

SHIRE OF KOJONUP



Council Minutes

18th September 2007

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

The Shire President declared the meeting open at 3.02pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr John Benn	
Cr Will Carrington-Jones	
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	Personal Assistant
Mrs Heather Marland	Senior Finance Officer
Mr Michael Baulch	Councillor Elect

APOLOGIES

Cr Pat Bunny	Leave of absence
Cr Geoff Thorn	Leave of absence

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

94/07	MOVED Cr Carrington-Jones seconded Cr Benn that Leave of Absence be granted to Cr Thorn for the Ordinary Council Meeting of 18th September 2007.
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CARRIED**8/0**

6 CONFIRMATION OF MINUTESORDINARY MEETING 21st August 2007Correction: Item 6 – the date of the Council meeting Minutes to read 17th July 2007**COUNCIL DECISION**

95/07 MOVED Cr Pritchard seconded Cr Trethowan that the corrected Minutes of the Ordinary Meeting of Council held on 21st August 2007 be confirmed as a true record.

CARRIED**8/0****7 ANNOUNCEMENTS by the Presiding Member without discussion**

- a) The Shire President, Cr Mathwin welcomed Councillor Elect, Mr Michael Baulch as an observer to the meeting.
- b) Crs Trethowan, Benn and Mathwin have been elected for a further term as Councillors. Cr Mathwin acknowledged that the return of these persons for a further term as elected members was a positive and strengthening element for the Shire of Kojonup.
- c) Cr Mathwin referred Council members to communication regarding the submission for the medical centre made by the Chief Executive Officer at the Annual General Meeting of the Great Southern Area Consultative Committee.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Item 12.1 Cr Trethowan declared proximity due to being on a neighbouring property to the Burradong Tree Plantation.

Item 16.1 The Chief Executive Officer, Mr Stephen Gash, declared a financial interest.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 12th September 2007
 FILE NO: 06.15.01
 ATTACHMENTS: 10.1.1 Monthly Statement of Financial Activity 1-31 July 2007
 10.1.2 Monthly Statement of Financial Activity 1 July-31 August 2007

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

COMMENTS

I have reviewed individual Operating & Capital accounts and am happy to report that Council's Budget is tracking well with no unexpected expenditures. Any variance shown between Year to Date Budget and Actuals relate to timing issues and not budget overruns or savings.

The attached Statements of Financial Activity for the period 1st July 2007 to 31st July 2007 and 1st July 2007 to 31st August 2007 show a solid position with 80.34% of Rates collected to 31st August 2007 and a total amount of cash holdings of \$3,435,043.88.

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. No amendments are being sought from 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 Financial reports, as attached, be accepted.

COUNCIL DECISION

96/07 MOVED Cr Carrington-Jones seconded Cr Marsh that the Monthly Financial reports, as attached, be accepted.

CARRIED

8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Senior Finance Officer – Heather Marland
 DATE: 11th September 2007
 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 14/08/2007 to 11/09/2007 comprising of Municipal Cheques 9186 to 9240, EFTs 2577 to 2648 and Internal Payment Vouchers 1115 to 1149 totalling \$1,496,609.13 and as attached to this agenda, be received.

COUNCIL DECISION

97/07 **MOVED Cr Marsh seconded Cr Hewson that the Payment Listing from 14/08/2007 to 11/09/2007 comprising of Municipal Cheques 9186 to 9240, EFTs 2577 to 2648 and Internal Payment Vouchers 1115 to 1149 totalling \$1,496,609.13 and as attached to this agenda, be received.**

CARRIED

8/0

3.22pm Mrs Heather Marland left the Chamber

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Cr Trethowan declared a proximity interest to the Burradong Tree Plantation.

3.23pm Cr Trethowan left the Chamber

- 12.1 DEVELOPMENT APPLICATION COMMERCIAL TREE PLANTATION:
KOJONUP LOCATION 6834: ITC PROJECT MANAGEMENT LTD (Property Owner Tonbabu Pty Ltd).

AUTHOR: Allan Mortimer
DATE: 11th September 2007
FILE NO: 14.07.01
ATTACHMENT: Letter of application and Management Plan

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application to establish a commercial tree plantation at Kojonup location 6834.

BACKGROUND

An application for Planning Consent to establish a commercial tree plantation at Kojonup location 6834 (Burradong) has been received from ITC Project Management Ltd. The proposed plantation's total area is approximately 15.7 hectares and will be planted with eucalyptus globulus (blue gums) although a small experimental area of other mixed species may also be planted.

COMMENT

Two plantations of earlier planted trees already exist on the property but all compartments are less than 30 hectares in area. The application contains the information required to be submitted to Council by Council's Town Planning Policy No 14 – Commercial Tree Plantation. Under this policy, all planning approvals for private tree plantations shall be issued for a thirty (30) year period and will include a requirement for the submission of a harvest management plan two (2) years prior to the harvesting date.

CONSULTATION

There has been no consultation with respect to this application.

STATUTORY ENVIRONMENT

Compliance with Council's Town Planning Scheme No 3.

POLICY IMPLICATIONS

The application conforms to Town Planning Policy No 4: Commercial Tree Plantation.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC IMPLICATIONS

There are no strategic implications.

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION**

That application for planning approval to establish a commercial tree plantation of approximately 15.7 hectares at Kojonup location 6834 be granted for a period of thirty (30) years subject to the following conditions:

1. All operations to comply with the Code of Practice for Timber Plantations.
2. The Shire of Kojonup is notified of any harvesting activities, at least 18 months prior to their commencement.
3. All operations are in compliance with the Shire of Kojonup Firebreak order.
4. Requirements are listed in the 'Shire of Kojonup Conditions for Haulage of Plantation Timber'.
5. The applicant is responsible for any undue damage to local roads.

Footnotes:

Note 1: if the development, the subject of this approval, is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: if the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part V of the Town Planning and Development Act 1928. An application must be made within 28 days of the determination.

COUNCIL DECISION

98/07 **MOVED** Cr Benn seconded Cr Graham that application for planning approval to establish a commercial tree plantation of approximately 15.7 hectares at Kojonup location 6834 be granted for a period of thirty (30) years subject to the following conditions:

1. All operations to comply with the Code of Practice for Timber Plantations.
2. The Shire of Kojonup is notified of any harvesting activities, at least 18 months prior to their commencement.
3. All operations are in compliance with the Shire of Kojonup Firebreak order.
4. Requirements are listed in the 'Shire of Kojonup Conditions for Haulage of Plantation Timber'.
5. The applicant is responsible for any undue damage to local roads.

CARRIED**7/0**

3.28pm Cr Trethowan returned to the Chamber

13 **CORPORATE & COMMUNITY SERVICES REPORTS**

Nil

14 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

15 **NEW BUSINESS**

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

16 **CONFIDENTIAL REPORTS**

99/07 **MOVED** Cr Carrington-Jones seconded Cr Hewson that the meeting be closed to the public pursuant to Section 5.23 (2) (a) of the Local Government Act as the Item 16.1 contains information relating to staff and pursuant to Section 5.23 (2) (d) of the Local Government Act as Item 16.2 relates to legal advice and contains confidential information.

CARRIED**8/0**

3.30pm Mr C McVee, Mrs R Cussons, Mr M Baulch left the Chamber

3.30pm The Chief Executive Officer declared a Financial Interest in Item 16.1 and left the Chamber

16.1 **CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW AND EMPLOYMENT CONTRACT**

Attached under separate cover to consider the Chief Executive Officer's annual performance review and contract renewal.

OFFICER RECOMMENDATION

That Council:

1. Accept the Chief Executive Officer Performance Review for 2006/2007
2. Note the overall performance rating of the Chief Executive Officer as exceeding expectations
3. Adopt the key performance indicator schedule for the Chief Executive Officer for 2007/2008.

OFFICER RECOMMENDATION

That Council, in accordance with the provisions of Section 5.39 of the Local Government Act 1995, renew the employment contract with the incumbent Chief Executive Officer for a period of five (5) years commencing 1 October 2007 and expiring 2012.

OFFICER RECOMMENDATION

That Council endorse the Consultant's report and authorise the increases and deletions to the new Chief Executive Officer contract provided that the total package does not exceed \$140K.

OFFICER RECOMMENDATION

That Council authorise the Shire President to place the common seal on the contract of employment documenting the agreed conditions.

COUNCIL DECISION**100/07 MOVED Cr Trethowan seconded Cr Hewson**

That Council:

1. **Accept the Chief Executive Officer Performance Review for 2006/2007.**
2. **Note the overall performance rating of the Chief Executive Officer as exceeding expectations.**
3. **Adopt the key performance indicator schedule for the Chief Executive Officer for 2007/2008.**

That Council, in accordance with the provisions of Section 5.39 of the Local Government Act 1995, renew the employment contract with the incumbent Chief Executive Officer for a period of five (5) years commencing 1 October 2007 and expiring 2012.

That Council endorse the Consultant's report and authorise the increases and deletions to the new Chief Executive Officer contract provided that the total package does not exceed \$140K.

That Council authorise the Shire President to place the common seal on the contract of employment documenting the agreed conditions.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

Cr Marsh and Cr Hewson commended Councillors on the Performance Review of the Chief Executive Officer and its decision to renew the Chief Executive Officer's contract.

3.50pm The Chief Executive Officer returned to the Chamber

The meeting remained closed to the public under Section 5.23 (2) (d)

3.50pm Mr K Dolzadelli left the Chamber

16.2 W LENYSZYN – LEGAL ACTION

The Chief Executive Officer provided a verbal update on the action.

101/07 MOVED Cr Carrington-Jones seconded Cr Marsh that the meeting be re-opened to the Public.

CARRIED 8/0

4.25pm Mr K Dolzadelli and Mr M Baulch returned to the Chamber. No members of the public returned to the chamber therefore the Council resolutions to item 16.1 were not read aloud.

17 **NEXT MEETING****COUNCIL DECISION**

102/07 **MOVED Cr Trethowan seconded Cr Marsh that the next meeting of Council be held Tuesday 23rd October 2007 commencing at 3.00pm.**
CARRIED **8/0**

REASON FOR CHANGE: Council viewed it more appropriate to have the next ordinary meeting after the election date of 20th October 2007, in order to deal with statutory issues arising from the election, rather than have two meetings within a week.

18 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.35pm.

19 **APPENDICES AND TABLED DOCUMENTS****20** **ATTACHMENTS**

Item 10.1.1 Monthly Statement of Financial Activity 1-31 July 2007
 Item 10.1.2 Monthly Statement of Financial Activity 1 July to 31 August 2007
 Item 10.2 Monthly Payment Listing
 Item 12.1 Letter of application and Management Plan

 Presiding Member

 Date