

SHIRE OF KOJONUP



Council Minutes

17th February 2009

SHIRE OF KOJONUP**MINUTES OF THE COUNCIL MEETING HELD ON 17th FEBRUARY 2009****TABLE OF CONTENTS**

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

The Shire President declared the meeting opened at 3.00pm 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 Michael Baulch	
Cr John Benn	
Cr Will Carrington-Jones	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	

Ian Pedler	Cr Elect
Mrs V Prandi	JP

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Mrs Rosemary Cussons	Manager of Kodja Place (arrived 3.04pm & left 3.07pm)

APOLOGIES**2.1 SWEARING IN OF NEW COUNCILLOR**

The following decision of Council was made at its' meeting held 25th November 2008:

"COUNCIL DECISION

28/1/08 MOVED Cr Trethowan seconded Cr Marsh that Council set the date for the Extraordinary Election to fill one councillor vacancy with a term to expire October 2011 to be Saturday, 28th February 2009.

CARRIED 8/0"

The Election process was commenced and nominations for candidates closed at 4pm on 22nd January 2009. As there was only one nomination received, that being from Mr Ian Douglas Pedler, the Returning Officer declared Mr Pedler “Elected Unopposed”.

Being the first meeting following the declaration of the result of the Extraordinary Election the Shire President called upon the newly elected Councillor to make an oath or affirmation of allegiance and declaration in the prescribed manner before Mrs V Prandi, JP before commencing duties as a Councillor.

Mr Ian Pedler made the declaration and an affirmation of allegiance in the prescribed manner before Mrs V Prandi JP.

Mrs Prandi JP congratulated the newly elected Councillor and wished him well for the duration of his term in office.

Cr Mathwin thanked the Justice of Peace, Mrs Viv Prandi for presiding over the declarations of the newly elected Councillor and for her continued support of the Shire of Kojonup.

Cr Pedler assumed his role as councillor in the meeting.

3.07pm Mrs Rosemary Cussons *left the Chamber*

3.08pm Mrs V Prandi, JP *left the Chamber*

3.08pm *The Chief Executive Officer left the Chamber*

3.09pm *The Chief Executive Officer returned to the Chamber*

3 **PUBLIC QUESTION TIME**

Nil

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

The Chief Executive Officer gave a verbal briefing to Councillors and advised that the written response to Petition from N and P Bilney as forwarded 27th December 2008 and summary of meeting held 3rd February 2009 with the Council will be tabled with the minutes of this meeting.

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

COUNCIL DECISION

01/09 **MOVED Cr Trethowan seconded Cr Carrington-Jones that Cr Baulch be granted Leave of Absence for the Council meeting to be held 17th March 2009.**

CARRIED 10/0

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 16th December 2008

Corrections: Nil

COUNCIL DECISION

02/09 **MOVED Cr Baulch seconded Cr Marsh that the Minutes of the Ordinary Meeting of Council held on 16th December 2008 be confirmed as a true record.**

CARRIED 10/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The presiding member welcomed all councillors and staff to the first council meeting in 2009 and highlighted the following events since the last meeting of council on 16th December 2008:

- 14th January 2009 – the signing of the Southern Link Voluntary Regional Organisation of Councils attended by the Hon. John Castrilli MLA, Minister for Local Government was present.
- 20th January 2009 – first Australian Citizen ceremony for the year in Kojonup.
- 22nd January 2009 – Extraordinary Election nominations for the Shire of Kojonup closed at 4pm with Mr Ian Pedler being elected unopposed.
- 25th January 2009 – Opening of the Bowling Club carpet greens attended by the Hon. Terry Waldron MLA.
- 26th January 2009 – Australia Day and the Australia Day Breakfast sponsored by Lions, Kojonup Tourist Association and the Shire of Kojonup was held.
- 30th January 2009 – the Chief Executive Officer was invited to the Parliamentary Inquiry regarding Aged Care (Providers) Funding
- 4th February 2009 – Fire at the Kojonup Co-Op
- 6th February 2009 – Minister John Castrilli MLA, Minister for Local Government announcement regarding Local Government reform and Amalgamations

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Tuesday, 10 February 2009
 FILE NO: 06.15.01
 ATTACHMENT: Monthly Statement of Financial Activity 1st July to 31st December 2008 and 1st July 2008 to 31st January 2009

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

The attached Statements of Financial Activity for the period 01 July 2008 to 31 December 2008 and 01 July 2008 to 31 January 2009 show a solid position with 92.55% of rates collected to 31st January 2009 and a total amount of cash holdings of \$3,246,204 of which \$1,497,922 is held in fully cash backed Reserves.

I have reviewed individual Operating and Capital accounts and am happy to report that Council's overall Budget is tracking well. A complete Budget Review will be put before Council at its March 2009 meeting where any amendments will be dealt with if necessary.

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. No amendments are being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

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

COUNCIL DECISION

03/09 MOVED Cr Marsh seconded Cr Graham that the Monthly Statements of Financial Activity, as attached, be accepted.

CARRIED 10/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Heather Marland - Senior Finance Officer
DATE: Tuesday, 10 February 2009
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 11/12/2008 to 10/02/2009 comprising of Municipal Cheques 10085 to 10197, EFTs 3907 to 4143 and Internal Payment Vouchers 1676 to 1737 totalling \$1,576,835.95 and as attached to this agenda, be received.

COUNCIL DECISION

04/09 MOVED Cr Hewson seconded Cr Benn that the Payment Listing from 11/12/2008 to 10/02/2009 comprising of Municipal Cheques 10085 to 10197, EFTs 3907 to 4143 and Internal Payment Vouchers 1676 to 1737 totalling \$1,576,835.95 and as attached to this agenda, be received.

CARRIED 10/0

3.37pm Heather Marland left the meeting.

11 ENGINEERING & WORKS REPORTS**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 OVERSIZED OUTBUILDING APPLICATION - LOT 100 ALBANY HIGHWAY, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
 DATE: 3 February 2009
 FILE: 14.07.02
 OWNER: MA Nitschke
 LOCATION: Lot 100 Albany Highway, Kojonup
 ATTACHMENTS: Setback Plan

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct an oversize outbuilding on Lot 100 Albany Highway, Kojonup as shown on the attached plans.

BACKGROUND

Nil.

COMMENT

The proposal is to construct a 120m² outbuilding on the above lot for the purposes of storing personnel effects and farm equipment. There is no dwelling currently constructed upon the site.

The land is zoned Residential with a density code of R2.5 (minimum lots size of 4,000m²) under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

Whilst the outbuilding is larger than the adopted TPS Policy requirements of 65m², given the proposed position of the outbuilding is to 130+m from Albany Highway and the lot is much larger (3.14 hectares) compared to the standard Residential R2.5 lot of 4,000m², the departure from the Policy requirements is supported by staff in this instance.

CONSULTATION

Comment has been sought from affected landowners and any responses received will be presented at the Council meeting.

STATUTORY ENVIRONMENT

The development of residential zoned land is controlled under the Residential Design Codes. The following table outlines the general site requirements for land within the R2.5 density code:

R-Code	Dwelling Type	Min. site area per dwelling (m ²)	Min. lot area/rear battleaxe (m ²)	Max. plot ratio	Minimum frontage (m)	Open space			Minimum Setbacks (m)		
						Min. total (% of site)	Min. communal (m ²)	Min. o/door living (m ²)	Primary street	Secondary street ●	Other/rear
R2.5	single house or grouped dwelling	4,000	-	-	40	80	-	-	15	7.5	7.5
<ul style="list-style-type: none"> ● Secondary street: includes communal street, private street, right-of-way as street. - Indicates not applicable. 											

The proposed outbuilding complies with the requirements for the R2.5 code.

The Shire has an adopted Town Planning Scheme Policy No. 9 relating to an outbuilding which is discussed below in the Policy Implications section. Clause 7.6.4 of the TPS3 states that the policies within the scheme:

“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.”

This means that the Council must consider what the policy is trying to achieve in regard to any application but are not bound by it. As an option, the Council can, in considering approval to any application, place conditions it sees fit on the approval in order to achieve the desired outcome.

The options available to Council are:

Defer the application for additional information from the applicant;
 Refuse the application and give reasons; or
 Approve the application, with or without conditions.

POLICY IMPLICATIONS

Council has adopted a Town Planning Scheme Policy No. 9 ‘Sheds on Residential and Special Rural Zoned Land’ under TPS3.

The Policy states:

“Sheds not be permitted on ‘Residential’ or ‘Special Rural’ zoned blocks in the Shire of Kojonup unless a habitable residence is (or is to be) constructed on that block.

If there is no habitable residence on the block that a person wishes to erect a shed upon, then house plans must be submitted with the shed plans, and the house construction must

be commenced within 12 months and completed within 24 months of the building permit being issued.

The shed floor area for residential land is to be no larger than 65m².

“The Environmental Health/Building Officer be authorised to approve plans for Special Rural zoned land for sheds with an area up to 65 square meters. Applications for sheds of a larger size must be submitted to the Council.

The owner is to remove the shed (at his own expense) if the above conditions are not met.”

As stated in the Comment Section, the departure from the Policy requirements is supported by staff in this instance subject to the intentions of the Policy being reflected in conditions to be attached to approval if granted. This is designed to ensure that the future development of the site meets the policy intentions including to ensure that dwellings are developed in Kojonup and that outbuildings are not used for residential accommodation purposes.

FINANCIAL IMPLICATIONS

There are no known financial implications. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - Simple Majority

OFFICER RECOMMENDATION

That Council grant Planning Approval for the construction of a 120m² outbuilding on Lot 100 Albany Highway subject to the following conditions:

- a) The outbuilding is to be used for storage purposes only and is not to be used as a habitable residence at any time.
- b) The applicants providing a written undertaking to the satisfaction of the Chief Executive Officer that they acknowledge the adopted TPS Policy No. 9 requirements and agree to submit house plans within 6 months of the completion of the outbuilding and the house construction must be commenced within 12 months.
- c) The floor area of the outbuilding is not to exceed 120m².
- d) The location of the outbuilding shed to be in accordance with approved plan submitted on 3 February 2009.

The Chief Executive Officer advised the meeting that no objections had been received with respect to this application.

COUNCIL DECISION

05/09 MOVED Cr Pritchard seconded Cr Graham that Council grant Planning Approval for the construction of a 120m² outbuilding on Lot 100 Albany Highway subject to the following conditions:

- a) **The outbuilding is to be used for storage purposes only and is not to be used as a habitable residence at any time.**
- b) **The applicants providing a written undertaking to the satisfaction of the Chief Executive Officer that they acknowledge the adopted TPS Policy No. 9 requirements and agree to submit house plans within 6 months of the completion of the outbuilding and the house construction must be commenced within 12 months.**
- c) **The floor area of the outbuilding is not to exceed 120m².**
- d) **The location of the outbuilding shed to be in accordance with approved plan submitted on 3 February 2009.**

CARRIED 10/0

13 CORPORATE & COMMUNITY SERVICES REPORTS**14 COMMITTEES OF COUNCIL****14.1 Audit Committee****OFFICER RECOMMENDATION**

That the attached unconfirmed minutes of the Audit Committee meeting held Tuesday 16th December 2008 be received by Council.

COUNCIL DECISION

06/09 MOVED Cr Benn seconded Cr Marsh that the attached unconfirmed minutes of the Audit Committee meeting held Tuesday 16th December 2008 be received by Council.

CARRIED 10/0

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

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

The Chief Executive Officer flagged the timing of the lease area at the back of the industrial estate area.

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 17th March 2009 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and also noted the great community feedback received on the role the Shire has played with relation to the Kojonup Co-Op Fire and congratulated the Chief Executive Officer and staff for there outstanding efforts. The President declared the meeting closed at 3.51pm.

20 APPENDICES AND TABLED DOCUMENTS

Nil

21 ATTACHMENTS

Item 10.1 Monthly Statement of Financial Activity 1st July 2008 to 31st December 2008 & 1st July 2008 to 31st January 2009

Item 10.2 Monthly Payment Listing

Item 12.1 Setback Plan – Oversized Outbuilding

Item 14.1 Unconfirmed minutes of the Audit Committee held Tuesday 16th December 2008