.

13.3 REQUEST FOR IN KIND WORK- Kojonup Womens Club

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 19 November 2008
 FILE NO: 06.16.01
 ATTACHMENT:

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider a request from the Kojonup Women's Club Inc to assist with the replacement of the roof on their building at 117 Albany Hwy, Kojonup.

BACKGROUND

The Kojonup Women's Club building at 117 Albany Hwy, Kojonup is listed on the Kojonup Municipal Heritage inventory as it was the early Roads Board office. The building is 99 years old and the roof needs replacement.

The Kojonup Womens Club has approved several local builders for quotes to replace the roof. The Shire was also asked to provide a quote and the quotes ranged between approximately \$8,000 and \$13,000.

COMMENTS

The officer met with the Womens Club and recommended that they may wish to approach local suppliers of steel separately as there may be further benefits for a community project and then seek the labour separately, including the use of volunteer labour to minimise costs where possible.

It was highlighted that the proximity to the main street footpath will require the appropriate scaffolding and that the project needs to be completed before the 2009 winter. The Kojonup Womens Club followed up with a formal request for the Council to support the project by in kind labour from the Shire building team. The value of this labour is estimated at \$4,000 to \$5,000 depending on the level of volunteer support.

In making this request the club made note of the connection of the building to the Shire, being the old Roads Board building, and that the building will reach its centenary next year. The expert supervision and scaffolding requirements were also seen as advantageous, however, does not preclude labour from other builders as part of a larger community project.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

A building license will be required and compliance with the Building Code of Australia

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Council would need to resolve a budget amendment of \$4,000.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That Council provide in kind support to the value of \$4,000 to the Kojonup Women's Club for the replacement of the roof at 117 Albany Hwy, Kojonup Albany Highway

That Council approve a budget amendment to allocate \$4,000 for the replacement of the Kojonup Women's Club roof.

COUNCIL DECISION

284/08 MOVED Cr Pritchard seconded Cr Benn that Council provide in kind support to the value of \$4,000 to the Kojonup Women's Club for the replacement of the roof at 117 Albany Hwy, Kojonup Albany Highway and that Council approve a budget amendment to allocate \$4,000 for the replacement of the Kojonup Women's Club roof.

LOST 6/1

Cr Baulch left the chamber 5.07pm

Cr Baulch returned to the chamber 5.08pm

14 COMMITTEES OF COUNCIL

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

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

5.12pm The meeting was adjourned for a short break.

5.30pm The meeting was reopened.

17 CONFIDENTIAL REPORTS

17.1 W Lenyszyn legal action

The Chief executive officer provided a confidential verbal briefing on the status of the legal action.

COUNCIL DECISION

285/08 MOVED Cr Marsh seconded Cr Graham that the meeting be closed to the public pursuant to Section 5.23 (2) (d) of the Local Government Act as the discussion relates to legal advice and contains confidential information.

CARRIED 8/0

COUNCIL DECISION

286/08 MOVED Cr Marsh seconded Cr Graham that the meeting be reopened to the public.

CARRIED 8/0

The meeting was reopened to the public at 6.15pm. No members of the public re-entered. No documents were tabled or resolutions made while the meeting was closed.

18 NEXT MEETING

Tuesday 16th December 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 6.30 pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing
- Item 11.1 Location Diagrams
- Item 12.1 Building Plans 34 Katanning Road Kojonup
- Item 13.1 Proposed Election Timetable
- Item 13.2 Annual Report, Annual Financial Report, Audit Report, Auditors Management
Letter and Interim Audit letter.

Presiding Member

Date