

SHIRE OF KOJONUP



Council Minutes

18th March 2008

SHIRE OF KOJONUP

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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 drew the meeting's 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	

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

APOLOGIES

Cr Frank Pritchard
Cr Will Carrington-Jones

3 PUBLIC QUESTION TIME**4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

158/08 MOVED Cr Benn seconded Cr Graham that Leave of Absence be granted to Cr Carrington-Jones for Ordinary Council Meeting of 18th March 2008.

CARRIED 7/0

COUNCIL DECISION

159/08 **MOVED Cr Marsh seconded Cr Graham that Leave of Absence be granted to Cr Pritchard for Ordinary Council Meeting of 18th March 2008.**

CARRIED 7/0

COUNCIL DECISION

160/08 **MOVED Cr Hewson seconded Cr Benn that Leave of Absence be granted to Cr Trethowan for Ordinary Council Meeting of 15th April 2008.**

CARRIED 6/0

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 19th February 2008

Corrections: Nil

COUNCIL DECISION

161/08 **MOVED Cr Hewson seconded Cr Trethowan that the Minutes of the Ordinary Meeting of Council held on 19th February 2008 be confirmed as a true record.**

CARRIED 7/0

SPECIAL MEETING 10th March 2008

Corrections: Nil

COUNCIL DECISION

162/08 **MOVED Cr Marsh seconded Cr Baulch that the Minutes of the Special Meeting of Council held on 10th March 2008 be confirmed as a true record.**

CARRIED 7/0

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

Nil

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

9 **DECLARATIONS OF INTEREST**

Nil

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (Incorporating Budget Review)**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 13 March 2008
 FILE NO: 06.15.01
 ATTACHMENT: Monthly Statement of Financial Activity 1st July to 29TH February 2008 incorporating Budget Review

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.

Following a review of Budget Projections as at 29th February 2008 Council is being asked to consider the adoption of Budget Amendments contained within Appendix A of the Statement of Financial Activity.

BACKGROUND

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

The Review of Budget is covered by Financial Management Regulation 33A which states:

1. *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
2. *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
3. *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*** Absolute majority required.**

4. *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2007 to 29 February 2008 shows a solid position with 95.04% of rates collected to 29th February 2008 and a total amount of cash holdings of \$2,885,739 of which \$1,443,527 is held in fully cash backed Reserves.

Cash holdings continue to be managed to maximise investment return, with the level of interest earnings expected to exceed budget expectations.

Following a review of Budget Projections by senior staff as at 29th February 2008 Council is being asked to consider the adoption of Budget Amendments contained within February's Monthly Statement of Financial Activity.

The Original Budget projected a Closing Balance for the 2007/08 financial year of \$46,550. Council was subsequently advised; at it's meeting of 18th December 2007, of an adjustment to the Opening Balance for the year of \$5,035 this was down from \$342,839 to \$337,804. The impact of this

adjustment to Opening Balance meant that the projected Closing Balance at that point was a surplus position of \$41,515.

The attached Budget Review is requesting net amendments to budget of \$17,975, if adopted this will result in a projected surplus Closing Balance of \$23,539. The review also looks at changes to the current schedule of Plant disposals and replacement which are cost neutral.

Appendix A to the Statement of Financial Activity contains the following reports which detail the proposed amendments:

1. Summary of Proposed Budget Amendments
2. Detailed Review of Operations – Income Statement
3. Detailed Review of Capital Expenditure Program
4. Plant Replacement Report and Review

The review was conducted consistent with the “Material” Variance figure of either \$500 or 8% as adopted by Council at its meeting of 23rd October 2007 and also considered issues relating to timing of projects.

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. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

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 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 1

That the Monthly Statement of Financial Activity, as attached, be accepted.

COUNCIL DECISION

163/08 MOVED Cr Marsh seconded Cr Hewson that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED

7/0

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION 2**

1. That the Proposed Budget Amendments contained within Appendix A of the Statement of Financial Activity Totalling \$17,795 be approved, and
2. That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.

COUNCIL DECISION**164/08****MOVED Cr Trethowan seconded Cr Marsh**

1. **That the Proposed Budget Amendments contained within Appendix A of the Statement of Financial Activity Totalling \$17,795 be approved, and**
2. **That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.**

CARRIED BY AN ABSOLUTE MAJORITY 7/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Finance Officer
 DATE: 12th March 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 05/02/2008 to 11/03/2008 comprising of Municipal Cheques 9491 to 9556, EFTs 2993 to 3067 and Internal Payment Vouchers 1314 to 1358 totalling \$739,776.68 and as attached to this agenda, be received.

COUNCIL DECISION

165/08	MOVED Cr Hewson seconded Cr Marsh that the Payment Listing from 05/02/2008 to 11/03/2008 comprising of Municipal Cheques 9491 to 9556, EFTs 2993 to 3067 and Internal Payment Vouchers 1314 to 1358 totalling \$739,776.68 and as attached to this agenda, be received.	CARRIED	7/0
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3.22pm Mrs Heather Marland left the chamber

11 ENGINEERING & WORKS REPORTS**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 APPLICATION FOR BED & BREAKFAST FACILITY**

AUTHOR: Stephen Gash - Chief Executive Officer
 DATE: 13th March 2008
 FILE NO: 13.04.01

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a bed and breakfast application for 14 Stock Rd Kojonup by E & R Radford.

BACKGROUND

Ned and Robyn Radford previously owned and operated the Kengerup Farmstay on Bokerup Rd. Following the sale of the property the applicants purchased 14 Stock Rd Kojonup and are seeking permission to operate a "bed and breakfast" lodging from the premises.

COMMENT

14 Stock Rd Kojonup is zoned 'special rural' and is located within the gazetted town site. The Shire of Kojonup Town Planning Scheme No 3 does not specify the requirements, within its development table, for a bed and breakfast establishment in this zoning and location, however, it also does not identify the use as 'not permitted'.

Section 3.2.6 of the Town Planning Scheme No 3 states:

- "The use of land in the Special Rural Zone shall be consistent with the following objectives:*
- a) To provide for closer development on smaller lots in the rural area without detrimentally affecting the rural character, amenity or viability of surrounding properties.*
 - b) To provide such uses as hobby farms, horse breeding and rural-residential retreats.*
 - c) To ensure that the more intensive use of land makes provision for the retention or improvement of the rural landscape and environment.*
 - d) To reduce or eliminate the detrimental affect of keeping livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.*
 - e) To ensure that all applications for new Special Rural Zone areas comply with the Council's policies for the preparation and submission of proposals.*
 - f) To ensure that the provisions for controlling subdivision and development in specific Special Rural Zones shall be as laid down in Schedule V to the Scheme. Future*

subdivision will generally accord with the Subdivision Guide Plan for the specified area referred to in the Schedule and such Subdivision Guide Plan shall form part of the Scheme.

Shire of Kojonup Town Planning Scheme No 3 – Policy No 6 for Commercial Accommodation defines a “Bed and Breakfast” as:

“...the provision of overnight accommodation to travellers for commercial gain. The service can include the sharing of an existing residence or the provision of a separate residence. The service is usually associated with a dwelling situated in an urban environment”.

Section 3 (a) of the policy states:

“The Council may allow a maximum of five Bed and Breakfast establishments within the Kojonup Townsite. These shall be limited to two rooms per establishment with adequate off street parking as determined by Council”.

The applicant has confirmed that there is one lettable area, being the top floor of the house which contains two bedrooms, a lounge room and bathroom. This could sleep a maximum of 4 people and be ideal for family accommodation. The applicant will reside on the ground floor and operate the facility as a bed and breakfast with the registered business name of Jacaranda Heights B&B Kojonup.

There are two current bed and breakfast facilities within the Kojonup Town site and the proposed establishment only has one lettable space and two bedrooms. Therefore the application appears to be within the scope of Policy 6, above.

There is no further development or subdivision proposed that would be guided by Schedule V of the Town Planning Scheme No.3 and the use of the proposed establishment would be of a scale and location to not compromise the objectives of the Special Rural Zone.

Local advertising requesting submissions for a period of 21 days is recommended. Council will consider any objections. If no objections are received the Officer recommends Council authorise the Chief Executive Officer to approve the application.

The establishment would also be subject to the requirements of a home occupation license, that guides commercial operations from a home residence and provides annual renewal under Town Planning Scheme No 3, Policy No 10.

CONSULTATION

Local advertising recommended

STATUTORY REQUIREMENTS

Town Planning Scheme No 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

1. That 21 days local public notice is given of the intention to operate a bed and breakfast establishment at 14 Stock Rd, Kojonup.
2. That if no objections are received the Chief Executive Officer is authorised to approve the application for a bed and breakfast establishment at 14 Stock Rd Kojonup conditional on all compliance with any relevant licensing and health regulations.

COUNCIL DECISION**166/08 MOVED Cr Benn seconded Cr Hewson**

- 1. That 21 days local public notice is given of the intention to operate a bed and breakfast establishment at 14 Stock Rd, Kojonup.**
- 2. That if no objections are received the Chief Executive Officer is authorised to approve the application for a bed and breakfast establishment at 14 Stock Rd Kojonup conditional on all compliance with any relevant licensing and health regulations.**

CARRIED**7/0****13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 2007 STATUTORY COMPLIANCE AUDIT RETURN**

AUTHOR: Stephen Gash - Chief Executive Officer
DATE: 13th March 2008
FILE NO: 06.04.07
ATTACHMENT: 2007 Statutory Compliance Report
 Non Compliance summary.

DECLARATION OF INTEREST

Nil

SUMMARY

The adoption of the 2007 Statutory Compliance Report.

BACKGROUND

The Department of Local Government has prepared and circulated to each local government an annual return covering various statutory compliance matters under the Local Government Act and associated Regulations. A copy is attached to the agenda.

COMMENT

The completion of the return is mandatory for each local government and is required by 31 March each year. The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the Local Government Act 1995 (as amended) and associated regulations.

Areas of non compliance have been summarised in an attachment to the agenda which also details remedial action taken or proposed to be taken to ensure future compliance. Last year compliance was 269/276 or 97.5% and this year 341/346 or 98.8%.

The four areas of non compliance are viewed as not having a material impact on the performance, processes and governance of the Shire.

CONSULTATION

Nil required

STATUTORY REQUIREMENTS

The Local Government Act (Audit) Amendment Regulations 1999, Regulation 15 states:

“A compliance audit return is to be-

- (a) presented to the Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) recorded in the minutes of the meeting at which it is adopted.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications

STRATEGIC IMPLICATIONS

There are no strategic implications

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

1. That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.
2. That the circularised Statutory Compliance Return for 2007 attached be adopted.

COUNCIL DECISION

167/08 MOVED Cr Hewson seconded Cr Marsh

- 1. That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.**
- 2. That the circularised Statutory Compliance Return for 2007 attached be adopted.**

CARRIED

7/0

13.2 SWIMMING POOL MANAGEMENT TENDER

AUTHOR: Stephen Gash - Chief Executive Officer
 DATE: 13th March 2008
 FILE NO: 03.03.05

DECLARATION OF INTEREST

Nil

SUMMARY

To authorise tenders to be called for the management of the Kevin O'Halloran swimming pool.

BACKGROUND

The contract for the management of the Kevin O'Halloran swimming pool expires at the end of this 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 due to the value of the contract exceeding \$100,000. The tender specifications will be based on the previous process and current service levels with the following changes:

- a) Extension of the pool season until the end of the April school holidays with agreed criteria for an option to close 31 March based on seasonal requirements.
- b) Support over the 'off season' for Shire staff to keep the pool circulating as required under the new regulations.

- c) Consideration to be given to additional youth activities or community development opportunities.

The proposed term of any contract would be 3 years with 2 single year options to extend by mutual agreement, having regard to agreed key performance indicators and contract compliance.

The evaluation criteria will be finalised before calling for tenders, however, the lowest or any tender may not necessarily be accepted. Council can concurrently consider its own internal management options.

The successful provider would commence with the November 2008 season, therefore the budget implications commence in the 2008/09 budget year. Council will consider tender submissions by the May ordinary Council meeting.

CONSULTATION

Nil required

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)

Local Government Act (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The contract costs will commence in the 2008/09 budget

Value for money will be a key evaluation criterion

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Chief Executive Officer be authorised to finalise the evaluation criteria and call for tenders for the management of the Kevin O'Halloran Pool.

COUNCIL DECISION

168/08 MOVED Cr Trethowan seconded Cr Benn that the Chief Executive Officer be authorised to finalise the evaluation criteria and call for tenders for the management of the Kevin O'Halloran Pool.

CARRIED

7/0

13.3 DRAFT PLAN FOR THE FUTURE

AUTHOR: Stephen Gash - Chief Executive Officer

DATE: 13th March 2008

FILE NO: 06.15.01

ATTACHMENT: Draft Plan for the Future; Strategic Directions 2008-2011

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the draft "Plan for the Future".

BACKGROUND

Local Governments are required to develop a “Plan for the Future”, which must be reviewed at least every two years. Council must consider the “Plan for the Future” when setting its annual budget.

COMMENT

Council held a strategic planning workshop on 10 February 2008, facilitated by Mr Ron Cacioppe from Integral Development. Strategic objectives were determined that have formed the basis of an action plan over the next 3 years.

In determining the strategic objectives Council had regard for the priorities assessed in the extensive community consultation in 2004, and the changing environment since then. Unfortunately in 2004 the strategic planning was not completed due to the uncertainty of the Shires financial position.

Once the draft plan is received by Council it will be advertised for comment. Feedback provided prior to 24 April 2008 will be considered and the final plan presented to the ordinary Council meeting on 20 May 2008 for adoption.

The Shire of Kojonup “Strategic Directions 2008 – 2011, Plan for the Future” is attached and covers the period 1 June 2008 to 31 May 2011. The plan will be reviewed in 2010 and considered annually with the budget process to ensure it remains current and relevant tool to help guide the future direction of the Shire. The plan also has regard to the draft document titled “The Journey: Sustainability into the future” which outlines the Systemic Sustainability Study recommendations into the future of local government in Western Australia.

CONSULTATION

Previous priorities were reviewed. The receipt of the draft plan and request for comment is the main consultation process.

STATUTORY REQUIREMENTS

The Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications but the Plan for the Future will guide future budget allocations.

STRATEGIC IMPLICATIONS

The Plan for the Future is the main guide for the strategic objectives of the Shire of Kojonup.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

1. That the attached draft Plan for the Future be received.
2. That the draft Plan for the Future be advertised for comment with submissions considered until 24 April 2008.
3. That the final Plan for the Future be presented to Council on 20 May 2008 for consideration

COUNCIL DECISION**169/08****MOVED Cr Trethowan seconded Cr Marsh**

- 1. That the attached draft Plan for the Future be received.**
- 2. That the draft Plan for the Future be advertised for comment with submissions considered until 24 April 2008.**
- 3. That the final Plan for the Future be presented to Council on 20 May 2008 for consideration.**

CARRIED**7/0****14 COMMITTEES OF COUNCIL****14.1 SAFER KOJONUP COMMITTEE - 12th February 2008**

The Chief Executive Officer addressed the Safer Kojonup meeting and stated that the Safer Kojonup Committee would operate more effectively if it reverted to its former status as a community committee.

It was resolved at the Safer Kojonup Committee meeting that the Safer Kojonup committee no longer be a Committee of Council and to revert to being an independent community committee.

OFFICER RECOMMENDATION

That the attached minutes of the Safer Kojonup Committee meeting held Tuesday 12th February 2008 be received and endorsed by Council.

COUNCIL DECISION**170/08****MOVED Cr Hewson seconded Cr Baulch that the attached minutes of the Safer Kojonup Committee meeting held Tuesday 12th February 2008 be received and endorsed by Council.****CARRIED****7/0****OFFICER RECOMMENDATION**

That the Safer Kojonup Committee cease to be a formal committee of Council.

COUNCIL DECISION**171/08****MOVED Cr Hewson seconded Cr Marsh that the Safer Kojonup Committee cease to be a formal committee of Council.****CARRIED****7/0**

14.2 SPRINGHAVEN ADVISORY COMMITTEE - 21st February 2008**OFFICER RECOMMENDATION**

That the attached minutes of the Springhaven Advisory Committee meeting held Thursday 21st February 2008 be received and endorsed by Council.

COUNCIL DECISION

172/08 **MOVED** Cr Hewson seconded Cr Baulch that the attached minutes of the Springhaven Advisory Committee meeting held Thursday 21st February 2008 be received and endorsed by Council.

CARRIED**7/0****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 MEETING**Tuesday 15th April 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 3.38pm.

20 **APPENDICES AND TABLED DOCUMENTS****21** **ATTACHMENTS**

Item 10.1 Statement of Financial Activity (Incorporating Budget Review)
01/07/2007 to 29/02/2008

Item 10.2 Monthly Payment Listing

Item 13.1 Statutory Compliance Audit Report 2007

Non Compliance Summary

Item 13.3 Draft Strategic Directions 2008-2011; Plan for the Future

Item 14.1 Safer Kojonup Committee meeting minutes 12th February 2008Item 14.2 Springhaven Advisory Committee meeting minutes 21st February 2008

 Presiding Member

 Date