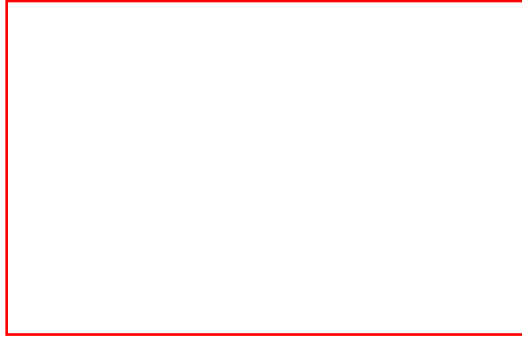


SHIRE OF KOJONUP



Council Minutes

16th May 2006

SHIRE OF KOJONUP

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The President declared the meeting open at 3.03pm 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 Leave of Absence

Cr Ernie Graham

Cr Rosie Hewson

Cr Greg Marsh

Cr Frank Pritchard

Cr Geoff Thorn

Mr Stephen Gash Chief Executive Officer

Ms Melissa Wilson Environmental Development Manager

Mr John Crothers Acting Finance Manager 3.07pm to 3.55pm

Mrs Rosemary Cussons Personal Assistant

APOLOGIES

Cr W Carrington-Jones

3. PUBLIC QUESTION TIME

Nil

4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Carrington-Jones has applied through the Chief Executive Officer for Leave of Absence from today's meeting, Tuesday 16th May 2006.

COUNCIL DECISION

57/06 MOVED Cr Trethowan that Leave of Absence be granted to Cr Carrington-Jones for today's meeting, Tuesday 16th May 2006.

CARRIED 9/0

Cr G Marsh, Cr G Thorn and Cr J Trethowan applied for Leave of Absence from the Special Meeting of Council to be held either 25th or 26th May 2006, and Cr P Bunny applied for Leave of Absence from the Special Meeting of Council in the event that it falls on Thursday 25th May 2006.

COUNCIL DECISION

58/06 MOVED Cr Hewson that Leave of Absence be granted to Cr G Marsh, Cr G Thorn and Cr J Trethowan from the Special Meeting of Council to be held either 25th or 26th May 2006, and to Cr P Bunny in the event that the Special Meeting of Council falls on Thursday 25th May 2006.

CARRIED 9/0

3.07 Mr J Crothers entered the Chamber

6. CONFIRMATION OF MINUTES

ORDINARY MEETING 19th April 2006

Corrections: Nil

COUNCIL DECISION

59/06 MOVED Cr Benn that the Minutes of the Ordinary Meeting of Council held on 19th April 2006 be confirmed as a true record.

CARRIED 9/0

SPECIAL COUNCIL MEETING 2nd May 2006

Corrections: Nil

COUNCIL DECISION

60/06 MOVED Cr Marsh that the Minutes of the Special Meeting of Council held on 2nd May 2006 be confirmed as a true record.

CARRIED 9/0

7. ANNOUNCEMENTS by the Presiding Member without discussion

The Shire President formally acknowledged the recent appointment of Ms Lynne Costin as the Acting Springhaven Manager, who was introduced to the Councillors today.

8. PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9. DECLARATIONS OF INTEREST

Nil

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10. **FINANCE REPORTS**

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: John Crothers – Acting Finance Manager

DATE: 10 May 2006

FILE NO 06.15.01:

DECLARATION OF INTEREST

Nil

SUMMARY

Preparation and presentation to Council of Monthly reports are a statutory requirement, with specific items needing to be included in such reports.

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

It is considered important that Financial reports have clarity and show areas where major attention needs to be focused each month. However, the detailed items need to be looked at on a regular basis as well, and this is now provided at Quarterly Budget Review intervals.

BACKGROUND

The new reporting requirements came into force from 1st July 2005. The reports attached comply with the new Financial Management Regulations.

COMMENTS

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

1.1 Bank Reconciliations

2.1 Rates Report

3.1 Net Current Asset Position [NAP]

3.2 Explanations/Comments on Net Current Assets Position

3.3 Ratios

3.4 Committed Assets Details [NOTE: Not dissected at this time]

3.5 Restricted Assets Details

3.6 Reserves Details

4.1 Status Report – Finance and Accounting Work

5.1 Statement of Financial Activity – Summary

6.1 Capital Expenditure Listing

7 Plant Purchases and Disposals, and other Asset disposals

8 Operating Statement – Detailed dissection [only produced each quarter]

At its meeting of 22 August 2005 Council adopted a "Material" Variance figure of either \$500 or 8%, whichever is the greater, for each individual account. Variations, in broad terms, are included each month. A detailed Operating Statement includes all the relevant information, and every dollar variation, are presented to Council at the end of each Quarter.

As stated previously, this year remains "extremely" tight financially, and Council and staff remain mindful of having to exercise both restraint and discipline for the rest of the 2005/06 year. All involved are aware that a great deal of caution will also be needed for the following, 2006/07, year.

Attachment 1.1 to this report gives details of Council's Bank Reconciliations, and Investments. Monthly production of this item shows to Council that this very important task has been completed, and that things are up-to-date. If sufficient government money is recouped over the next few months then the level of any overdraft will be negated, or at least able to be minimised.

Attachment 2.1 gives details of Council's Rates details. The last Instalment on Rates was due on 7th March 2006. Final notices were sent out for all amounts owing. The Rates Report shows that the collections have significantly increased. A separate report is being composed for those properties where Sale Action is considered the most appropriate course of action. Legal action has commenced already, but Sale Action may have to be the final outcome. A separate listing has been circulated to Councillors of ratepayers and debtors where debt collection action has now been initiated. As attachment 2.1 shows, as at 12 May 2006 the total outstanding, excluding the Pensioner Rebates due from the State Government, was some \$102,124 which represents 3.91% of the amount collectable. If the collection efforts are successful then the total outstanding at the end of June 2006 could be some \$92,000, which is 3.44% of the amount collectable. At the end of the previous year it was 8%. Outstanding amounts of less than 5% are considered a quite good result.

Attachment 3.1 provides details of Council's Net Current position. Item 3.2 lists a few brief Explanatory notes, while item 3.3 shows details of Ratios which are broad indicators of Council's financial positions. Rarely does Council receive funds in advance, but these are listed separately where necessary, in item 3.4 to this report. Such payments in advance are termed "Committed Assets". No such funds were on hand at the time of writing this report.

Attachment 3.5 relates to "Restricted Assets", 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. Transfers are then made after that time.

Attachment 3.6 shows Council's Reserves Accounts, including movements to and from such accounts for the year. A greater level of transfer from the Employees Leave Entitlements Reserves has now been deemed as being needed.

Attachment 4.1 is a monthly Status Report with regard to significant Finance and Accounting work, so that the Council is kept informed as to the position with regard to items in this area. As can be seen, virtually all areas are up-to-date, with the "Major Areas of Emphasis" for the next month being listed in the right hand column.

Two important systems are that of the Public Works Overheads [PWO] distribution, and the Plant Operating System [POS] Costs distribution. Both systems are updated fortnightly. The "POS" system will remain in credit at the close of the year. Unfortunately the PWO will not, with an estimated deficiency of some \$62,714. This matter is now being reassessed.

Attachment 5.1 is 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, amendments adopted to date, actual figures transacted to date, as well as our version including projections, in dollar terms, of the likely/expected outcomes for the year. Also included are figures as to the variances to those previously approved, being either the original budget figure or that of the last budget review figure.

As previously advised, the projected financial result for the Aged Care service has been of the most concern. While a loan for the capital items was previously considered, all efforts are being made to avoid this, wherever possible. It has been

verbally mentioned before that such action may be needed, so as to secure Council's 'bottom line, closing balance' position for the current year.

Also advised, it would be in Council's best interest to renegotiate loan 130, being for the Grader purchase. Its term should be extended a further 4 years. This matter will be further examined over the next month.

As we are all aware, Council's financial records have had problems in past years, and we are working to correct as many of those during the 2005/06 year as possible.

Investigative action has commenced with regard to Government Department Debtors. The two largest of these is that of the Main Roads Department, and the Pensioner Rebate claims. It would appear that there have been amounts incorrectly raised for the Main Roads Department in prior years, and certain amounts will have to be written off. Details of these will be put to Council's special meeting of 26th May 2006. The "Provision for Doubtful Debts" included in Council's Balance Sheet accounts is expected to be sufficient to meet the total of these write offs. Therefore there will be little effect to Council's operations in the 2005/06 year.

A further issue is that of Assets. Adjustments between various categories will be needed. Further, revaluation of Council's Roads and other Infrastructure are proposed, with these to become effective from 30th June 2006. A report on these items will be submitted to Council's special meeting of 26th May 2006.

As previously advised, another area of major adjustment is that of Stock. A thorough examination of items previously listed as stock has been undertaken. A new control procedure will apply, including introduction of a proper Stock Control system on Council's main financial system. Certain items have now been 'expensed' to cost accounts, and new stock calculations have been made. The resulting 'expensed' net amount totals \$18,563. This has now been included in the monthly financial projections.

There remain a number of issues with regard to roads that require greater investigation, and this will be carried out over the week.

The overall End-Of-Year projected result for all of Council's finances is expected to have a very low 'Closing' position, after all the adjustments are affected. Further, we have had to defer certain survey works, totalling some \$27,000, as they are not immediately needed. Savings are needed, so as to 'protect the bottom line'.

Council's finances were in dire straits 2 and 3 years ago. Remedial actions were commenced in 2004/05, with significant gains being made in the current financial year. There is every possibility that Council may have a "Book" value overdraft at the end of June, although the 'actual' amount at the bank is expected to be surplus, due to the 'restricted' monies relating to the forward payment by the Federal Government for the Roads to Recovery program. However, we will have 'turned around' the prior year's overdraft [of \$466,804] by some \$300,000.

Notwithstanding the above, it needs to be appreciated that years of poor financial management cannot be fixed overnight. The large rate increase in the 2004/05 year only provided funds for catching up on costs increase of an operational nature. It has not provided any additional funds for the replacement of assets. Further, the taking up on a large "General Purpose" loan only went towards reducing the overdraft position. The action merely moved debt from an Overdraft position to a Loan position. Large repayments are still needed to liquidate that debt.

For the information of elected members, and readers, the Local Government Cost Index for WA has been calculated at running at 6.63% increase over the past year.

Past years have seen Council involved in a wide array of new things, without reference to the depletion/deterioration of its existing assets. Serious consideration of a "Back to Basics" approach is needed, with emphasis on 'areas of Needs', above 'items of Wants'. As well, action is needed by Council to assist the area to grow by working with Land Corp to develop Residential and Industrial land.

Emphasis needs to be placed on issues of "Sustainability". These issues will be discussed in the draft proposals for the "Plan for the Future". It is important that ALL new items are considered at the same time, wherever possible, and that multiple year ramifications are taken into account. The "Big Picture" needs to be kept in mind, with Focus on the achievement of Core Objectives and the achievement of the best long term benefits for the community.

Over the next year Council should concentrate on returning its finances to a more acceptable level, to cash back its Aged

Care Service liabilities, as well as increasing its allocations towards roads and infrastructure, and looking to those activities which will prove to be the most beneficial in the long term. It is proposed that these issues will be the subject of deliberations on Council's Plan for the Future, and its 2006/07 budget.

It is proposed that the detailed Budget Review will be put to the proposed special Council meeting to be held on 26th May 2006.

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. The reports submitted exceed those basic requirements.

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.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Monthly Financial reports, as attached, be accepted.

COUNCIL DECISION

61/06 MOVED Cr Marsh that the Monthly Financial reports, as attached, be accepted.

CARRIED 9/0

The Shire President asked the CEO to pass on the appreciation of the Councillors to all staff that have assisted with the preparation and management of finances and thanked Mr Crothers for his presentation and progress in developing reports and financial controls over the last year.

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Senior Finance Officer – Heather Marland

DATE: 11th May 2006

FILE NO: 06.15.01

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 12/04/06 to 11/05/06 comprising of Municipal Cheques 8201 to 8294, EFTs 1416 to 1530 and Internal Payment Vouchers 503 to 547 totalling \$713,968.28 and as attached to this agenda, be received.

COUNCIL DECISION

62 /06 MOVED Cr Trethowan that the Payment Listing from 12/04/06 to 11/05/06

comprising of Municipal Cheques 8201 to 8294, EFTs 1416 to 1530 and Internal Payment Vouchers 503 to 547 totalling \$713,968.28 and as attached to this agenda, be received.

CARRIED 9/0

3.17pm Cr Bunny left the Chamber

3.18pm Cr Bunny returned to the Chamber

10.3 REVIEW OF COUNCIL FEES AND CHARGES

DATE: 16 May 2006

AUTHOR: John Crothers

FILE NO: 06.14.02

DECLARATION OF INTEREST

Nil

SUMMARY

Annually, Council reviews its fees and charges as part of its budget process. This report provides Council with the recommended fees and charges to apply for the 2006/07 year.

BACKGROUND

Section 6.16 of the Local Government Act states that a local government may impose and recover a fee or charge for any goods and services it provides or intends to provide.

Whilst proposed fees and charges are to be included as part of the annual budget process, they may also be imposed or amended at other times during the year. This report seeks Council's approval for the recommended fees and charges for the 2006/07 financial year (attached as Appendix A), as a prelude to the adoption of the annual budget. Various other Acts also enable local governments to make charges. For each charge prepared there is a reference to the enabling statute (head of power).

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

1. There are specific Fees set under statute law, other than the Local Government Act, which cannot readily be amended. For example, fees for Town Planning services are 'capped' by State Government regulations as are building permit fees and both cannot be increased above the levels presently charged by the Council.

1. Fees and charges imposed under the Local Government Act are determined by:

:

- o The cost to the local government providing the service or goods;
- o The importance of the service or goods to the community; and
- o The price at which an alternate provider could provide the service or goods.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

Fees and Charges only contribute a limited amount (under 12%) to a Council's overall revenue, but need to be levied as they relate to additional services provided.

Due to statutory limitations, Council has limited ability to increase revenue from fees and charges. Where possible most fees and charges have been increased to an amount in line with current annual inflation levels, or are increased in an attempt to relate such charges back to the cost of providing the service.

STRATEGIC IMPLICATIONS

Nil

STAFF COMMENT

Each Manager has reviewed the fees and charges to be adopted for the 2006/07 financial year. The fees not fixed by statutory limitations have, for the majority, been increased, predominantly in line with inflation.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the list of Fees and Charges, as presented with this report, be accepted for inclusion in Council's 2006/07 draft budgets.

COUNCIL DECISION

63/06 MOVED Cr Thorn that the list of Fees and Charges, as presented with this report, be accepted for inclusion in Council's 2006/07 draft budgets with exception to the Community Bus Hire charge and the Springhaven meal charges.

CARRIED 9/0

Reason for Change:

Council wished to review the Community Bus Hire charges at a later date after further analysis.

The Springhaven Meal charges as recorded in the Agenda needed further clarification.

10.4 ELECTED MEMBER ALLOWANCES

AUTHOR: John Crothers – Acting Finance Manager

DATE: 12 May 2006

FILE NO: 01.09.14

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the level of Elected Members allowances, and travelling expenses for the 2006/2007 year.

BACKGROUND

Councillor's allowances need to be reviewed and adopted on an annual basis. This report proposes to continue with the administration of the scheme as simply as possible by again paying an annual fee, to apply for the 2006/07 year. The residual amount of allowances payable for the 2005/06 year will be paid on 16th May 2006, with the exception of Travelling Allowances, which will be completed. Payment now of the allowances will ensure that there is no "carry over" into later financial years. New fee levels need to be decided now so as to allow for appropriate provision in the 2006/2007 budget.

The prescribed range of fees that can be paid under the Local Government (Administration) Regulations was amended in May 2005.

COMMENT

The Local Government Act provides for council members to be paid:

- for attendance at council and committee meetings (s.5.98) or
- an annual fee (s.5.99)

Council members are entitled to reimbursement of expenses incurred (s.5.98(2)-(4)) or an allowance in lieu of reimbursement of expenses (s.5.99A)

The Shire President is entitled to an additional allowance (s.5.98 (5)) and the Council may vote by absolute majority to pay the Deputy Shire President an additional allowance (s.5.98A).

The Local Government (Administration) Regulations prescribe the range of fees that are entitled to be paid:

a) Members other than Shire President (Reg.30(1)-(3)) & (s.34(1))

Attendance at Council meeting: Minimum/maximum \$60/140

Attendance at Committee Meeting: Minimum/maximum \$30/\$70

(Must be a member of the committee)

Total attendance fees paid to a council member each year not to exceed \$7,000. Where an annual fee is paid this must be within the prescribed range which is currently set between \$2,400 and \$7,000

b) Shire President (Reg.30(4)(5)) & (s.34(2))

c) Attendance at Council meeting: Minimum/maximum \$120/280

Total attendance fees paid to the Shire President each year are not to exceed \$14,000. Where an annual fee is paid for attending meetings the fee must be within the prescribed range currently set between \$6,000 and \$14,000.

Shire President additional allowance (Reg.33)

The additional allowance that the Shire President is entitled to be paid is to be within the prescribed range of \$600 to \$12,000, or 0.02% of the local government's operating revenue, but in any case no more than \$60,000.

Deputy Shire Presidents Allowance (Reg.33A)

Where a local government decides to pay a local government allowance to the Deputy Shire President it can be no more than 25% of the allowance paid to the Shire President.

Telecommunication Allowance (Reg 34A)

For the 2005/06 year a communication allowance of \$350 per councillor applied, and it is recommended that this be increased to \$400 for the 2006/07 year. The maximum level payable is \$2,400.

Information Technology Allowance (Reg 34 AA)

This has not been paid in past years. The maximum level payable is \$1,000.

Travelling Allowance (Reg 31 (4))

Council has previously paid this allowance at the equivalent of the Local Government Officer's Award. It is recommended that this be retained.

Allowances to councillors can be viewed as being for meeting attendances, but councillors do spend a considerable amount of time on Council related issues outside of the actual meetings themselves. Further, the payments should also not be viewed as being merely time related, as this can vary significantly. The payment of allowances to councillors should be viewed as a small compensation for the time and effort put into serving the community, dealing with all the "immediate crises", and planning for its future.

The proposals stated below are for the allowances to be moved upward by at least the inflation level. Depending what items are taken into account, the increase in costs can vary. The latest national CPI level was 3.0%, and for Perth it was 4.2%. The Local Government cost index was recently calculated at 6.63%.

The following Allowances and Fees are proposed Prior Yr

a) Annual Attendance Fee:

President \$10,500 [5% Increase] \$ 10,000
Councillors \$ 5,250 [Half the above \$] \$ 4,700

b) Local Government Allowance:

President \$6,500 \$ 5,000
Deputy President \$1,625 [25% of the above \$] \$ 1,250

c) Communication Allowance

Per Councillor \$ 400 \$ 350

d) Travelling Allowance

As per provisions of the

Local Government

Officer's Award 71.5 cents per kilometre [maximum]

CONSULTATION

No external consultation has taken place.

STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 5.98 – 5.102

Local Government (Administration) Regulations 1996, 30 – 34A

The legislation refers to an "annual" allowance or fee, which is not defined. The presumption is that it is in line with the financial year.

POLICY IMPLICATIONS

Policy F 2 – Councillors Fees and Reimbursements – The allowances proposed in this report are to supersede those previously adopted, and will replace item 1 of that Policy.

FINANCIAL IMPLICATIONS

Based on the recommendation the attendance fees will cost some \$57,750 in a full year, with the Communication allowance to cost some \$4,000. The Shire President's allowance will amount to \$6,500 and the Deputy President's allowance to be 25% of the President's allowance. .

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That policy F2 Councillors Fees and Reimbursements be amended with the following Allowances payable for the 2006/07 year effective from 1st July 2006:

Allowances and Fees

a) Annual Attendance Fee:

- (i) President \$10,500
- (ii) Councillors \$ 5,250

b) Local Government Allowance:

- (i) President \$6,500
- (ii) Deputy President \$1,625

c) Communication Allowance

Per Councillor \$ 400

d) Travelling Allowance

As per the provisions of the Local Government Officer's Award

COUNCIL DECISION

64/06 MOVED Cr Thorn that Policy F2 Councillors Fees and Reimbursements be amended with the following Allowances payable for the 2006/07 year effective from 1st July 2006:

Allowances and Fees

a) Annual Attendance Fee:

(ii) Councillors \$ 5,250

c) Communication Allowance

Per Councillor \$ 400

d) Travelling Allowance

As per the provisions of the Local Government Officer's Award

CARRIED 9/0

All Councillors remained in the Chamber to move the above sections of the Officer's Recommendation given their common interest in the Report.

COUNCIL DECISION

65/06 MOVED Cr Thorn that Cr Benn become the interim Presiding Member to determine the Council Decision of Section (a) I and Section (b) concerning the Fees and Allowances of the Shire President and Vice President.

CARRIED 9/0

3.50pm Cr Mathwin vacated the Chair and left the Chamber with Cr Trethowan

COUNCIL DECISION

66/06 MOVED Cr Bunny that the Policy F2 Councillors Fees and Reimbursements be amended with the following Allowances payable for the 2006/07 year effective from 1st July 2006:

a) (i) President \$10,500

b) Local Government Allowance:

(i) President \$ 6,500

(ii) Deputy President \$ 1,625

3.54pm Cr Benn vacated the Chair

Cr Mathwin and Cr Trethowan returned to the Chamber and Cr Mathwin resumed as the Presiding member of the meeting.

3.55pm Ms Wilson and Mr Crothers left the Chamber

3.59pm Ms Wilson returned to the Chamber

4.00pm Mr Russell Hobman, Technical Services Officer, entered the Chamber

1. **ENGINEERING & WORKS REPORTS**

11.1 ROAD CLOSURE OF DARKAN-KOJONUP ROAD AND TUNNEY ROAD

AUTHOR: Russell Hobman

DATE: 12th May 2006

FILE NO: RD # 001

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the formal adoption of the closure of a deviated section of a road formed by the realignment of the intersection of Tunney Road and Darkan-Kojonup Road.

BACKGROUND

The Shire commenced the revised intersection of the Darkan-Kojonup Road with the Tunney Road during 2004/2005. The portion shown on the attached sketch is no longer required as a trafficable road and can be requested by the Local Government to be closed in accordance with Section 58 of the Land Administration Act 1997. (This section is for 'Closure of Public Roads').

COMMENT

This portion of the Kojonup-Darkan Road and Tunney Road will need to be closed before being considered by the Department of Planning and Infrastructure for amalgamation of the adjoining lot.

CONSULTATION

The Shire advertised the intention to close a portion of the Darkan-Kojonup Road and Tunney Road in the 31st March 2006 edition of the Kojonup News. The specified period of 35 days for objections to be lodged has lapsed. No objections were received, however, the adjoining landowner expressed an interest in amalgamating the road, once closed, with location 3194.

Service Providers were also asked to comment on the proposal and no objections were received.

RAS Machin Licensed Surveyor

Sergio Libera Adjoining Landowner

Brian Rourke Adjoining Landowner

Mark Kift Department of Planning and Infrastructure (DPI)

STATUTORY ENVIRONMENT

Section 58 of Land Administration Act 1997 – see attached

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The Shire will be paying for Survey Land Title fees and costs which are included in the project budget.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That pursuant to Section 58 of the Land Administration Act 1997, Council offer no objection to the closure of portion of the Darkan-Kojonup Road and Tunney Road as shown on the attached sketch.

A formal request be made to the Minister through the Department of Planning and Infrastructure to close the portion of the Darkan-Kojonup Road and Tunney Road, as shown on the attached sketch.

COUNCIL DECISION

67/06 MOVED Cr Benn that:

Pursuant to Section 58 of the Land Administration Act 1997, Council offer no objection to the closure of portion of the Darkan-Kojonup Road and Tunney Road as shown on the attached sketch.

A formal request be made to the Minister through the Department of Planning and Infrastructure to close the portion of the Darkan-Kojonup Road and Tunney Road, as shown on the attached sketch.

CARRIED 9/0

4.15pm Mr Hobman left the Chamber

2. ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 OVERSIZED SHED – KATANNING ROAD KOJONUP

AUTHOR: Melissa Wilson – Environmental Development Manager

DATE: 1st May 2006

FILE NO: 14.04.02

OWNER: Mr Steve Osborne

LOCATION: Lot 1, Number 10 Katanning Road, Kojonup

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the application made by Mr Osborne to construct a shed on Lot 1 Katanning Road, Kojonup.

BACKGROUND

Mr Osborne contacted the Shire of Kojonup on the 27th of April 2006 regarding an application to construct a 128.1m² (floor area) shed on his property located at Lot 1 Katanning Road, Kojonup. The location of the property can be seen on the attached map. The shed has already been partially constructed.

The Town Planning Scheme No. 3 zones the property in question as Residential.

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that:

"The shed floor area for Residential zoned land is to be no larger than 65 square metres."

According to Town Planning Policy No. 9 the size of the proposed shed is larger than is permitted on land zoned residential.

The shed is positioned 1.5 metres from the western boundary and is situated behind the existing house.

In his application Mr Osborne stated that he intended to use the shed to store vehicles and equipment from his shearing contracting business and privately. The vehicles and equipment are currently stored outside subject to the weather and to vandalism or theft.

COMMENT

Mr Osborne has partially constructed a shed, which is 18.3metres by 7 metres (128.1m²) in size and constructed of non-reflective material (see attached plan). The shed was partially constructed prior to a development application being submitted to the Shire of Kojonup and therefore is considered an unlawful development under the Planning and Development Act 2005 (the Act).

Section 164 (1) of the Planning and Development Act 2005 explains that a development can be approved after commencement by stating the following:

"A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out."

The Act also states

" The continuation of development unlawfully commenced is to be taken to be lawful upon the grant of approval for the development."

It is important to remember that this provision doesn't exclude the provisions of Part 13 of the Act which outlines the offences against the act. This development has been undertaken without approval and therefore constitutes an offence. However if approved it will be considered lawful. If approval isn't granted Part 13 of the Act applies.

CONSULTATION

Mr Osborne have been consulted on the requirements of the Town Planning Policy 9.

STATUTORY ENVIRONMENT

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that:

"The shed floor area for Residential zoned land is to be no larger than 65 square meters."

Clause 7.6.4 of the Town Planning Scheme no 3 states that:

"A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision."

Section 164 of the Planning and Development Act 2005 explains that a development can be approved after commencements by stating:

"A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out."

In this case the responsible authority is the Shire of Kojonup.

The Act also states

" The continuation of development unlawfully commenced is to be taken to be lawful upon the grant of approval for the development."

POLICY IMPLICATIONS

The Shire of Kojonup Town Planning Scheme Policy No. 9 restricts the size of sheds on residentially zoned land.

Although the proposed shed is larger than recommended by the policy it is supported on this occasion, as it is not expected to have a negative effect on the amenity of the surrounding properties.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There no known strategic implications.

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That the planning application made by Mr and Mrs Bow to build a shed on lot 2 Soldier Road be approved, subject to the following conditions:

- o The shed shall not be used as a habitable residence at any time,
- o The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,

- o The floor area of the shed be no larger than 128.1m² and
- o In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.

COUNCIL DECISION

68/06 MOVED Cr Trethowan that the planning application made by Mr and Mrs Osborne to build a shed on lot 1 Katanning Road be approved, subject to the following conditions:

- The shed shall not be used as a habitable residence at any time,
 - The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,
 - The floor area of the shed be no larger than 128.1m² and
- In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.

CARRIED 9/0

Reason for Change: the Officer's Recommendation was corrected to read Mr and Mrs Osborne with the address being Lot 1 Katanning Road.

1. CORPORATE & COMMUNITY SERVICES REPORTS

Nil

2. OCCUPATIONAL SAFETY & HEALTH COMMITTEE MINUTES

1. POLICY AND REVIEW

6.1 Draft Occupational Safety and Health Dispute Resolution Policy and Procedure

OSH 9/06 Moved Mr Marland that the Occupational Safety and Health Dispute Resolution Policy and Procedure, as attached to the 4th of April 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 7/0

5.6.2 Draft Risk Management Policy and Procedure

OSH 10/06 Moved Mrs Paini that the Risk Management Policy and Procedure, as attached to the 4th April 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 7/0

OFFICER RECOMMENDATION

That the recommendations OSH 9/06 and 10/06 of the Occupational Safety and Health Committee Meeting held Tuesday 4th April be endorsed by Council.

COUNCIL DECISION

69/06 MOVED Cr Hewson that the recommendations OSH 9/06 and 10/06 of the Occupational Safety and

Health Committee Meeting held Tuesday 4th April be endorsed by Council**CARRIED 9/0**

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3. SPRINGHAVEN ADVISORY COMMITTEE MINUTES

SR 04/06 MOVED Cr Pritchard that a quote be sought to construct a ramp where the steps are now, to provide wheelchair access along the pathway from Springhaven Lodge to the Hospital in order to avoid kitchen entry and the risk of infection which is an accreditation requirement.

CARRIED 6/0

SR 05/06 MOVED Mr Prandi that the minutes and recommendations of the Springhaven Advisory Committee be presented to MANEX and then to Council at the next meeting following the Springhaven Advisory Committee meetings.

CARRIED 6/0

SR 06/06 MOVED Cr Pritchard that Mrs Joyce Stapleton, and Mrs Marion Wood as Deputy, be elected as the Representative of the Friends of Springhaven to the Springhaven Advisory Committee.

CARRIED 6/0**OFFICER RECOMMENDATION**

That the recommendations SR 04/06 to SR 06/06 inclusive of the Springhaven Advisory Committee Meeting held Friday 28th April be endorsed by Council.

COUNCIL DECISION

70/06 MOVED Cr Thorn that the recommendations SR 04/06 to SR 06/06 inclusive of the Springhaven Advisory Committee Meeting held Friday 28th April be endorsed by Council.

CARRIED 9/0**4. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

5. NEW BUSINESS of an urgent nature, introduced by a decision of the meeting_

Nil

6. **CONFIDENTIAL REPORTS**

Nil

7. **NEXT MEETING**

Tuesday 20th June 2006 commencing at 3:00pm.

8. **CLOSURE**

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

9. **APPENDICES AND TABLED DOCUMENTS**

10. **ATTACHMENTS**

Item 10.1 Monthly Finance Reports

Item 10.2 Monthly Payment Listing

Item 10.3 Proposed Fees and Charges

Item 11.1 Realignment of the intersection of Tunney Road and Darkan-Kojonup Road sketch.

Item 12.1 Location map of lot 1 Katanning Road, Kojonup

Item 12.1 Site plan of shed – lot 1 Katanning Road, Kojonup

Item 14 Minutes Occupational Safety and Health Meeting 4th April 2006

Item 15 Minutes Springhaven Advisory Committee Meeting 28th April 2006

Presiding Member Date