

# SHIRE OF KOJONUP



## Council Minutes

***17<sup>th</sup> November 2009***

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

The Shire President declared the meeting opened at 2:58pm 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	(Entered at 3:04pm)
Cr Ian Pedler	
Cr Rosemary Hewson	
Cr Frank Pritchard	
Cr Greg Marsh	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Visitors	Mr Phil Preston
	Mr John Lewis
	Mrs Chris Lewis
	Mr Neville Matthews

**APOLOGIES**

Cr Baulch applying for a Leave of Absence for the Council meeting.

*The Shire President welcomed all visitors in the public gallery.*

**3 PUBLIC QUESTION TIME**

Nil

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

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

**116/09 MOVED Cr Hewson seconded Cr Pritchard that Cr Baulch be granted Leave of Absence for the Council meeting held 17th November 2009.**

**CARRIED 6/0**

**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING 20<sup>th</sup> October 2009

Corrections:

**COUNCIL DECISION**

**117/09 MOVED Cr Pritchard seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> October 2009 be confirmed as a true record.**

**CARRIED 6/0**

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

On Friday 13<sup>th</sup> November 2009 the Shire President attended ALGWA Meeting and advised that 2010 was earmarked as the year for Women in Local Government.

Members of Committees were advised of the need to inform Deputies where the member is unable to attend committee meetings.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Mr John Lewis spoke regarding Item 12.1 reinforcing his comments contained within his submission, particularly with respect to Grain Storage and Dust.

*3:04pm Cr Benn entered the Chamber.*

**9 DECLARATIONS OF INTEREST**

Nil

*Item 12.1 was discussed next as it was of particular interest to members of the gallery. Item 10.1 was then discuss followed by 10.2 and so on.*

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, November 12, 2009  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July to 31<sup>st</sup> October 2009

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the period of 1<sup>st</sup> July 2009 to 31<sup>st</sup> October 2009.

**BACKGROUND**

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

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

**COMMENTS**

The attached Statement of Financial Activity for the period 1 July 2009 to 31 October 2009 shows a solid position with 82.68% of rates collected to 31<sup>st</sup> October 2009 and a total amount of cash holdings of \$4,831,487 of which \$1,914,614 is held in fully cash backed Reserves.

An analysis of outstanding Rate Debtors is currently being undertaken with respect to any long term outstanding amounts and a report will be put before Council, once full investigations are completed, regarding the various legal options for recovery. There are 5 long term outstanding properties which collectively owe \$22,912, it should be noted that none of these amounts are at risk as ultimately the debts will be recovered on sale of properties if required.

The Annual Audit has been concluded with the Auditors Management Report, Audit Report and Annual Financial Report being presented to Council in item 13.1 of this meeting. The Audit has made a minor change to the opening position of the 2009/10 Budget in so much that it increased from \$904,449 to \$904,521, a \$72 increase.

With the finalization of the 2008/09 Annual Financial Audit Depreciation has now been updated.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

**COUNCIL DECISION**

**118/09 MOVED Cr Marsh seconded Cr Trethowan that the Monthly Statement of Financial Activity, as attached, be accepted.**

**CARRIED 7/0**

*4:39pm The Chief Executive Officer left the Chamber.*

**10.2 MONTHLY PAYMENTS LISTING**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Thursday, November 12, 2009  
FILE NO:  
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 01/09/2009 to 30/09/2009 comprising of Municipal Cheques 10661 to 10735, EFTs 4851 to 4985 and Internal Payment Vouchers 2002 to 2038 totaling \$790,383.92 and as attached to this agenda, be received.

**COUNCIL DECISION**

**119/09 MOVED** Cr Marsh seconded Cr Pedler that the Payment Listing from 01/09/2009 to 30/09/2009 comprising of Municipal Cheques 10661 to 10735, EFTs 4851 to 4985 and Internal Payment Vouchers 2002 to 2038 totaling \$790,383.92 and as attached to this agenda, be received.

CARRIED

7/0

4:41pm The Chief Executive Officer returned to the Chamber.

4:57pm Mrs Heather Marland left the Chamber.

**11 ENGINEERING & WORKS REPORTS**

Nil

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

Item 12.1 was discussed after Item 9 then returned to Item 10.1, 10.2 and so on.

- 12.1 FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 7 FOR TRANSPORT DEPOT' FOR MATTHEWS TRANSPORT AT LOTS 1 & 3 ALBANY HIGHWAY, KOJONUP.

AUTHOR: Phil Shephard – Town Planner  
 DATE: 22 October 2009  
 FILE NO: 14.04.10 (Amendment No. 7)  
 ATTACHMENT: 12.1.1 Copy of amendment document  
 12.1.2 Copy of submissions  
 12.1.3 Schedule of Submissions

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The statutory public notice period for the above scheme amendment has now been completed and a total of 8 submissions were received. Two submissions (No's 5 & 6) were received from adjoining landowners prior to the formal advertising of the amendment. Nonetheless, these have been included and considered as submissions on the scheme amendment.

Council is now required to determine the submissions and decide whether to proceed or not with the amendment.

It is recommended that Council determine the submissions in accordance with the attached Schedule of Submissions and refer the amendment to the WA Planning Commission and Minister for Planning for final approval.

**BACKGROUND**

The proposal for a transport depot on the site was discussed and agreed to by Council back in February 2008 (Item 12.3 Res: 144/08), although the historical use of the site dates well before then.

Scheme Amendment No. 7 seeks to include the subject land into an Additional Use zone to reflect the existing land use as a Transport Depot and include Special Conditions to control future uses and development of the land as outlined in the amendment document (copy attached).

Council initiated the scheme amendment at its 21 April 2009 meeting (Item 12.6 Res: 30/09).

In accordance with the requirements of the *Planning and Development Act 2005*, the amendment was firstly referred to the Environmental Protection Authority for their assessment. They advised that the amendment was acceptable and no formal assessment was required in correspondence dated 10 August 2009.

The amendment was then advertised for a period of 42-days to allow for comment from the adjoining/nearby landowners, general public and government agencies.

### **COMMENTS**

The submissions received from government agencies advised they had no objection to the scheme amendment proceeding and were supportive of the proposed conditions to be placed upon the future use and development of the land. The 2 submissions received from local landowners do not support the amendment for the reasons outlined in their submissions, although this represents only a fraction of the 43 referrals sent to adjoining/nearby landowners.

The matter raised within the submissions have either been dealt with satisfactorily by the introduction of conditions for the proposal or where necessary minor modifications have been recommended.

### **CONSULTATION**

The amendment was advertised for a period of 42-days for submission to be received.

The notice given included:

- Notice of amendment in Kojonup News and Great Southern Herald.
- Notice of amendment placed on Shire Notice Board.
- Amendment sign placed on-site during advertising period.
- Notice and copy of amendment document referred to Environmental Protection Authority, Water Corporation, Telstra, Western Power and Main Roads WA inviting them to comment.
- Notice of amendment referred to 43 adjoining/nearby landowners inviting them to comment.

At the conclusion of the notice period, 8 submissions were received for consideration.

### **STATUTORY ENVIRONMENT**

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *Local Government Act 1995*
- Shire of Kojonup Town Planning Scheme No. 3

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

All administration and advertising costs will be recovered from the proponents.

### **STRATEGIC IMPLICATIONS**

Nil.

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

### **OFFICER RECOMMENDATION**

That Council:

- 1) Determine the submissions (noted or upheld in part) as contained within the attached Schedule of Submissions, and
- 2) Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 7 subject to those modifications contained within the Schedule of Submissions being completed.

### **ORIGINAL MOTION**

MOVED Cr Hewson seconded Cr Trethowan that Council:



- 1) Determine the submissions (noted or upheld in part) as contained within the attached Schedule of Submissions, and
- 2) Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 7 subject to those modifications contained within the Schedule of Submissions being completed.

CARRIED/LOST /

**COUNCIL DECISION**

**120/09 MOVED Cr Marsh seconded Cr Benn that Standing Orders be suspended to allow open discussion with members of the gallery pertaining to this item.**

CARRIED 7/0

**COUNCIL DECISION**

**121/09 MOVED Cr Hewson seconded Cr Pritchard that Council resume Standing Orders.**

CARRIED 7/0

**COUNCIL DECISION**

**122/09 MOVED Cr Benn seconded Cr Marsh that the Meeting be adjourned.**

CARRIED 7/0

*4:08pm Meeting was adjourned.*

*4:20pm Meeting recommenced.*

*4:26pm Mr Phil Preston left the Chamber.*

**AMENDMENT TO THE MOTION**

**Cr Hewson, with Cr Trethowan's agreeance, accepted amendment to the original motion.**

*The Presiding Member put the amended motion to the meeting as follows:*

**COUNCIL DECISION**

**123/09 MOVED Cr Hewson seconded Cr Trethowan that Council:**

- 1) Determine the submissions (noted or upheld in part) as contained within the attached Schedule of Submissions,
- 2) That Town Planning Scheme No. 3 – Amendment No. 7 be amended in the following manner:
  - a) Under the Heading "PROPOSAL" and subheading of "Site Fencing" point c) be added to state "A 5m vegetation buffer with no fence noting appropriate site entrance visibility and setback."
  - b) That the site plan be amended to reflect the existing grain storage capacity of 6 times 30t silos as is currently the case, and
- 3) Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 7 as amended above

**and subject to those modifications contained within the Schedule of Submissions being completed.**

**CARRIED 7/0**

**REASON FOR CHANGE**

*Councillors felt that a third option for site fencing was appropriate as it added further practical solutions to the issue of access/egress onto Partridge Road and also wanted to ensure that the site plan correctly reflect current grain storage facilities.*

4:35pm All remaining members of the gallery left the Chamber.

**12.2 INITIATE TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 9 TO INCLUDE ADDITIONAL SCHEME PROVISIONS CONTROLLING RESIDENTIAL DENSITIES IN ADOPTED GUIDED DEVELOPMENT PLANS**

AUTHOR: Phil Shephard – Town Planner  
 DATE: 12 November 2009  
 FILE NO: 14.04.01 (Amendment 9)  
 ATTACHMENT: 12.2

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider the initiation of a scheme amendment to include additional scheme controls for Guided Development Plans adopted by Council.

It is recommended that the amendment be initiated.

**BACKGROUND**

In considering the revised Guided Development Plan for Lot 101 Soldier Road, Kojonup, Council at its Special Meeting on 29 September 2009 resolved in part:

*“Advise the proponents that rezoning/recoding of the land to ensure the density matches the subdivision will be required to be completed as a matter of urgency and no clearance to the subdivision will be issued until completed and gazetted.”*

Council has now received draft scheme amendment documents from the proponents planning consultants and a request to initiate the scheme amendment accordingly.

**COMMENTS**

The amendment is necessary to ensure that in the situation such as in Soldier Road where Council adopts a Guided Development Plan where the proposed density is different to that on the Scheme Map, the density shown on the adopted Guided Development Plan shall prevail.

The proposed scheme provisions are derived from Model Scheme Text provisions contained in the *Town Planning Regulations 1967*. The documents are acceptable with some minor alterations required.

**CONSULTATION**

If initiated by Council, in accordance with the requirements of the *Planning and Development Act 2005*, the amendment will be firstly referred to the Environmental Protection Authority (EPA) for their assessment.

Upon receiving clearance from the EPA, the amendment will then be advertised for a period of 42-days to allow for comment from the public and government agencies.

**STATUTORY ENVIRONMENT**

- *Planning and Development Act 2005 & Town Planning Regulations 1967* - sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.
- Shire of Kojonup Town Planning Scheme No. 3 - land is presently zoned Residential Development with a density code of R10/20.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The administration and advertising costs associated with the amendment will be recovered from the proponents in accordance with the *Planning and Development Regulations 2000*.

**STRATEGIC IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That Council:

1. Pursuant to the Planning and Development Act 2005 initiate Amendment No. 9 to Town Planning Scheme No. 3 to include additional scheme provisions to control residential densities in adopted Guided Development Plans, and
2. Once authorised by the EPA, it be advertised for a period of 42 days to allow for comment from the public and government agencies.

**COUNCIL DECISION**

**124/09 MOVED Cr Benn seconded Cr Trethowan that Council:**

1. Pursuant to the Planning and Development Act 2005 initiate Amendment No. 9 to Town Planning Scheme No. 3 to include additional scheme provisions to control residential densities in adopted Guided Development Plans, and
2. Once authorised by the EPA, it be advertised for a period of 42 days to allow for comment from the public and government agencies.

**CARRIED**

**7/0**

**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 2008/09 ANNUAL REPORT AND ELECTORS MEETING**

DATE: Monday, November 09, 2009  
 AUTHOR: Stephen Gash, Chief Executive Officer  
 FILE NO: FM.AUD.2 & FM.FNR.1  
 ATTACHMENTS: Annual Report 2008-09 including Annual Financial Report and Audit Report  
 Audit Management Letter

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Shire of Kojonup's 2008/09 Annual Report as circulated with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

**BACKGROUND**

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

**COMMENT**

The Council is to accept the annual report by 31<sup>st</sup> December following the year end or no later than two months after receiving the audit report. The Audit Report was received on 29<sup>th</sup> October 2009 and a copy has been forwarded directly to the Department of Local Government and Regional Development.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual elector's meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given.

**CONSULTATION**

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

**STATUTORY ENVIRONMENT**

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995

Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil.

**OFFICER RECOMMENDATION 1****VOTING REQUIREMENTS - ABSOLUTE MAJORITY**

That Council Accepts the Annual Report including the Annual Financial Report for the 2008/2009 year.

**COUNCIL DECISION**

**125/09 MOVED Cr Trethowan seconded Cr Hewson that Council Accepts the Annual Report including the Annual Financial Report for the 2008/2009 year.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

**OFFICER RECOMMENDATION 2****VOTING REQUIREMENTS - SIMPLE MAJORITY**

That Council:

1. Hold the Annual Electors meeting on Tuesday 15<sup>th</sup> December 2009 in the Lesser Hall, Kojonup, commencing at 7:00pm;
2. Receives the Audit Report and Audit Management Letter;
3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.

**COUNCIL DECISION**

**126/09 MOVED** Cr Trethowan seconded Cr Marsh  
That Council:

1. Hold the Annual Electors meeting on Tuesday 15<sup>th</sup> December 2009 in the Lesser Hall, Kojonup, commencing at 7:00pm;
2. Receives the Audit Report and Audit Management Letter;
3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.

CARRIED

7/0

**14 COMMITTEES OF COUNCIL**

Nil

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

Nil

5:03pm The Chief Executive Officer left the Chamber.

5:04pm The Chief Executive Officer returned to the Chamber.

**16 NEW BUSINESS**

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

**COUNCIL DECISION**

**127/09 MOVED** Cr Marsh seconded Cr Hewson that the meeting be opened to new business to allow Council to consider the allocation of Royalties for Regions Funding.

CARRIED

7/0

The Chief Executive Officer gave an update on the Royalties for Region Funding Acquittal Requirements.

**COUNCIL DECISION**

**128/09 MOVED** Cr Trethowan seconded Cr Benn that Council resolve to reallocate the amount of \$155,425 to the Medical Centre Project.

CARRIED

7/0

**17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**

Tuesday, 15<sup>th</sup> December 2009 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 5:08 pm.

**20 APPENDICES AND TABLED DOCUMENTS**

21

**ATTACHMENTS**

- 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July to 31<sup>st</sup> October 2009
- 10.2 Monthly Payment Listing
- 12.1.1 Copy of amendment document (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.1.2 Copy of submissions (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.1.3 Schedule of Submissions (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.2 Shire of Kojonup Town Planning Scheme No. 3 Amendment No. 9 Proposed Scheme Text Amendment Lot 101 Soldier Road, Kojonup – Prepared by Dykstra Planning
- 13.1 Annual Report 2008-09 including Annual Financial Report, Audit Report and Audit Management Letter

\_\_\_\_\_  
Presiding Member

\_\_\_\_\_  
Date