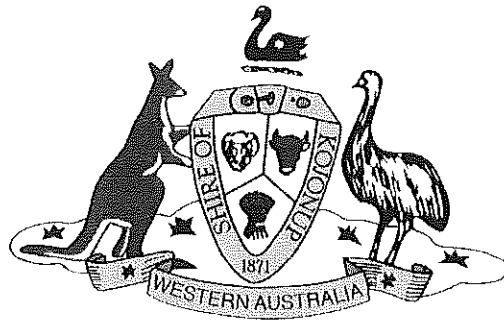


# SHIRE OF KOJONUP



## Council Agenda

***13<sup>th</sup> December 2011***

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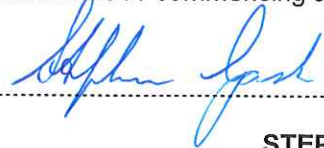
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## SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 13<sup>th</sup> December 2011**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 13<sup>th</sup> December 2011 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH  
CHIEF EXECUTIVE OFFICER**

8 December 2011

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

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

*Disclaimer*

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

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

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

**2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Ian Pedler	
Cr Frank Pritchard	
Cr Greg Marsh	
Cr Rosemary Hewson	
Cr Michael Baulch	
Cr Jill Mathwin	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

**APOLOGIES**

3 **PUBLIC QUESTION TIME**

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

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 15<sup>th</sup> November 2011

Corrections:

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr                      that the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> November 2011 be confirmed as a true record.

CARRIED/LOST                      /

SPECIAL MEETING 23<sup>rd</sup> November 2011

Corrections:

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr                      that the Minutes of the Special Meeting of Council held on 23<sup>rd</sup> November 2011 be confirmed as a true record.

CARRIED/LOST                      /

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

10 **FINANCE REPORTS**

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Thursday, 8 December 2011  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 30<sup>th</sup> November 2011

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

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

**BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

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

**COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 30<sup>th</sup> November 2011 show a solid position with 84.01% of rates collected to 30<sup>th</sup> November 2011 and a total amount of cash holdings of \$3,127,239 of which \$1,764,729 is held in fully cash backed Reserves.

The Audit of the Annual Financial Statements for the year ended 30<sup>th</sup> June 2011 has been completed by Auditor Russell Harrison of Lincolns Accountants and Business Advisers. The Audit raises no issues and is attached to item 13.1, attachment 13.1.2.

Depreciation has now been updated in the attached Statements of Financial Activity given receipt of the Final Audit Report for the Financial Year ended 30<sup>th</sup> June 2011.

I am happy to advise Council that our projected opening Surplus balance for the 11/12 year of \$835,543 has been increased to \$840,916, an increase of \$5,373.

Officers continue to closely monitor Councils' cash flow position bearing in mind the requirement of loan funds for the Sporting Complex Upgrade/Renewal project. As briefed by the Chief Executive Officer at the Council briefing session held on 18<sup>th</sup> October 2011 the amount of loan funds required for funding of the project will be presented to Council once final costs are available at completion of the project.

#### **CONSULTATION**

None necessary.

#### **STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

#### **STRATEGIC IMPLICATIONS**

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

**That the Monthly Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 30<sup>th</sup> November 2011, as attached, be accepted.**

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

#### 10.2      MONTHLY PAYMENTS LISTING

AUTHOR:                      Kim Dolzadelli – Manager Corporate Services  
 DATE:                              Thursday, 8 December 2011  
 FILE NO:                      FM.AUT.1  
 ATTACHMENT:                10.2 Monthly Payment Listing

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> November 2011 to 30<sup>th</sup> November 2011.

#### **BACKGROUND**

Not applicable.

#### **COMMENT**

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



**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider an application to develop 2 dwellings on the above property as shown on the attached plans.

The recommendation is to refuse the application.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to develop 2 new residential houses, with 2 bedrooms each on the property as shown on the attached plans. The Site Plan show the dwellings will be constructed 10m from the frontage to Potts Road, both on Location 4383. The dwellings will be approximately 94m<sup>2</sup> in area (including verandahs) and will be clad with colorbond roofs and fibre cement weatherboard walls as shown on the attached plans.

The property is contained within the Rural zone under Town Planning Scheme No. 3.

The use class for the application has been determined as a Grouped Dwelling which is defined in the Residential Design Codes as follows:

*Grouped dwelling*

*A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.*

The use class Grouped Dwelling has no symbol against it in the Zoning Table which by virtue of clause 3.3.3 of Town Planning Scheme No. 3 means that a use of that class is not permitted in that zone.

Given the scheme controls, the application should be refused. The options available to the applicant resulting from a refusal would include appealing the decision to the State Administrative Tribunal or requesting the Shire consider a scheme amendment to modify the present control.

**CONSULTATION**

The CEO advises that legal advice in relation to permitted use in the rural zone has been forwarded to the applicant.

**STATUTORY ENVIRONMENT**

The application is subject to the requirements of Town Planning Scheme No. 3. The proposal has been determined as a Grouped Dwelling which is use not permitted in the Rural zone under Town Planning Scheme No. 3.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the application fee set out in the Council's 2011/2012 Schedule of Fees and Charges.

Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.



**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council refuse to approve the application for a Grouped Dwelling on Location 4383 Potts Road, Kojonup as the use of that class is not permitted within the Rural zone under Town Planning Scheme No. 3.**

**COUNCIL DECISION**

/11 MOVED Cr

seconded Cr

CARRIED/LOST

/

**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 2010/11 ANNUAL REPORT AND ELECTORS MEETING**

DATE: Thursday, 8 December 2011  
 AUTHOR: Stephen Gash, Chief Executive Officer  
 FILE NO: FM.AUD.2 & FM.FNR.1  
 ATTACHMENTS: 13.1.1 Annual Report 2010-11 including Annual Financial Report  
 13.1.2 Audit Report & Audit Management Letter

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Shire of Kojonup's 2010/11 Annual Report as circulated 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 31<sup>st</sup> December following the year end or no later than two months after receiving the audit report.

The Audit Report was received on 5<sup>th</sup> December 2011 and a copy will be forwarded directly to the Department of Local Government and Regional Development following this meeting.

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. This effectively means that the Annual electors meeting must be held no later than Tuesday, 7<sup>th</sup> February 2012.

The Presidents report is yet to be signed off and will be circulated under separate cover and incorporated into the final document.

#### **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 2010/2011 year.**

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST

/

#### **OFFICER RECOMMENDATION 2**

#### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

#### **That Council:**

- 1. Hold the Annual Electors meeting on Tuesday 7<sup>th</sup> February 2012 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**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST

/

13.2 SETTING OF COUNCIL MEETING DATES 2012

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Wednesday, 30 November 2011  
FILE NO: GO.CNM.6  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to resolve to adopt Council Meeting dates for the 2012 year.

**BACKGROUND**

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

**COMMENTS**

The above practice has continued since inception with the only variation being no January meeting being held. Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

It is proposed that Council continue with what is current practice and adopt the schedule of dates for the 2012 year as contained within the Officers recommendation.

**CONSULTATION**

None necessary

**STATUTORY ENVIRONMENT**

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

**POLICY IMPLICATIONS**

None applicable

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

1. Council meetings be held on the third Tuesday of each month, excluding January, commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,

**2. The following dates be approved for the 2012 year:**

- Tuesday, 21<sup>st</sup> February 2012
- Tuesday, 20<sup>th</sup> March 2012
- Tuesday, 17<sup>th</sup> April 2012
- Tuesday, 15<sup>th</sup> May 2012
- Tuesday, 19<sup>th</sup> June 2012
- Tuesday, 17<sup>th</sup> July 2012
- Tuesday, 21<sup>st</sup> August 2012
- Tuesday, 18<sup>th</sup> September 2012
- Tuesday, 16<sup>th</sup> October 2012
- Tuesday, 20<sup>th</sup> November 2012
- Tuesday, 18<sup>th</sup> December 2012

**3. That Local Public Notice be given of the approved Council Meeting dates for the 2012 year.**

## COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**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****17      CONFIDENTIAL REPORTS****18      NEXT MEETING  
Tuesday, 21<sup>st</sup> February 2012 commencing at 3:00pm.****19      CLOSURE  
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at ..... pm.**

**20     APPENDICES AND TABLED DOCUMENTS**

**21     ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2011 to 30 <sup>th</sup> November 2011
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> November 2011 to 30 <sup>th</sup> November 2011
Item 12.1.1	Site Plan
Item 12.1.2	Dwelling Plan
Item 13.1.1	Annual Report 2010-11 including Annual Financial Report
Item 13.1.2	Audit Report & Audit Management Letter 2010-11