

# SHIRE OF KOJONUP



## Council Minutes

***19<sup>th</sup> February 2008***

**SHIRE OF KOJONUP****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES &amp; LEAVE OF ABSENCE</b>	<b>3</b>
<b>3</b>	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
<b>4</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>3</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>7</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>4</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>4</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>5</b>
<b>10</b>	<b>FINANCE REPORTS</b>	<b>6</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	6
10.2	MONTHLY PAYMENTS LISTING	7
<b>11</b>	<b>ENGINEERING &amp; WORKS REPORTS</b>	<b>8</b>
11.1	DISPOSAL OF PLANT – EXPRESSION OF INTEREST VOLVO LOADER	8
<b>12</b>	<b>ECONOMIC &amp; ENVIRONMENTAL DEVELOPMENT REPORTS</b>	<b>10</b>
12.1	APPLICATION TO SUB-DIVIDE LOT 51 ALBANY HWY AND COLLIE-CHANGERUP ROAD KOJONUP WAPC REF 136558 – “35 DEGREES SOUTH - LAND AND SEA SURVEYING” ON BEHALF OF S & Y LIBERA	10
12.2	OVERSIZED SHED APPLICATION - LOT 20 STOCK ROAD, KOJONUP	11
12.3	APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME LOT 3 ALBANY HIGHWAY	13
<b>13</b>	<b>CORPORATE &amp; COMMUNITY SERVICES REPORTS</b>	<b>16</b>
13.1	DISPOSAL OF LAND BY LEASE – LOC 162 BLACKWOOD ROAD	16
13.2	ANNUAL ELECTOR’S MEETING – 18 DECEMBER 2007	19
13.3	COMMUNITY GRANT ALTERATIONS 2007/2008.	20
13.4	KOJONUP KEVIN O’HALLORAN MEMORIAL SWIMMING POOL PETITION TO EXTEND THE 2007-2008 SEASON.	21
<b>14</b>	<b>COMMITTEES OF COUNCIL</b>	<b>24</b>
14.1	AUDIT COMMITTEE	24
<b>15</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>24</b>
<b>16</b>	<b>NEW BUSINESS</b>	<b>24</b>
<b>17</b>	<b>CONFIDENTIAL REPORTS</b>	<b>25</b>
17.1	W LENYSZYN LEGAL ACTION	25
<b>18</b>	<b>NEXT MEETING</b>	<b>26</b>
<b>19</b>	<b>CLOSURE</b>	<b>26</b>
<b>20</b>	<b>APPENDICES AND TABLED DOCUMENTS</b>	<b>26</b>
<b>21</b>	<b>ATTACHMENTS</b>	<b>26</b>

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

The Shire President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew the meeting's 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	<i>entered at 3.05pm</i>
Cr Greg Marsh	
Cr Frank Pritchard	

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Mrs Rosemary Cussons	Executive Support Officer

APOLOGIES

Three (3) members of the public were present 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**

137/08            **MOVED** Cr Pritchard seconded Cr Trethowan that Leave of Absence be granted to Cr Graham for the Ordinary Council Meeting of 15<sup>th</sup> April 2008.

**CARRIED**

**8/0**

**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING 18<sup>th</sup> December 2007

Corrections:  
Item 10.2

That the Payment Listing from 13/11/07 to 11/12/2007 comprising of Municipal **Cheques 9346 to 9345**, EFTs 2773 to 2854 and Internal Payment Vouchers 1222 to 1258 totalling \$916,663.21 and as attached to this agenda, be received.

Item 10.2 should read:

That the Payment Listing from 13/11/07 to 11/12/2007 comprising of Municipal **Cheques 9346 to 9398**, EFTs 2773 to 2854 and Internal Payment Vouchers 1222 to 1258 totalling \$916,663.21 and as attached to this agenda, be received.

**COUNCIL DECISION**

**138/08**                    **MOVED Cr Benn seconded Cr Graham that the corrected Minutes of the Ordinary Meeting of Council held on 18<sup>th</sup> December 2007 be confirmed as a true record.**

**CARRIED            8/0**

*3.05pm Cr Hewson entered the Chamber*

- 7 ANNOUNCEMENTS** by the Presiding Member without discussion  
The Presiding Member welcomed the Councillors to the first meeting of 2008 and also welcomed the members of the public present in the Gallery.

*3.09pm Two (2) further members of the public entered the Chamber.*

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Mr John Lewis made a presentation to the Councillors with regard to Item 12.3 "Application for Amendment of Town Planning Scheme Lot 3 Albany Highway".

The main points of his submission were:

1. The dust from the truck parking area is falling into Mr Lewis's house water tank
2. Occasional grain dust from the augers is also a factor – suggested that the operations move to the south east corner of the lot.
3. The watering system is spasmodic and relatively ineffective
4. To solve these problems, Mr Lewis suggested that
  - a) A 15 metre width belt of trees be planted along Partridge Road. The ground would require to be deep ripped and well prepared to assist the growth of the trees.
  - b) A fence be erected right round the belt of trees and a gateway be included to give access to Hallam Road.
  - c) A restriction on the total number of trucks, prime movers and trailers in the yard.

Questions from the Councillors produced the following points:

1. The trees would be a dense bank of low shrubs plus trees – to be discussed with Natural Resource Management.
2. Mr Lewis believes that 80% of the dust is from the Matthew's block
3. Mr Lewis and Mr S Matthews and Mr N Matthews agreed that a co-operative approach to the problem is desirable.
4. Only a pedestrian access to Hallam Road could be restrictive and not safe and maybe a vehicle access would be a better option.
5. Mr Lewis said that wind direction from the north and north east is not so bad, but the result of 2 inches of mud in the house water tank is pretty bad.

6. Mr Lewis has a diverter on the water tank but the fine dust still goes through.
7. Mr Lewis said that any restriction on the number of vehicles using the yard is up to Matthews Transport to decide however trucks from other companies not be allowed to use the yard..
8. Noise levels - The grain augers do not work at night, so noise level from the augers is not a problem overnight. Noise problems are wind affected as are the dust problems. The Matthew's silos are quite close to the Mr Lewis's property. The motors are noisier than the trucks in the yard.
9. The washdown bay restrictions do not cause so much of a problem.

Mr Phil Preston addressed the meeting with regard to Item 12.3

1. There has been a dust problem in this particular area since 1953.
2. Mr Preston's house roof is brown with dust, however, the situation has improved since 1993.
3. Mr Preston said that speed is a factor in creating the dust.
4. The washdown bay is being used by private vehicles which is also causing dust problems through excessive speed in the yard.
5. 'Outside' trucks wreck the sprinkler system that is in place.
6. Mr Preston would like to eliminate the problem by fencing the area and restrict use by the public.

Questions from the Councillors produced the following points:

1. Mr Preston thought that bituminising the area will not solve all the problems as sweepers would be needed that will also create a dust problem.
2. Mr Preston stated that a lot of dust falls off the trucks as they slow down.
3. Once the area has dried off after watering, there is a dust problem.
4. Mr Preston said that if the trucks entered or exited further up the hill on the topside of the block, there would also be better vision for the drivers.
5. Fencing of Partridge Road and planting trees would help the dust problem.
6. Many trucks passing through Kojonup use the area as a truck stop and/or turn around.

Mr Neville Matthews addressed the meeting with regard to Item 12.3

1. Mr Matthews told Council that there is no-where in Kojonup for large trucks to park and it is something that the town needs.
2. Mr Matthews said that his company is happy with comments made today and they will try to address the problem.
3. He said that children on motor bikes was also contributing to the dust problem and that it is difficult to 'police' the area.
4. He thought that fencing the area was a good idea keeping in mind the need for safety and quick access in case of fire.
5. Mr Matthews commented on the Hallam Road access and said Matthews are considering access off Albany Highway and discontinuing the use of Hallam Road entry for a period.

Council also made the suggestion that a proposal be put to Main Roads that Kojonup does not have a parking area for trucks, prime movers and trailers.

*3.25pm The five (5) members of the public gallery left the meeting.*

## **9 DECLARATIONS OF INTEREST**

- |           |   |
|-----------|---|
| Item 13.1 | Cr Marsh declared impartiality interest due to his son being the President of the Football Club who has put in an expression of interest.         |
| Item 13.1 | Cr Baulch declared an impartiality interest as he is a member of the football club  |
| Item 13.1 | The Chief Executive Officer, Mr Stephen Gash declared an interest as he is a member of the cricket club who has put in an expression of interest. |
| Item 13.3 | Cr Baulch declared an impartiality interest due to his wife being involved with the 'Slow Food Luncheon'.   |

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Thursday, 14 February 2008  
FILE NO: 06.15.01  
ATTACHMENT: Monthly Statement of Financial Activity 1<sup>st</sup> July to 31<sup>st</sup> December 2007 and 1<sup>st</sup> July 2007 to 31<sup>st</sup> January 2008

**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 1<sup>st</sup> July 2005.

**COMMENTS**

The attached Statements of Financial Activity for the period 1 July 2007 to 31 December 2007 and 1 July 2007 to 31 January 2008 show a solid position with 93.05% of rates collected to 31<sup>st</sup> January 2008 and a total amount of cash holdings of \$2,983,642 of which \$1,442,360 is held in fully cash backed Reserves.

Cash holdings continue to be managed to maximise investment return, with the level of interest earnings still well on track to meet and potentially exceed budget expectations.

I have reviewed individual Operating and Capital accounts and am happy to report that Council's Budget is tracking well with no material variations, and any variance shown between Year to Date Budget and Actuals relating to timing issues.

A complete Budget Review was proposed to be put before Council at this meeting, however staff absences and other important pressing issues, such as Strategic Planning, will mean that the full Budget Review will now be put before Council at its March 2008 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**

**139/08**            **MOVED Cr Carrington-Jones seconded Cr Marsh that the Monthly Financial reports, as attached, be accepted.**

**CARRIED****9/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR:            Finance Officer  
 DATE:              6<sup>TH</sup> February 2008  
 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 11/12/2007 to 05/02/2008 comprising of Municipal Cheques 9399 to 9490, EFTs 2855 to 2992 and Internal Payment Vouchers 1259 to 1313 totalling \$1,083,418.12 and as attached to this agenda, be received.

**COUNCIL DECISION**

**140/08**            **MOVED Cr Marsh seconded Cr Hewson that the Payment Listing from 11/12/2007 to 05/02/2008 comprising of Municipal Cheques 9399 to 9490, EFTs 2855 to 2992 and Internal Payment Vouchers 1259 to 1313 totalling \$1,083,418.12 and as attached to this agenda, be received.**

**CARRIED****9/0**

3.40pm Mrs H Marland left the chamber

## 11 ENGINEERING & WORKS REPORTS

- 11.1 DISPOSAL OF PLANT – Expression of Interest Volvo Loader  
 AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 14 February 2008  
 FILE NO: P15002

### DECLARATION OF INTEREST

Nil

### SUMMARY

To dispose of Plant item P15002 being L70 Volvo Loader registration number KO:930.

### BACKGROUND

The 1990, VOLVO L70 is a 4 cylinder turbo wheel loader with 12,867 hours. The loader comes with a general purpose bucket (capacity of 1.65m<sup>3</sup>), quick hitch, power shift trans with torque converter 4fwd 4reverse, and rippers.

This loader was identified for disposal in Council's long term Plant Replacement Program, the disposal is included in the 2007/2008 Annual Budget. The amount budgeted is \$25,000 excluding GST.

### COMMENT

Expressions of Interest for the purchase of the Loader were advertised 1<sup>st</sup> February 2008 in the Kojonup News.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 apply.

Section 3.58(3) of the Local Government Act 1995 states the following:

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

- (i) describing the property concerned;*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*Section 3.58(4) specifies the details of the proposed disposition that are required by Section 3.58(3)(ii) above.*

It should be also noted that a disposition of property other than land is an exempt disposition if the market value of the disposition is less than \$20,000 (Reg. 30 (3)(a) Local Government (Functions and General) Regulations 1996)

Expressions of interest closed 4.00pm, Thursday 14<sup>th</sup> February 2008 with the following Expressions received:

<u>Name</u>	<u>Financial Offer Ex GST</u>
SYD MATTHEWS & CO PTY LTD	\$30,000.00



**CONSULTATION**

In accordance with section 3.58 Local Government Act 1995

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

**POLICY IMPLICATIONS**

There are no known Policy Implications.

**FINANCIAL IMPLICATIONS**

The disposal of Plant item P15002 is incorporated within Councils 2007/2008 Annual Budget requiring disposal at an amount of \$25,000 excluding GST or higher.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS – Absolute Majority****OFFICER RECOMMENDATION**

1. That the offer from SYD MATTHEWS & CO PTY LTD to purchase plant item P15002 being L70 Volvo Loader registration number KO:930 for the financial consideration of \$30,000 excluding GST be accepted,
2. That in accordance with section 3.58 of the Local Government Act 1995 Local Public Notice is given of disposition, and
3. That the Chief Executive Officer be given delegated authority to consider any submissions received as a result of Local Public Notice in accordance with section 3.58 (3)(b) and finalise the disposition.

**COUNCIL DECISION**

141/08

**MOVED Cr Carrington-Jones seconded Cr Trethowan**

- 1. That the offer from SYD MATTHEWS & CO PTY LTD to purchase plant item P15002 being L70 Volvo Loader registration number KO:930 for the financial consideration of \$30,000 excluding GST be accepted,**
- 2. That in accordance with section 3.58 of the Local Government Act 1995 Local Public Notice is given of disposition, and**
- 3. That the Chief Executive Officer be given delegated authority to consider any submissions received as a result of Local Public Notice in accordance with section 3.58 (3)(b) and finalise the disposition.**

**CARRIED**

**9/0**

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

*The Chief Executive Officer tabled an aerial photo as a formal attachment of Item 12.1*

**12.1 APPLICATION TO SUB-DIVIDE LOT 51 ALBANY HWY AND COLLIE-CHANGERUP ROAD KOJONUP WAPC Ref 136558 – “35 DEGREES SOUTH - LAND AND SEA SURVEYING” ON BEHALF OF S & Y LIBERA**

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: 18<sup>th</sup> December 2007  
 FILE NO: 14.06.01 WAPC Ref 136558  
 ATTACHMENT: Letter of Advice (and attachments) from Western Australian Planning Commission (WAPC)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider advice from the WAPC regarding the application to subdivide lot 51 Albany Hwy and Collie-Changerup Road Kojonup. The application has been made by “35 Degrees South - Land and Sea Surveying” on behalf of S & Y Libera.

**BACKGROUND**

The current lot 51 is zoned ‘Rural’ under Council’s Town Planning Scheme No 3 and is 502.6254 hectares in area. The proposal is to be subdivide lot 51 into two lots: one being 431.9627 hectares in area and the second having an area of 70.6627 hectares. The proposal is for the smaller lot to be acquired by Western Power for the purpose of a High Voltage Sub-station.

**COMMENT**

The proposed sub-division complies with the Town Planning Policy No 11 which requires in part, that block sizes are no smaller than the prevailing sizes in the area, and greater than 2 hectares in area, and that each block sub-divided has a well made and developed road access to it.

The proposed sub-division is in the vicinity of the realignment of the Collie-Changerup Road and the Chief Executive Officer, Mr Stephen Gash, has negotiated with Mr R Machin and Western Power to ensure that the ‘as constructed drawings” for the realignment maintain legal access to the two lots.

A sub-station comes under the definition of a “Public Utility” under the Town Planning Scheme and is an “AA” use in the Rural Zone. This means that Council has the discretion to approve the use. As the proposed sub-division, and the proposed future use of both of the lots, comply with Council’s Town Planning Scheme, the proposal can be supported.

**CONSULTATION**

There has been no public consultation.

**STATUTORY ENVIRONMENT**

Compliance with Council’s Town Planning Scheme No 3 and relevant Planning Policy.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS** – Simple Majority

**OFFICER RECOMMENDATION**

That Council advises the Western Australian Planning Commission that the proposed sub-division of lot 51 Albany Highway and the Collie-Changerup Road Kojonup complies with Council's requirements for the sub-division of rural land, and the sub-division is supported without conditions.

**COUNCIL DECISION**

**142/08**            **MOVED** Cr Trethowan seconded Cr Benn that Council advises the Western Australian Planning Commission that the proposed sub-division of lot 51 Albany Highway and the Collie-Changerup Road Kojonup complies with Council's requirements for the sub-division of rural land, and the sub-division is supported without conditions.

**CARRIED****9/0**12.2    **OVERSIZED SHED APPLICATION - LOT 20 STOCK ROAD, KOJONUP**

**AUTHOR:**            Manager of Building Services – Jack Nunn  
**DATE:**                29<sup>th</sup> January 2008  
**FILE:**                 14.07.02  
**OWNER:**              VE Battistessa  
**LOCATION:**            Lot 20 Stock Road, Kojonup  
**ATTACHMENTS:**    Letter from V Battistessa  
                                  Site plan of Lot 20 Stock Rd Kojonup

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider the application made by Mrs Battistessa to construct a shed on Lot 20 Stock Road, Kojonup.

**BACKGROUND**

Mrs Battistessa submitted an application to the Shire of Kojonup on the 17<sup>th</sup> December 2007 requesting to build a zinalume shed on her property located at Lot 20 Stock Road, Kojonup.

The Town Planning Scheme no. 3 zones the property in question as Special Rural.

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

*“The Environmental Health/Building Officer be authorised to approved 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.”*

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

*“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.”*

Section 7.6.4 of the Town Planning Scheme no. 3 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. The Council can, in considering any application, place any conditions it sees fit on the approval in order to achieve the desired outcome.

**COMMENT**

Mrs Battistessa proposes to build an oversized zincalume shed, which has a floor area of 16 metres by 7 metres (112m<sup>2</sup>). This size shed is larger than the specified size in Town Planning Policy No. 9 which is 65 square metres.

The shed is designed so that at its highest point it is 3.94 metres from the finished floor level which complies with height restrictions.

The closest boundary to the proposed shed is shared with lot 19 Stock Road. The distance to this boundary of the proposed shed is 4 metres. However, the Town Planning Scheme No 5, 12.3 states that: *No dwelling or other structures will be permitted within 15 metres of the lot boundary unless the Council considers that a lesser set back will not adversely affect the amenity of the area and neighbouring properties.*

If the oversized shed is built 4 metres from the boundary, the contour of the land would mean there would be a 1 metre fall within that 4 metres. I feel that a 1 in 4 metre fall is too substantial and that the oversized shed would be better placed at least 8 metres from the boundary.

There is a single habitable residence onsite therefore the application complies with Policy 9.

**CONSULTATION**

Mrs Battistessa has been consulted on the requirements of the Town Planning Policy 9 and Town Planning Scheme No 5, point 12.3.

Correspondence has been forwarded to the adjoining landowners asking for comment on the proposal. At the time of writing this report a response had not been received. A verbal acceptance of the proposal was given by adjoining landowner, Mr Neil McRae, and he will give a written approval if required.

**STATUTORY ENVIRONMENT**

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

*"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."*

Section 7.6.4 of the Town Planning Scheme no. 3 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."*

**POLICY IMPLICATIONS**

The Shire of Kojonup Town Planning Scheme Policy No. 9 states that Council approve sheds larger than 65m<sup>2</sup>.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

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

That the planning application made by Mrs Battistessa to build a zincalume shed on lot 20 Stock Road be approved, subject to the following conditions:

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

- c) The floor area of the shed be no larger than 112m<sup>2</sup>,
- d) That the location of the shed be at least 8 metres from the boundary of the adjoining property lot 19 Stock Road
- e) 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**

**143/08                      MOVED Cr Pritchard                      seconded Cr Hewson**  
**That the planning application made by Mrs Battistessa to build a zincalume shed on lot 20 Stock Road be approved, subject to the following conditions:**

- a) **The shed shall not be used as a habitable residence at any time,**
- b) **The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,**
- c) **The floor area of the shed be no larger than 112m<sup>2</sup>,**
- d) **That the location of the shed be at least 8 metres from the boundary of the adjoining property lot 19 Stock Road**
- e) **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**

#### 12.3 APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME LOT 3 ALBANY HIGHWAY

AUTHOR:                      Stephen Gash – Chief Executive Officer  
 DATE:                              14 February 2008  
 FILE NO:                        14.04.08  
 ATTACHMENT:                TPS Scheme Map No 3

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To consider a request for an Amendment of Town Planning Scheme No 3 by Syd Matthews & Co Pty Ltd for Lot 3 Albany Highway Kojonup.

#### **BACKGROUND**

Syd Matthews & Co has purchased Lot 3 Albany Highway. They have owned Lot 1 Albany Highway, which adjoins Lot 3 at the Eastern end, for over 30 years and have utilised the area for truck parking.

They wish to utilise the Eastern section of Lot 3 Albany Highway, adjacent to Lot 1 to enable them to move further from Partridge Rd and Albany Highway for security reasons. Although this represents an extension in land area from the existing operations on Lot 1 it is not proposed to be an increase in operations with approximately the same traffic movements, number of trucks and operating hours to be maintained. The existing house on Lot 3 would serve as a driver's house to ensure security of vehicles from vandalism and fuel theft.

Prior to the gazettal of Town Planning Scheme No 3 in 1998 Lot 1 Albany Highway was zoned commercial at the front and industrial at the rear. Lot 3 Albany Highway was zoned residential at the front and industrial at the rear. Under Town Planning Scheme No 3 both lots are now zoned Commercial at the front and residential at the rear. Matthews are able to maintain non conforming use of Lot 1 Albany Highway for the activities prior to 1998. It has also come to the Shire's attention that the owners of Lot 1 and 3 Albany Highway were not informed of the change in zoning or given the opportunity to formally comment when the previous Town Planning Scheme was modified.

After the creation of the Town's Industrial Area there have been discussions between Syd Matthews & Co and successive Councils regarding a possible move to the nominated industrial area. Previous correspondence between the parties suggest acknowledgement that the traffic flows created by such a move would be undesirable, especially when considering the optimal placement to be close to Albany Highway or any future alternative heavy haulage route. Therefore in 2001 an application for amendment to Town Planning Scheme No 3 was made to relocate the truck parking area on to Broomehill Rd. The application had independent environmental analysis undertaken by Council but was ultimately not supported following petition / representation from members of the community.

#### **COMMENT**

Given the previous attempt by Syd Matthews & Co to relocate, the uncertainty of any future alternative heavy haulage route, and the impact of traffic flow through the town if the industrial area was utilised, there are no viable options at this stage for Matthews Transport to consider alternative locations for truck parking.

The proposal is suggested as an interim measure until the future of any alternative heavy haulage route is decided, and planning for the location of a consolidated transport depot for all of Matthews Transport operations can be undertaken with a degree of certainty. Until then this is conveyed as an option to better manage the existing operations. We are required to consider the application with respect to proposed traffic volume, traffic movements, and seek comment from all stakeholders including Main Roads and affected residents.

Council records documented previous complaints regarding dust and noise from the operations on Lot 1 Albany Highway. There is an opportunity for Council to consider requesting community comment while the application to amend the Town Planning Scheme is progressed. This would allow a consultative approach to examining the impact of operations and if any conditions on approval are required.

Syd Matthews & Co have already identified that they wish to have access only from Albany Highway and would establish a vegetation buffer along Partridge Rd. Discussions have been held with the owner of Lot 32 Broomehill Rd to utilise or acquire the unused easement on the Southern boundary of Lot 3 Albany Hwy to further assist access if required.

Correspondence has been received from residents on Partridge and Hallam Roads that will assist Syd Matthews & Co identify some areas of community concern so that these can be considered in the planning process.

Advice is also required from Town Planning consultants regarding the most appropriate zoning for the amendment application. The residential zoning of Lot 3 does not allow Council to consider the proposed use without an amendment to Town Planning Scheme No 3 and rezoning of other lots in the block may be appropriate to ensure consistent development guidelines are maintained.

Once the formal "Proposal to amend the Town Planning Scheme" documentation is completed stakeholders will have further opportunity to comment under the town planning statutory requirements.

The procedure for amending a town planning scheme are as follows:

1. Local Government resolves to prepare the scheme amendment
2. Local Government informs the Environmental Protection Authority under section 48A of the Environmental Protection Act 1986. The EPA will then advise if an environmental review is needed.
3. The Local Government advertises the proposed amendment and asks for submissions.
4. Amendment sent to the WAPC for their information
5. Council consider all submissions and resolve to adopt or modify amendment
6. Amendment sent to the WAPC for Ministerial approval
7. The Minister for Planning will approve the amendment, ask for modifications or refuse the application.
8. If approved the Local Government must gazette the new amendment.

Options

1. Council decide not to progress the amendment.  
The existing operations can be maintained under the non conforming use.  
There is no appeal right under the State Administrative Tribunal but given the previous attempts to address issues by relocation that were rejected by Council, any work orders or improvements on the operations of Lot 1 Albany Highway that may be identified during this initial consultation process could be argued would be at Council's cost.
2. Seek advice on the appropriate zoning.  
Seek comment from the community on any issues to address.  
Resolve to instigate the amendment and consider as required any submissions.  
Agree to adopt or reject the amendment.

**CONSULTATION**

Syd Matthews & Co conveyed their intention to purchase the land and approached Council for comment. They were advised that a formal application for amendment to the Town Planning Scheme would be required, and that Council couldn't respond until the process was completed and submissions received from stakeholders. However, Matthews was advised that Council viewed the ideal position for any transport depot would be fronting the highway or with appropriate access to any future alternative heavy haulage route.

Correspondence has been received from residents of Partridge and Hallam Roads asking Council to ensure noise and dust issues are examined as part of any consideration. The views of other nearby residents and stakeholders will also be sought.

Other consultation will be as per the statutory requirements.

**STATUTORY ENVIRONMENT**

Compliance with Council's Town Planning Scheme No 3 and relevant Planning Policy.

Section 75 of the Town Planning Development Act 2005 states that

*"A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —*

*(a) prepared by the local government, approved by the Minister and published in the Gazette; or*

*(b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette. "*

Section 48A of the Environmental Protection Act 1986 allows for the Environmental Protection Authority to request an environmental assessment in relation to scheme amendments.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

An appropriate allocation for utilising town planning consultants and initiating amendments is contained within Council's 2007/08 budget. The amendment will cost approximately \$4,000 plus advertising costs.

**STRATEGIC IMPLICATIONS**

This represents a significant land use change from the gazetted Town Planning Scheme No. 3 and has implications for strategic road planning within the town site.

**VOTING REQUIREMENTS – Simple Majority****OFFICER RECOMMENDATION**

1. That community comment be sought on the proposed change in land use for Lot 3 Albany Highway.

2. That the Chief Executive Officer be authorised to engage Planwest to provide advice on the appropriate zoning options for Lots 1, 2 and 3 Albany Highway.
3. That subject to receiving confirmation of the new zoning requirements the Chief Executive Officer be authorised to instigate Amendment 7 to the Shire of Kojonup Town Planning Scheme to change Lots 1, 2, and 3 Albany Highway from residential to commercial or special use zoning.
4. That the advertising and consultation commence as per the requirements of the Town Planning and Development Act 2005.

#### **COUNCIL DECISION**

**144/08**

**MOVED Cr Marsh**

**seconded Cr Graham**

1. That community comment be sought on the proposed change in land use for Lot 3 Albany Highway.
2. That the Chief Executive Officer be authorised to engage Planwest to provide advice on the appropriate zoning options for Lots 1, 2 and 3 Albany Highway.
3. That subject to receiving confirmation of the new zoning requirements the Chief Executive Officer be authorised to instigate Amendment 7 to the Shire of Kojonup Town Planning Scheme to change Lots 1, 2, and 3 Albany Highway from residential to commercial or special use zoning.
4. That the advertising and consultation commence as per the requirements of the Town Planning and Development Act 2005.

**CARRIED**

**9/0**

*3.50pm all five (5) members of the public gallery left the chamber*

*3.52pm Crs Marsh, Baulch and the Chief Executive Officer Mr Stephen Gash declared their interest in Item 13.1 and left the chamber.*

### **13 CORPORATE & COMMUNITY SERVICES REPORTS**

#### **13.1 DISPOSAL OF LAND BY LEASE – LOC 162 BLACKWOOD ROAD**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 14 February 2008  
 FILE NO: 01.04.02  
 ATTACHMENT: Expression of Interest Information Pack

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To dispose of land, Loc 162 Blackwood Road, by lease for a period commencing February 2008 for a period of two (2) years.

#### **BACKGROUND**

The lease of Loc 162 Blackwood Rd was granted to the Kojonup Football Club at the Council meeting held 21<sup>st</sup> August 2007. The lease gave the opportunity to graze and was granted to the end of February 2008.



At the meeting of Council 18<sup>th</sup> December 2007, Council was asked to consider any conditions of use for Loc 162 Blackwood Rd Kojonup, prior to expression of interest being sought for future lease of the land and made the following resolution:

*... that the Chief Executive Officer be authorised to call for expressions of interest for a grazing and /or cropping lease of Loc 162 Blackwood Road Kojonup from 16<sup>th</sup> February 2008 for a period of two (2) years.*

#### COMMENT

Expressions of Interest were advertised 1<sup>st</sup> February 2008 in Kojonup News for the grazing/cropping lease of Lot 162 Blackwood Road, Kojonup. The advertised lease period to commence end of February 2008 for a period of 2 years with a further one year option by mutual agreement. The land is approximately 35 hectares in area. A copy of the information pack provided to interested parties is attached to the agenda.

Expressions of interest closed 4.00pm, Thursday 14<sup>th</sup> February 2008 with the following Expressions received:

<u>Name</u>	<u>Comments</u>	<u>Effective Financial Offer PA Ex GST</u>
Kojonup Clay Target Club Inc.	Cash offer of \$2515.75 pa, however wishes to upgrade fencing at approx. cost of \$2600 – requesting that this cost be offset with one years lease fee.	\$1,257.87
Kojonup Clay Target Club Inc.	Lease as is	\$2,515.75
Kojonup Football Club	Lease as is	\$3,200.00
Kojonup Cricket Club	Lease as is	\$4,000.00
JD & RE Potter	Lessor to assure permanent water supply – either dam or scheme water (trough)	\$4,075.00
A Robinson & K Rowe	Lease as is	\$4,343.00

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) Section 3.58(3) & (4) of the Local Government Act 1995 apply.

Section 3.58(3) of the Local Government Act 1995 states the following:

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

- (i) describing the property concerned;*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*Section 3.58(4) specifies the details of the proposed disposition that are required by Section 3.58(3)(ii) above.*

*It should be noted that Regulation 30(2)(b) contained within the Local Government (Functions and General) Regulations 1996 provides:*

*(2) A disposition of land is an exempt disposition if —*

- (b) the land is disposed of to a body, whether incorporated or not —*

- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

The significance of this exemption is that, where the exemption applies the burden of additional administration and advertising costs associated with compliance with section 3.58 of the Local Government Act 1995 are no longer required. It is estimated that administrative and advertising costs associated with this compliance would be approximately \$750.00.

The officer's recommendation is that the lease be awarded to the Kojonup Cricket Club.

The Kojonup Cricket Club submission of \$4,000.00 is \$343.00 less than that of the next highest submission and disposal to the sporting club would be an exempt disposal hence the removal of costs associated with the additional compliance. It is also seen to be of great value in supporting a local sporting club who add to the social fabric of our community.

I also note the decision of Council at its meeting of 21<sup>st</sup> August 2007 where Council granted the lease at that time to the Kojonup Football Club for the following reason:

*"Council assessed greater value in supporting a local community group than possible extra \$800 income that could be received if the lease was awarded solely on a financial basis."*

#### **CONSULTATION**

None required

#### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

#### **POLICY IMPLICATIONS**

There are no known Policy Implications.

#### **FINANCIAL IMPLICATIONS**

The lease will generate nominal income for the Shire.

#### **STRATEGIC IMPLICATIONS**

The lease will manage the fire risk on the Shire property and for the adjacent industrial estate and provide an avenue to a local Sporting Club to remain financially viable and operating.

#### **VOTING REQUIREMENTS – Simple Majority**

#### **OFFICER RECOMMENDATION**

1. That the offer from the Kojonup Cricket Club to lease the land at Location 162 Blackwood Road, Kojonup be accepted for the submitted financial consideration of \$4000.00 pa excluding GST.
2. That the Chief Executive Officer be authorised to execute the lease agreement with the following conditions:
  - a) That the lessee accepts the property on 'as is' basis;
  - b) Council will not be liable for any issues arising from fencing and containment of stock;
  - c) That the lessee is responsible for minimising any fire hazard and complying with any relevant conditions of the fire break order;
  - d) That stocking rates will be agreed by both parties on an 'as needs' basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

**COUNCIL DECISION****145/08****MOVED Cr Trethowan****seconded Cr Benn**

**That Item 13.1 lay on the table pending further information from the three  
(3) sporting clubs who have submitted expressions of interest.**

**CARRIED 7/0**

*3.55pm Crs Baulch, Marsh and the Chief Executive Officer returned to the chamber and the Presiding Member informed them of the decision of Council*

**13.2 ANNUAL ELECTOR'S MEETING – 18 December 2007**

**DATE:** Thursday, 14 February 2008  
**AUTHOR:** Stephen Gash – Chief Executive Officer  
**FILE NO:** 04.05.01  
**ATTACHMENT:** Minutes of the Annual Elector's Meeting

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The minutes of the Annual Elector's meeting held on the 18<sup>th</sup> December 2007 are presented to the Council for consideration.

**BACKGROUND**

The Annual Elector's meeting for the 2006/07 financial year was held on the 18<sup>th</sup> December 2007 and a copy of the minutes is attached to the Agenda.

**COMMENT**

Resolutions passed at elector's meetings are to be considered by the Council at its next meeting. No resolutions were made at the meeting.

**CONSULTATION**

The annual elector's meeting is a statutory requirement under the Local Government Act, 1995 and provides the community with an opportunity to question the Council on various matters under its jurisdiction.

**STATUTORY ENVIRONMENT**

Section 5.33 of the Local Government Act, 1995 requires the Council to consider any decisions made at the elector's meeting.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENT** - Simple Majority

**OFFICER RECOMMENDATION**

That the minutes of the Annual Elector's Meeting held on the 18<sup>th</sup> December 2007 be noted and received.

**COUNCIL DECISION**

**146/08            MOVED Cr Hewson seconded Cr Benn that the minutes of the Annual Elector's Meeting held on the 18<sup>th</sup> December 2007 be noted and received.**

**CARRIED            9/0**

*4.00pm Cr Baulch declared an interest in Item 13.3 and left the chamber.*

**13.3    COMMUNITY GRANT ALTERATIONS 2007/2008.**

AUTHOR:                    Stephen Gash  
 DATE:                        14 February 2008  
 FILE NO:                    03.02.01  
 ATTACHMENT:              Information – The Kodja Place Slow Food Luncheon

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider amendments to the Community Grant Allocations within the approved 2007/08 budget.

**BACKGROUND**

An amount of \$5,000 was allocated within the community grants scheme for an event called EG8. Due to lack of sponsorship opportunities the event did not progress and the organising group advised they would not require the grant allocation.

However, a component of the event, being the association with "Slow Foods WA" did continue and there is scheduled to be a promotional event supported by the Great Southern Regional Marketing Association. The attached brochure outlines the event and its association with other activities in the Great Southern Region.

The Kodja Place Slow Food Luncheon will include at least 50 visitors from outside Kojonup and is being put forward by the organising group, Kojonup Events Marketing Inc, as a positive promotional opportunity for Kojonup and requesting if part of the previous allocation could go towards in kind support for use of tables, chairs, cutlery and crockery from the RSL hall.

**COMMENT**

Based on current hire rates to community groups the Shire estimates the value of the in kind support requested to be approximately \$500. This is outside the discretionary donation amount delegated to the Chief Executive Officer for refund of use of Shire facilities and therefore it is appropriate that the item be considered within the community grants process.

The event is planned for 9 March 2008, therefore timing requires this to be considered before the full budget review in March 2008. Other requests will be considered at that time if any are received.

**CONSULTATION**

Nil required. The Shire outlined in the Koji News on 1 February 2008 that any group requesting an alteration / amendment to their community grant allocation of 2007/08 should contact the Chief Executive Officer. This item is in response to this request.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 re budget amendments.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The cost to the Shire will be \$500 which is covered within the existing community grant budget allocation.

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS** – Absolute Majority for budget amendment**OFFICER RECOMMENDATION**

That in kind support to the value of \$500 for use of tables, chairs, cutlery and crockery be provided to Kojonup Events Marketing for “The Kodja Place Slow Food Luncheon” of 9 March 2008.

**COUNCIL DECISION**

**147/08**            **MOVED** Cr Hewson seconded Cr Pritchard that in kind support to the value of \$500 for use of tables, chairs, cutlery and crockery, and \$1000 for fine linen and glassware be provided to Kojonup Events Marketing for “The Kodja Place Slow Food Luncheon” of 9 March 2008

**CARRIED****8/0**

REASON FOR CHANGE: a letter from the Kojonup Events Marketing Committee was read by the Chief Executive Officer which highlighted a request for \$1000 towards providing fine linen and glassware.

4.10pm Cr Baulch returned to the chamber and the Presiding Member informed him of the decision of Council

4.25pm Cr Carrington-Jones left the Chamber

13.4 KOJONUP KEVIN O’HALLORAN MEMORIAL SWIMMING POOL PETITION TO EXTEND THE 2007-2008 SEASON.

AUTHOR:            Stephen Gash  
 DATE:                February 2008  
 FILE NO:            03.03.05  
 ATTACHMENT:      Correspondence and petition

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a request by petition to extend the Pool season.

**BACKGROUND**

A letter from Mrs Kylie Leusciatti forwarding a signed petition has been received requesting that the Swimming Pool closing date of 30<sup>th</sup> March 2008 be extended to 27<sup>th</sup> April 2008. The letter states that it would benefit the community as April is a hot month and the later closing would also mean that the pool closes at the end of the school holidays.

The wording on the petition is:

*“KOJONUP SWIMMING POOL*

*This petition is to express the wishes of the patrons of the Kojonup Swimming Pool in regard to the end of season closure time.*

*We the undersigned had requested last season that the pool remained open until the end of April, that letter was received too late, we hope this is early enough to be seriously considered. April is still a very hot month that would be beneficial to the pool to be open. We ask that the pool remain open until Sunday 27<sup>th</sup> April 2008.*

*Thank you  
 The patrons of Kojonup Swimming Pool”*

The current situation is that the budgeted closing date of the swimming pool is 30<sup>th</sup> March 2008. This date is also the agreed date with YMCA who is the swimming pool management contractor. The closing date was nominated before the 2007/2008 season commenced.

#### **COMMENT**

The management fee payable by the Shire of Kojonup to YMCA is set based on the contractually agreed length of season. Extension of the season will incur extra cost which must be balance against the likely extra use or benefit in keeping the pool open.

The petition lists over 100 names. Closer examination suggests approximately 70 to 80 of these are adults and at least 60 are ratepayers within the Shire. It should be noted that the wording of the petition is incorrect and misleading. Council did not receive a previous petition on the matter by all those listed in the current petition.

The Shire received a request on the morning of the Council meeting on 20 March 2007 hand delivered by Dr A King. This letter attached 26 names of patrons who wished the season extended. This was only three working days prior to the scheduled close of the season and did not allow enough time to seek costing from YMCA or assess their ability to even extend the season. YMCA also had scheduled shut down maintenance for the following week. Without knowing the cost implications there was no ability for Council to consider the matter.

The prior year (2006) the request was made verbally by Dr A King through YMCA directly three weeks before the end of the season advising that he had spoken to the Shire President who had authorised the extension. The Shire President denied making such authorisation as she did not have the authority, and instead requested Dr King go formally through the Shire. No formal request was made through Shire Officers that year, however, we did accommodate the rescheduling of a swimming carnival event. This only extended the season by a couple of days and had no material impact on costs.

Following receipt of the petition on 6 February 2008, YMCA was requested to provide an estimate of cost to extend the season to 27 April 2008. YMCA advised that they would be able to staff the facility and the cost of the extension to the Shire would be \$11,628. This amount considers likely admission income.

YMCA also advised that season pass holders would be required to pay daily admission for the extended period as the value of the season pass had been calculated on a set season length. They also urged the Council to carefully consider the decision given the impact of declining attendance on pool utilisation, even during school holidays. An example was provided where a cold day on 22 December 2007 had no people use the pool.

Historical figures suggest the average total admissions for February are approximately 2,000 and March reduces to 1,000. This will further decline in April as part of an extended season if there are no school swimming activities or vacswim program. Bureau of Meteorology mid range forecasts suggest that 2 – 3 cyclones will cross the WA coast before end of March 2008. Correlation against previous weather patterns and likely extension of a rain bearing low pressure systems into the Southern Wheatbelt region suggests that temperatures should be average for April.

Although attendance will be reduced there is also the possibility of scheduling some non water activities during the school holidays. Maintaining school holiday activities has been identified in the Shire's crime prevention plan as beneficial in reducing vandalism and antisocial behaviour.

Options

1. Decline the request advising that the \$11,628 cost does not represent appropriate value for the likely limited usage in April.
2. Approve the request and adopt a budget amendment for the cost to be included in the 2007/2008 year.

If accepted the community needs to be advised the season passes will not be valid for the extension period and utilisation will be closely monitored to guide the season length for future years.

If Council approve the request it would be appropriate to budget in future years for continuation of the season to April and have a mechanism to close earlier if required, rather than incur unbudgeted expenditure. With existing service cost escalation and on budgeting on an extended season into the future it should be noted that there would be the need for a likely 1% rate rise next year (above any rise for normal Shire operations) just for the pool service.

**CONSULTATION**

Mrs Leusciatti was contacted regarding the petition and advised that if approved, the YMCA would not extend season passes. This was not seen as an issue by Mrs Leusciatti that would impact attendance or the need for the extension from her discussion with the people and families making the request through the petition.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 re setting/ changing of fees and budget amendments.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The cost to the Shire will be \$11,628. This is an unbudgeted expenditure and if adopted would require operational savings from other aspects of the Shire budget to offset the risk of a deficit closing position. The Chief Executive Officer will present a full budget review to the March meeting of Council as required.

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS** – Absolute Majority for budget amendment

**OFFICER RECOMMENDATION**

1. That Council resolve to extend the pool season to 27 April 2008
2. That Council accept the YMCA service budget amendment of -\$11,628 and adopt the amount as a budget amendment for the Shire of Kojonup 2007/08 budget  
[Absolute Majority Required]
3. That Council authorise the extension of season and ceasing of season passes, effective from the close of business 30 March 2008, to be advertised.  
[Absolute Majority Required]
4. That an article be placed in the Shire Briefs section of the Koji News clearly stating that this is a trial and future season lengths will depend on the utilisation during April 2008.

**COUNCIL DECISION**

**148/08            MOVED Cr Benn seconded Cr Hewson**

1. That Council resolve to extend the pool season to 27 April 2008
2. That Council accept the YMCA service budget amendment of -\$11,628 and adopt the amount as a budget amendment for the Shire of Kojonup 2007/08 budget  

[Absolute Majority Required]
3. That Council authorise the extension of season and ceasing of season passes, effective from the close of business 30 March 2008, to be advertised.  

[Absolute Majority Required]
4. That an article be placed in the Shire Briefs section of the Koji News clearly stating that this is a trial and future season lengths will depend on the utilisation during April 2008.

**LOST**

**2/6**

**14        COMMITTEES OF COUNCIL**

14.1     Audit Committee

**OFFICER RECOMMENDATION**

That the attached unconfirmed minutes of the Audit Committee held Tuesday 18<sup>th</sup> December 2007 be received by Council.

**COUNCIL DECISION**

**149/08            MOVED Cr Marsh seconded Cr Trethowan that the attached unconfirmed minutes of the Audit Committee held Tuesday 18<sup>th</sup> December 2007 be received by Council.**

**CARRIED**

**8/0**

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

Nil

**16        NEW BUSINESS**

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

**COUNCIL DECISION**

**150/07            MOVED Cr Hewson seconded Cr Trethowan that the meeting be opened to discuss items of new business of an urgent nature.**

**CARRIED**

**8/0**



**COUNCIL DECISION**

**151/07**            **MOVED Cr Trethowan seconded Cr Pritchard that a new Committee of Council be formed namely Local Emergency Management Committee.**

**CARRIED            8/0**

**COUNCIL DECISION**

**152/07**            **MOVED Cr Trethowan seconded Cr Pritchard that the Local Emergency Management Committee consist of:**

- **Chief Executive Officer**
- **Shire President**
- **Police Sergeant**
- **Director of Nursing**
- **Captain of the Volunteer Fire and Rescue Service**
- **Chief Bush Fire Control Officer**
- **Deputy Bush Fire Control Officer**
- **St John Ambulance representative**

**CARRIED            8/0**

*4.40pm Cr Carrington-Jones returned to the chamber*

**COUNCIL DECISION**

**153/07**            **MOVED Cr Marsh seconded Cr Hewson that a letter of appreciation be sent to Mr & Mrs Trevor Fisher for their contribution to the community of Kojonup over a number of years.**

**CARRIED            9/0**

**17    CONFIDENTIAL REPORTS****COUNCIL DECISION**

**154/06**            **MOVED Cr Marsh seconded Cr Hewson that the meeting be closed to the public pursuant to Section 5.23 (2) (d) of the Local Government Act as Item 17.1 relates to legal advice and contains confidential information.**

**CARRIED            9/0**

**17.1    W LENYSZYN LEGAL ACTION**

The Chief Executive Officer provided a confidential briefing on the status of the legal action.

**COUNCIL DECISION**

**155/06**            **MOVED Cr Trethowan seconded Cr Pritchard that the meeting be reopened to the public**

**CARRIED            9/0**

**18**     **NEXT MEETING**

Tuesday 18<sup>th</sup> March 2008 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 5.05pm.

**20**     **APPENDICES AND TABLED DOCUMENTS**

**21**     **ATTACHMENTS**

- Item 10.1.1     Statement of Financial Activity 01/07/2007 to 31/12/2007
- Item 10.1.2     Statement of Financial Activity 01/07/2007 to 31/01/2008
- Item 10.2        Monthly Payment Listing
- Item 12.1        Letter of advice and attachments from WAPC  
                  Aerial photo of Lot 51 Albany Highway
- Item 12.2        Letter from V Battistessa and two (2) Site plans of Lot 20 Stock Rd Kojonup
- Item 12.3        Town Planning Scheme Map
- Item 13.1        Information Pack – Expression of interest 162 Blackwood Road
- Item 13.2        Annual General Meeting of Elector's Minutes 18<sup>th</sup> December 2007
- Item 13.3        Information – The Kodja Place Slow Food Luncheon
- Item 13.4        Petition Covering Letter  
                  YMCA email
- Item 14.1        Audit Committee Minutes of 18<sup>th</sup> December 2007

\_\_\_\_\_  
President

\_\_\_\_\_  
Date