

SHIRE OF KOJONUP



Council Minutes

17th October 2006

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17th OCTOBER 2006****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	3
3	PUBLIC QUESTION TIME	3
4	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
5	APPLICATIONS FOR LEAVE OF ABSENCE	3
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
9	DECLARATIONS OF INTEREST	4
10	FINANCE REPORTS	4
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	4
10.2	MONTHLY PAYMENTS LISTING	7
11	ENGINEERING & WORKS REPORTS	8
11.1	ROAD CLOSURE - PORTION OF IRVING ROAD	8
12	ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS	9
12.1	SUBDIVISION APPLICATION – J & K CARRINGTON-JONES	9
12.2	APPOINTMENT OF AUTHORISED OFFICERS – DOG ACT 1976	11
13	CORPORATE & COMMUNITY SERVICES REPORTS	12
13.1	CBH HARVEST MASS MANAGEMENT SCHEME	12
13.2	CLOSURE OF SHIRE OFFICE AND LIBRARY FOR INTERNAL TRAINING OF OFFICE STAFF	14
13.3	CHANGES TO POLICIES AND DELEGATIONS REGISTERS	15
14	OCCUPATIONAL SAFETY & HEALTH COMMITTEE MINUTES	16
14.1	POLICY AND REVIEW	16
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	18
16	NEW BUSINESS OF AN URGENT NATURE, INTRODUCED BY A DECISION OF THE MEETING	18
16.1	THE KODJA PLACE MANAGER'S CONTRACT	18
17	CONFIDENTIAL REPORTS	19
17.1	W LENYSZYN LEGAL ACTION	19
17.2	PERFORMANCE REVIEW – WORKS MANAGER	19
17.3	SALE OF LAND	19
18	NEXT MEETING	20
19	CLOSURE	20
20	APPENDICES AND TABLED DOCUMENTS	20
21	ATTACHMENTS	20

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

The President opened the meeting at 3.00pm, welcomed the visitor in the Public Gallery and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

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 John Benn	
Cr Pat Bunny	
Cr Will Carrington-Jones	Arrived at 3.06pm
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
Ms Melissa Wilson	Manager of Health and Building
Mrs Cindy North	Manager of Community Development
Mr Craig McVee	Works Manager
Mr Russell Hobman	Technical Services Officer
Mrs Rosemary Cussons	Personal Assistant
Miss Jacinta Radcliffe	Finance Officer

One member of the Public Gallery

APOLOGIES

Cr Geoff Thorn

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTESORDINARY MEETING 19th September 2006

Corrections: Nil

COUNCIL DECISION

139/06 MOVED Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 19th September 2006 be confirmed as a true record.

CARRIED 8/0*3.06pm Cr Carrington-Jones entered the meeting***7 ANNOUNCEMENTS** by the Presiding Member without discussion

- a) The Shire President and the Chief Executive Officer attended a WALGA meeting in Albany Thursday 12th October 2006. As a result, the Chief Executive Officer will provide a summary of the Preferential Voting System at a Councillor Briefing Session.
- b) The Shire President also recently attended a Systemic Sustainability Forum.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Cr Carrington-Jones declared an Impartiality Interest in Item 11.1 as there is an associated with the applicant by way of being a neighbour.

Cr Carrington-Jones declared an Impartiality Interest in Item 12.1 as there is an associated with the applicant by way of being family related.

Cr Trethowan declared a Proximity Interest in Item 12.1 as there is an association with the applicant by way of sharing a boundary with the land that is to be subdivided.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 12 October 2006
 FILE NO 06.15.01:
 ATTACHMENTS Monthly Financial Reports – Attachments 1 to 10

DECLARATION OF INTEREST

Nil

SUMMARY

Following a review of Budget Projections Council is being asked to consider the adoption of Budget Amendments which include a new Plant Purchases and Disposals proposal for the year.

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.

There are a number of separate attachments to this report, which also give 'overview' information as to the position of various items of Council's finances.

BACKGROUND

The new reporting requirements came into force from 1st July 2005.

COMMENTS

A review of Budget Projections has been undertaken by Senior Staff and there are a small number of Budget Amendments contained with Attachment 3 "Detailed Operating Statement" and Attachment 4 "Capital Expenditures" for Adoption by Council. The review was conducted consistent with the "Material" Variance figure of either \$500 or 8% as adopted by Council at its meeting of 22 August 2005.

The net change to Councils Projected Closing Balance for the year is an increase to surplus of \$954.00 meaning a Projected Surplus of \$6400.00.

In addition a review of requirements for Plant Purchases and Disposals has been undertaken. Council was previously briefed on these proposed changes at the Council briefing session held 19th September 2006. There is no net cost to the proposed changes and indeed the changes will result in a more effective and efficient utilisation of Plant resources which will inturn result in more efficient work practices.

Whilst only the end of the first financial quarter the review has revealed that Councils Budget is tracking well.

There are a number of attachments to this report, and they are as follows:

1. Bank Reconciliations
2. Rates Report
3. Detailed Operating Statement
4. Capital Expenditure Listing
5. Statement of Financial Activity – Summary
- 6.1 Plant Purchases and Disposals, and other Asset disposals
- 6.2 Proposed New Schedule of Plant Purchases and Disposals, and other Asset disposals
7. Restricted Monies – Unexpended Grants Paid in Advance.
8. Reserves Cash Backed
9. Status Report – Finance and Accounting Work
10. Net Current Assets

Attachment 1 - Contains details of Council's Bank Reconciliations, and Investments. The bottom section of this report shows total funds of \$2,540,434.20.

Attachment 2 - Contains details of Council's Rates details. Collection is now up to 81.7% and Final & Instalment Reminder notices have been issued.

Attachment 3 - The Detailed Operating Statement and contains full details for each Operating Income & Expenditure account.

Attachment 4 - The Capital Expenditure listing and contains full details for each Capital Expenditure account.

Attachment 5 - The Statement of Financial Activities for the year. This is basically a "Sources and Applications of Funds" Statement, and is a summary of figures of the original budget, any amendments adopted to date, actual figures transacted to date, as well as our projections, in dollar terms, of the likely/expected outcomes for the year

Attachment 6.1 – Contains Plant Purchases and Disposals as adopted.

Attachment 6.2 – Contains a Proposed New Schedule of Plant Purchases and Disposals which is to replace the Purchases and Disposals as originally adopted.

Council was previously briefed on these proposed changes at the Council briefing session held 19th September 2006. There is no net cost to the proposed changes and indeed the changes will result in a more effective and efficient utilisation of Plant resources which will inturn result in more efficient work practices.

Attachment 7 - Contains details of "Restricted Monies", which involves funds received in advance in prior years, which should be treated as "Restricted" until the expenditures associated with such purposes have been incurred.

Attachment 8 - Contains details of Council's Reserves Accounts, including movements to and from such accounts for the year.

Attachment 9 - The Monthly Status Report with regard to significant Finance and accounting work, so that the Council is kept informed as to the position of various items in this area.

Attachment 10 - Relates to Net Current Assets. The "Opening Balance" for the 2006/07 year will be virtually as projected. The month to month figure for the current year can be misleading, but the reality will become effective in the later part of the financial year.

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 Financial Activities report.

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 – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

1. That Council approve the proposed Budget Amendments to Councils Operating and Capital Budgets as shown in attachments 3 and 4,
2. That Council approve the proposed new schedule of Plant Purchases and Disposals as shown in attachment 6.2; and
3. That the Monthly Financial reports, as attached, be accepted.

COUNCIL DECISION

140/06 MOVED Cr Carrington-Jones

1. That Council approve the proposed Budget Amendments to Councils Operating and Capital Budgets as shown in attachments 3 and 4,
2. That Council approve the proposed new schedule of Plant Purchases and Disposals as shown in attachment 6.2; and
3. That the Monthly Financial reports, as attached, be accepted.

CARRIED

9/0

Cr Marsh thanked Mr Dolzadelli, the Corporate Services Manager, for his report and congratulated the Managers and Finance Department Staff for their diligence.

10.2 MONTHLY PAYMENTS LISTING

AUTHOR Senior Finance Officer – Heather Marland
 DATE 10th October 2006
 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 15/09/06 to 6/10/06 comprising of Municipal Cheques 8583 to 8621, EFTs 1832 to 1881 and Internal Payment Vouchers 713 to 737 totalling \$325,489.35 and as attached to this agenda, be received.

COUNCIL DECISION

141/06 **MOVED Cr Hewson that the Payment Listing from 15/09/06 to 6/10/06 comprising of Municipal Cheques 8583 to 8621, EFTs 1832 to 1881 and Internal Payment Vouchers 713 to 737 totalling \$325,489.35 and as attached to this agenda, be received.**

CARRIED

9/0

3.40pm Miss Jacinta Radcliffe left the Chamber

3.40pm Cr Carrington-Jones left the Chamber

11 ENGINEERING & WORKS REPORTS**11.1 ROAD CLOSURE - PORTION OF IRVING ROAD**

AUTHOR Russell Hobman - Technical Services Officer
 DATE 10th October 2006
 FILE NO RD # 137
 ATTACHMENT Irving Road Location Plan

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the formal adoption of the closure of Irving Road

BACKGROUND

A request was received from Mr Kit Anderson for the closure of Irving Road to improve "Bio Security" of his farming operation.

COMMENT

By "closing" the road, Council will no longer be required to maintain the road. On the other hand, the road maintenance Grant will be reduced by a nominal amount of approximately \$6,000 when this road is closed.

CONSULTATION

The Shire advertised the intention to close Irving Road in the 1st September 2006 edition of the Kojonup News. The specified period of 35 days for objections to be lodged has elapsed. No objections were received, Neighbouring owners and the Shire of Cranbrook were also asked to comment on the proposal, and no objections were received.

STATUTORY ENVIRONMENT

Section 58 of Land Administration Act 1997 - see attached

POLICY IMPLICATIONS

There are no known policy implications

FINANCIAL IMPLICATIONS

Unknown until the request is processed by the Department of Planning and Infrastructure and they advise of their requirements and costs. However, cost is unlikely to exceed \$1000.00. It is recommended that the applicant pay for all costs as required by the Department of Planning and Infrastructure which could be as follows, based on previous closures:

Survey information	\$200.00
Plan of survey	\$300.00
Registration fee	\$200.00
GST, Stamp Duty and other fees	\$300.00

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

1. That pursuant to Section 58 of the Land Administration Act 1997, Council offers no objection to the closure of Irving Road as shown on the attached sketch.
2. That a formal request be made to the Minister through the Department on Planning and Infrastructure to close Irving Road as shown on the attached sketch.

MOVED Cr Hewson

1. That pursuant to Section 58 of the Land Administration Act 1997, Council offers no objection to the closure of Irving Road as shown on the attached sketch.
2. That a formal request be made to the Minister through the Department on Planning and Infrastructure to close Irving Road as shown on the attached sketch.

Cr Hewson withdrew her motion with the permission of the meeting.

COUNCIL DECISION

142/06 MOVED Cr Benn that the above Motion Lay on the Table until after consultation with Fire Control Officers and an investigation and report to the possibility of erecting gates on the road is carried out.

CARRIED

8/0

3.55pm Cr Trethowan left the Chamber

12 **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

12.1 SUBDIVISION APPLICATION – J & K CARRINGTON-JONES

AUTHOR: Melissa Wilson – Manager of Health and Building
DATE: 25th September 2006
FILE NO: 14.06.01
ATTACHMENT: Plan of sub division

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the Chief Executive Officers decision to offer no objection for a proposed subdivision of lot 1234 Albany Highway, Kojonup

BACKGROUND

All applications for subdivisions are submitted to and determined by the Western Australian Planning Commission (WAPC) in consultation with relevant stakeholders and government bodies, including local authorities. The WAPC provides 42 days for comments to be received by the Commission. In commenting on the application stakeholders, including local authorities, can recommend conditions for the approval however it is the WAPC's choice to include them or not.

A request for comment was received from the Western Australian Planning Commission regarding Lot 1234 Albany Highway. The proposal, submitted by J & K Carrington-Jones is to subdivide four existing locations into four lots with different boundaries. This means that the amount of pockets of land will not be altered.

The Shire of Kojonup Town Planning Policy number 11 outlines the procedure for dealing with subdivision requests. The policy states that:

“When applications for subdivisions are received and they conform with the Council's predetermined policy the Shire Clerk is permitted to recommend approval to them, however they be submitted to the next meeting of the Council for endorsement.”

The requirements, stated within the policy, for rural areas include:

- The proposed block sizes be no smaller than prevailing lot sizes in the vicinity (and no smaller than 2 hectares) and

- That each block has a well made developed road access to it.

COMMENT

The submitted plan for subdivision, prepared by RAS Machin, indicates that the original locations sizes range from 40.5ha to 314.0ha. The proposed subdivided lots will range in size from 45ha to 314ha. The surrounding location sizes are similar to that of the proposed subdivision. From this it can be seen that the proposed block sizes meet the first requirement of the policy.

All of the four lots proposed can be accessed. Lots B, C and D are accessible by Albany Highway and Yarranup Road and lot A can be accessed by a 20m wide access way coming off Yarranup Road (see attached plan).

The Chief Executive Officer, Mr Stephen Gash, provided comment to the WAPC advising that the application meets the conditions of Town Planning Policy number 11 and that the Shire of Kojonup has no objection to the approval of the subdivision.

CONSULTATION

There has been no consultation on this matter.

STATUTORY ENVIRONMENT

There are no known statutory requirements.

POLICY IMPLICATIONS

Town Planning Policy number 11 states that:

“When applications for subdivisions are received and they conform with the Council’s predetermined policy the Shire Clerk is permitted to recommend approval to them, however they be submitted to the next meeting of the Council for endorsement.”

FINANCIAL IMPLICATIONS

There are no known financial implications. There will be no effect on the rates applicable as the number of lots is not changing.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council endorse the Chief Executive Officer’s actions in offering no objection, to the proposed subdivision, to the Western Australian Planning Commission for Lot 1234 Albany Highway.

COUNCIL DECISION

143 /06 MOVED Cr Benn that Council endorse the Chief Executive Officer’s actions in offering no objection, to the proposed subdivision, to the Western Australian Planning Commission for Lot 1234 Albany Highway.

CARRIED

5/2

4.05pm Cr Carrington-Jones and Cr Trethowan returned to the Chamber

12.2 APPOINTMENT OF AUTHORISED OFFICERS – DOG ACT 1976

AUTHOR: Melissa Wilson – Manager of Health and Building
DATE: 12th October 2006
FILE NO: 08.01.05

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the appointment of a number of employees as authorised officers, for the Shire of Kojonup, under the *Dog Act 1976*.

BACKGROUND

Local Governments are required to administer and enforce the provisions of the *Dog Act 1976* including but not limited to seizing, impounding and registering dogs.

Section 29 (1) of Dog Act 1976 states that:

“A local government shall, in writing, appoint persons to exercise of behalf of the local government the powers conferred on an authorised person by this Act.”

In the past this has been done on behalf of the Kojonup Shire Council by the Chief Executive Officer under delegation number 59.

Recently the Department of Local Government and Regional Development informed the Shire of Kojonup that it is Council's responsibility to make these appointments.

Authorised officers can be appointed to undertake certain duties under the *Dog Act 1976* including being a registration officer, that is undertake registrations of dogs within the district, pound keeper, to maintain the pound, or ranger which includes all of the above as well as seizing, detaining, impounding and disposing of dogs under the provisions of the *Dog Act 1976*.

COMMENT

In order to provide the necessary authority to enforce the *Dog Act 1976* and *Dog Regulations 1976* it is necessary to appoint authorised officers. The appointment will allow for the authorised officers undertake duties that are the responsibility of the Shire of Kojonup with the required powers as described under the legislation.

Currently the following Shire of Kojonup employees undertake the duties listed:

Ranger and Pound Keeper – Mr Ian McKenzie
 Mrs Sandra Cowie
 Registration Officers - Mrs Lorreen Greeuw
 Ms Peta Whitaker
 Mrs Heather Marland
 Ms Jacinta Radcliffe.

It is intended that these appointments be made to ensure that the employees have the necessary authority to undertake their duties.

CONSULTATION

There has been consultation with Mr Lou Naumocski, Principal Compliance Support Officer with the Department of Local Government and Regional Development, regarding the provisions under the *Dog Act 1976* and the *Dog Regulations 1976*. Mr Naumocski confirmed that it is indeed the Council's authority to appoint employees as Authorised Officers.

STATUTORY ENVIRONMENT

Section 29 (1) of Dog Act 1976 states that:

“A local government shall, in writing, appoint persons to exercise of behalf of the local government the powers conferred on an authorised person by this Act.”

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The Shire of Kojonup is responsible for the wages for any employee appointed as an authorised officer

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION**

That the following appointments be made under the provisions of the *Dog Act 1976* and the *Dog Regulations 1976*:

- Mr Ian McKenzie – Ranger and Pound Keeper,
- Mrs Sandra Cowie – Ranger and Pound Keeper,
- Mrs Lorreen Greeuw - Registration Officer
- Ms Peta Whitaker - Registration Officer
- Mrs Heather Marland - Registration Officer
- Ms Jacinta Radcliffe - Registration Officer

COUNCIL DECISION

144 /06 MOVED Cr Marsh that the following appointments be made under the provisions of the *Dog Act 1976* and the *Dog Regulations 1976*:

- Mr Ian McKenzie – Ranger and Pound Keeper,
- Mrs Sandra Cowie – Ranger and Pound Keeper,
- Mrs Lorreen Greeuw - Registration Officer
- Ms Peta Whitaker - Registration Officer
- Mrs Heather Marland - Registration Officer
- Ms Jacinta Radcliffe - Registration Officer

CARRIED

9/0

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 CBH HARVEST MASS MANAGEMENT SCHEME**

DATE: 12th October 2006
 AUTHOR: Stephen Gash - CEO
 FILE NO: 05.05.01

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the request from CBH for the Shire to sign the Memorandum of Understanding for the 2006/07 Harvest Mass Management Scheme.

BACKGROUND

CBH have written to all Shires inviting them to participate in the Harvest Mass Management Scheme by signing a Memorandum of Understanding.

The Harvest Mass Management Scheme has been introduced to by CBH to help alleviate the problem of overloaded grain trucks, in order to make roads safer and to reduce damage to road pavements. Correspondence from CBH outlining the scheme is attached.

COMMENT

The benefit to the Shire in participating would be the allocation of funds forfeited under the scheme from trucks originating in Kojonup to assist with the damage caused by overloading. A potential risk is that entering this agreement may be seen as the Shire supporting overloading, rather than a real deterrent to prevent it.

It is worth noting in the MOU that 5.1.1 the Shire is required to acknowledge that CBH does not support the overloading of grain vehicles above the legal mass limit, yet there is no equivalent acknowledgement from CBH to the Shire. As this scheme was developed to manage the risk imposed on CBH through legislative change there could be concern that without the acknowledgement above some additional risk may be transferred to the Shire.

At the time of writing there was no agreement between Main Roads WA and CBH on the tolerance level above the legal mass limit per load and the number of strikes before suspension of the grower from the scheme. Due to this uncertainty many Shires are delaying signing until the levels are known and there is sign off on the scheme from Main Roads WA who set and enforce the mass limits.

Without Main Roads formal endorsement of the scheme and the tolerance limits the existing limits would remain enforced. This would risk any the CBH extra mass tolerance and the support of it by a Shire be perceived as supporting breach of current Main Roads requirements. Within the MOU the Shire is required to acknowledge that:

“5.1.2 the Scheme is not an approved scheme under the Road Traffic Act (WA) 1974 (“RTA”) or the Road Traffic (Vehicle Standards) Regulations 2002 (“RTVSR”)”

It should be noted that the tolerance limits and number of strikes are not documented in the MOU with the Shire. It has also not been stated in the correspondence received what the implication of the Shire not signing the agreement are. Clarification is being sought whether the Shires decline of the offer to participate would simply mean they do not get any distribution from the forfeited grain, or whether CBH will refuse to accept grain from a grower or at a bin within a Shire that is not participating in the scheme.

In September 2006 a CBH representative confirmed that only approximately 15 Shires had formally accepted the MOU and that most were waiting on the outcome of negotiations between CBH and Main Roads and considering the matter at their October meeting.

CONSULTATION

CBH have widely promoted the scheme and required growers to register.

The issue was raised at the Great Southern Region Road Group and Zone meetings of WA Local Government Association, highlighting that there had been no agreement between CBH and Main Roads.

STATUTORY REQUIREMENTS

The Road Traffic Act (WA) 1974 (“RTA”) and the Road Traffic (Vehicle Standards) Regulations 2002 (“RTVSR”)

POLICY IMPLICATIONS

There are no Shire of Kojonup policy implications, however, the effect on policies of the Great Southern Regional Road Group, of which the Shire is a member, could not be considered until the outcome of negotiations between Main Roads and CBH is known.

FINANCIAL IMPLICATIONS

There have been no projections performed by, or presented to, the Shire on the possible road fund distribution from grain forfeited under the scheme. The financial implications of non acceptance on individual growers have not been formally communicated by CBH.

STRATEGIC IMPLICATIONS

The Shire should not be seen to support overloading, however, the concept of tolerance is important in the loading of vehicles given the variables that affect the mass and the environment in which the

loading is conducted. Support should be considered for the concept as long as growers know that all parties agree on the tolerance levels.

As a rural community the access to grain receivable points and the maintenance of the roads that support this access has been a major strategic imperative for the Shire. In considering requests such as concessional loading in the past the Shire has always been mindful of the cost implications on growers.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Chief Executive Officer be granted approval to execute the Harvest Mass Management Scheme 2006/2007 Memorandum of Understanding as soon as agreement is reached between Main Roads WA and CBH on the tolerance limits and the number of strikes before growers are removed from the scheme.

COUNCIL DECISION

145/ 06 MOVED Cr Bunny that the Chief Executive Officer be granted approval to execute the Harvest Mass Management Scheme 2006/2007 Memorandum of Understanding as soon as agreement is reached between Main Roads WA and CBH on the tolerance limits and the number of strikes before growers are removed from the scheme.

CARRIED

8/1

13.2 CLOSURE OF SHIRE OFFICE AND LIBRARY FOR INTERNAL TRAINING OF OFFICE STAFF

DATE: 10th October 2006
AUTHOR: Stephen Gash - CEO
FILE NO: 04.05.01

DECLARATION OF INTEREST

Nil

SUMMARY

To approve an application to close the Office and Library to the public in order to enable office staff to take part in Internal Training on Monday 4th December 2006 and Tuesday 5th December 2006.

BACKGROUND

It has been four or five years since the last in-service was conducted for Office Staff and with staff changes over the years, it would be advantageous to train and update current staff on office procedures, policies and statutory requirements.

COMMENT

It is proposed that the Office will be closed to the public on Monday 4th December 2006 and Tuesday 5th December 2006. Closure is required to ensure all staff undertake the required training and planning at the one time. Attendance will be compulsory.

CONSULTATION

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

STATUTORY REQUIREMENTS

The training will assist induction and update to statutory requirements of the Local Government Act 1995, Freedom of Information and Occupational Health and Safety.

POLICY IMPLICATIONS

The feedback from staff during the inservice will also assist in future policy development.

FINANCIAL IMPLICATIONS

Training is incorporated within the approved budget.

STRATEGIC IMPLICATIONS

The proposed office closure facilitates training with the goal of better outcomes in customer service, complaint management, internal communication, policy and procedures and input into Shire planning processes. Emergency numbers will be listed on telephone message bank and on the front door of the Shire Office and Library.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That approval be granted to close the Office and Library to the public on Monday 4th December 2006 and Tuesday 5th December 2006 for office staff in-service and that local notice be given as required.

COUNCIL DECISION

146/ 06 MOVED Cr Trethowan that approval be granted to close the Office and Library to the public on Monday 4th December 2006 and Tuesday 5th December 2006 for office staff in-service and that local notice be given as required.

CARRIED

9/0

13.3 CHANGES TO POLICIES AND DELEGATIONS REGISTERS

DATE: 12th October 2006
AUTHOR: Stephen Gash - CEO
FILE NO: 01.03.03

DECLARATION OF INTEREST

Nil

SUMMARY

To approve amendments to all existing policies and delegations to reflect the new Manager titles.

BACKGROUND

Council have endorsed the changes to the senior management titles and function within the organisation structure. To ensure delegations are enforceable they must reference the current titles.

COMMENT

It is proposed the following changes be considered to all existing Council Policies and Delegations:

1. Replace all references to Finance Manager or Deputy CEO with Manager of Corporate Services
2. Replace all references to Environmental Health Officer with Manager of Health and Building
3. Replace all references to Community Services Officer with Manager of Community Development.

CONSULTATION

Nil required

STATUTORY REQUIREMENTS

The delegations refer to powers delegated under the Local Government Act 1995 (as amended) and they must be endorsed according to sections 5.42 and 5.43 of the Local Government Act 1995 (as amended) to be valid and enforceable.

POLICY IMPLICATIONS

There are no policy implications of the proposed change.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

The proposed changes are required for the effective day to day and strategic management of the Shire.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That Council endorse all existing policies and delegations to be amended to:

1. Replace all references to Finance Manager or Deputy CEO with Manager of Corporate Services
2. Replace all references to Environmental Health Officer with Manager of Health and Building
3. Replace all references to Community Services Officer with Manager of Community Development.

COUNCIL DECISION

147/ 06 MOVED Cr Trethowan that Council endorse all existing policies and delegations to be amended to:

- 1. Replace all references to Finance Manager or Deputy CEO with Manager of Corporate Services**
- 2. Replace all references to Environmental Health Officer with Manager of Health and Building**
- 3. Replace all references to Community Services Officer with Manager of Community Development.**

CARRIED BY AN ABSOLUTE MAJORITY

8/1

14 OCCUPATIONAL SAFETY & HEALTH COMMITTEE MINUTES**14.1 POLICY AND REVIEW**

At the 17th August 2006 Occupational Safety and Health Committee meeting the following policies/procedures were reviewed.

5.6.1 Accident Incident Reporting & Investigation Procedure

The Accident Incident Reporting & Investigation Procedure was last reviewed and adopted on the 17th of August 2005. The procedure provides a framework for reporting and investigating accidents and incidents within the Shire of Kojonup.

The policy was discussed by the Committee as per its annual review.

OSH 24/06 Moved Mrs D Paini that the Accident Incident Reporting & Investigation Procedure, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried

7/0

5.6.2 Emergency Preparedness and Reponses Policy and Procedure

The Emergency Preparedness and Reponses Policy and Procedure was last reviewed and adopted on the 17th of January 2006. The procedure must be reviewed for is effectiveness every 6 months. The procedure outlines the procedure for dealing with emergency events at Shire of Kojonup workplaces such as fire, bomb treat etc.

The policy was discussed by the Committee as per its annual review.

OSH 25/06 Moved Mr D Marland that the Emergency Preparedness and Responses Policy and Procedure, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.
Carried 7/0

5.6.3 Ergonomic Policy

The Ergonomic Policy was last reviewed and adopted on the 17th of August 2005. The procedure outlines the ergonomic requirements for Shire of Kojonup workplace. It also includes a checklist to utilise to ensure that a workstation is ergonomically correct.

The policy was discussed by the Committee as per its annual review.

OSH 26/06 Moved Cr Mathwin that the Ergonomic Policy, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.
Carried 7/0

5.6.4 Purchasing Policy

The Purchasing Policy was last reviewed and adopted on the 17th of August 2005. The procedure includes descriptions of standard and non-standard purchases and the checklist that should be used when making purchases.

The policy was discussed by the Committee as per its annual review.

OSH 27/06 Moved Mr D Marland that the Purchasing Policy, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.
Carried 7/0

5.6.5 Manual Handling Policy

The Manual Handling Policy was last reviewed and adopted on the 17th of August 2005. The procedure outlines the procedure for assessing manual handling risk in the workplace.

The policy was discussed by the Committee as per its annual review.

OSH 28/06 Moved Cr Mathwin that the Manual Handling Policy, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.
Carried 7/0

5.6.6 Smoking in the Workplace Policy

The Smoking in the Workplace Policy was last reviewed and adopted on the 17th of August 2005. The procedure outlines that smoking is prohibited in all enclosed or internal work areas including vehicles.

The policy was discussed by the Committee as per its annual review.

OSH 29/06 Moved Mrs D Paini that the Smoking in the Workplace Policy, as attached to the 17th of August 2006 Occupational Safety and Health Committee Minutes be adopted.
Carried 7/0

OFFICER RECOMMENDATION

1. That the recommendation OSH 24/06 to OSH 29/06 inclusive of the Occupational and Health Committee meeting held on the 17th August 2006 be noted.
2. That the minutes of the Occupational and Health Committee meeting held on the 17th August 2006 be endorsed by Council.

COUNCIL DECISION**148/06 MOVED Cr Carrington-Jones**

- 1 That the recommendation OSH 24/06 to OSH 29/06 inclusive of the Occupational and Health Committee meeting held on the 17th August 2006 be noted.
2. That the minutes of the Occupational and Health Committee meeting held on the 17th August 2006 be endorsed by Council.

CARRIED**9/0****15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

16 NEW BUSINESS of an urgent nature, introduced by a decision of the meeting**16.1 The Kodja Place Manager's Contract****COUNCIL DECISION**

149/06 MOVED Cr Benn that the business of further development of the Kodja Place Manager's Contract be discussed.

CARRIED**9/0****COUNCIL DECISION**

150/06 MOVED Cr Benn that the meeting be closed to the public pursuant to Section 5.23 (2) (a) of the Local Government Act as the discussion contains information relating to staff.

CARRIED**9/0**

4.40pm The member of the Public Gallery, Mr Kim Dolzadelli, Ms Melissa Wilson, Mrs Cindy North, Mr Craig McVee, Mr Russell Hobman and Mrs Rosemary Cussons left the Chamber.

4.40pm The Presiding Member announced that there would be a 10 minute break from proceedings

4.50pm The meeting reconvened in camera with the Council members and the CEO present.

COUNCIL DECISION

151/06 MOVED Cr Benn that the present Kodja Place Manager be granted a six month contract extension to allow the Kodja Place Advisory Committee to update the job description for the role.

CARRIED**5/4**

Crs Carrington Jones, Marsh, Trethowan and Hewson asked that their vote against the motion be recorded.

The President advised the meeting would stay in camera for the following items as they related to legal advice to the Council or staff issues.

17 CONFIDENTIAL REPORTS**17.1 W LENYSZYN LEGAL ACTION**

The CEO provided a confidential briefing on the status of the current legal action.

17.2 PERFORMANCE REVIEW – WORKS MANAGER

Confidential Report provided under separate cover

COUNCIL DECISION**152/06****MOVED Cr Carrington Jones**

1. That Council note the above “average performance” to “outstanding” performance review assessment by the Chief executive Officer, placed on the Works Manager Personnel file

2. That Council approve the remuneration proposal as per confidential report P/F2

CARRIED**8/1****17.3 SALE OF LAND**

Confidential Report provided under separate cover subject to the provisions of section 5.95 of the Local Government Act 1995 (as amended).

The meeting remained in camera pursuant to section 5.23 (2)(c) of the Local Government Act 1995

COUNCIL DECISION**153/06****MOVED Cr Marsh**

1. That Council approve Lots 25 and 54 Thornbury Close Kojonup for disposal by public auction pursuant to section 3.58 of the Local Government Act 1995 (as amended)

2. That the reserve prices be set as per the confidential report supplied by the Chief Executive Officer and that the Chief Executive Officer be authorised to accept the highest bid above the reserve at auction.

3. That Council authorise the Chief Executive Officer to negotiate with the highest bidder at auction if either property is “passed in” below the reserve, to maximise the return to Council.

4. That Council approve the creation of a new Council reserve account titled “Land Development Reserve”.

5. That Council endorse that any funds from the sale of Lots 25 and 54 Thornbury Close be transferred into the Land Development Reserve account.

CARRIED BY AN ABSOLUTE MAJORITY**9/0****COUNCIL DECISION****154/06****MOVED Cr Benn that the meeting be reopened to the public.****CARRIED****9/0**

6.10pm the meeting was reopened to the public. No members of the public returned. The resolutions above were not read aloud.

18 **NEXT MEETING**

21st November 2006 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 6:12pm.

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

- Item 10.1 Monthly Finance Reports and quarterly budget review
- Item 10.2 Monthly Payment Listing
- Item 11.1 Irving Road Location Plan
- Item 12.1 Carrington-Jones Subdivision Plan
- Item 13.1 Harvest Mass Management Scheme Correspondence
- Item 14.1 Minutes of the Occupational and Health Committee meeting 17th August 2006
- Item 17.2 Confidential Report – Performance Review – Works Manager
- Item 17.3 Confidential Report – Sale of Land

Presiding Member

Date