

SHIRE OF KOJONUP



Council Minutes

17th March 2009

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17th MARCH 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 open at 3.03pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr John Benn	
Cr Will Carrington-Jones	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	
Cr Ian Pedler	

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Works Manager
Ms Jacinta Radcliffe	Finance Officer

APOLOGIES

Cr Michael Baulch – Leave of Absence granted Council meeting 17th February 2009.

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

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

07/09 **MOVED Cr Trethowan seconded Cr Hewson that Cr Carrington-Jones be granted Leave of Absence for the Council meeting to be held 21st April 2009.**

CARRIED 9/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 17th February 2009

Corrections:

Page 4 Item 4 Note that no attachment was tabled with the minutes of the meeting.

Page 5 Item 7 change “20th January 2009 – first Australian Citizen Ceremony for the year in Kojonup” to “20th January 2009 – first Australian Citizen Ceremony for the year in Kojonup for Mr Mark Tamarapa”

COUNCIL DECISION

08/09 MOVED Cr Pritchard seconded Cr Graham that the Minutes of the Ordinary Meeting of Council held on 17th February 2009 be confirmed as a true record with the above amendments.

CARRIED 9/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

- o Grants commission visit Wednesday, 25th February 2009.
- o Springhaven – achieved accreditation in the final week of February 2009.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Cr Mathwin declared a Financial Interest in item 12.1 as she owned property affected by the laneway.

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (Incorporating Budget Review)**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Monday, 9 March 2009
 FILE NO: 06.15.01
 ATTACHMENT: Monthly Statement of Financial Activity 1st July to 28TH February 2009 incorporating Budget Review

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.

Following a review of Budget Projections as at 28th February 2009 Council is being asked to consider the adoption of Budget Amendments contained within Appendix A of the Statement of Financial Activity.

BACKGROUND

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

The Review of Budget is covered by Financial Management Regulation 33A which states:

1. *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
2. *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
3. *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*** Absolute majority required.**

4. *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2008 to 28 February 2009 shows a solid position with 95.53% of rates collected to 28th February 2009 and a total amount of cash holdings of \$3,681,659 of which \$1,587,587 is held in fully cash backed Reserves.

For Councils information these figures compare for the same period last year of 95.04% of rates collected to 29th February 2008 and a total amount of cash holdings of \$2,885,739 of which \$1,443,527 was held in fully cash backed Reserves.

Following a review of Budget Projections by senior staff as at 28th February 2009 Council is being asked to consider the adoption of Budget Amendments contained within February's Monthly Statement of Financial Activity.

The Original Budget projected a Surplus Closing Balance for the 2008/09 financial year of -\$5,994.

The attached Budget Review is requesting net amendments to budget of -\$11,454, if adopted this will result in a **projected Surplus Closing Balance of** -\$17,448. The review also looks at changes to the current schedule of Plant disposals and replacement which considers the current position of plant replacement and any adjustments required. The review is also proposing additional transfers to reserves in the amount of \$185,790, these transfers are incorporated in the projected surplus closing balance.

Appendix A to the Statement of Financial Activity contains the following reports which detail the proposed amendments:

1. Summary of Proposed Budget Amendments
2. Detailed Review of Operations – Income Statement
3. Detailed Review of Capital Expenditure Program
4. Plant Replacement Report and Review

The review was conducted consistent with the "Material" Variance figure of either \$500 or 8% as adopted by Council at its meeting of 15th July 2008 and also considered issues relating to timing of projects.

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. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

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 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 1

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

COUNCIL DECISION

09/09 MOVED Cr Hewson seconded Cr Carrington-Jones that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 9/0

VOTING REQUIREMENTS – ABSOLOUTE MAJORITY

OFFICER RECOMMENDATION 2

1. That the Proposed Budget Amendments contained within Appendix A of the Statement of Financial Activity Totalling -\$11,454 be approved, and
2. That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.

COUNCIL DECISION

10/09 MOVED Cr Marsh seconded Cr Benn;

1. **That the Proposed Budget Amendments contained within Appendix A of the Statement of Financial Activity Totalling -\$11,454 be approved, and**
2. **That the Proposed changes to the schedule of Plant disposals and replacements contained within Appendix A of the Statement of Financial Activity be approved.**

CARRIED BY ABSOLOUTE MAJORITY

9/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 12 March 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 10/02/2009 to 09/03/2009 comprising of Municipal Cheques 10198 to 10261, EFTs 4144 to 4238 and Internal Payment Vouchers 1738 to 1766 totalling \$487,178.79 and as attached to this agenda, be received.

COUNCIL DECISION

11/09 MOVED Cr Carrington-Jones seconded Cr Trethowan;

That the Payment Listing from 10/02/2009 to 09/03/2009 comprising of Municipal Cheques 10198 to 10261, EFTs 4144 to 4238 and Internal Payment Vouchers 1738 to 1766 totalling \$487,178.79 and as attached to this agenda, be received.

CARRIED 9/0

3.50pm Ms Jacinta Radcliffe left the meeting.

3.50pm Mr Craig McVee left the meeting.

11 ENGINEERING & WORKS REPORTS**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

3.50pm Cr Mathwin declared a financial interest in Item 12.1 and left the Chamber.

Cr Trethowan took the Chair in the absence of the Presiding Member.

12.1 PROPOSED CLOSURE OF TOWN LANEWAYS

AUTHOR: Phil Shephard – Town Planner
 DATE: 25 February 2009
 FILE: 14.09.05
 OWNER: Various
 LOCATION: Various
 ATTACHMENTS: Yes

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the closure of rear access laneways within the town area.

BACKGROUND

Council has been approached by several landowners (both commercial and residential) requesting that the Shire consider the possible closure of the laneways around town to reduce incidences of anti-social activities (including property damage, graffiti, theft and anti-social behaviour) that have occurred from time to time within these areas.

COMMENT

The Shire has previously visited all of the laneway areas, sought information from affected servicing agencies (e.g. Water Corporation) and sought comment from affected landowners of the laneway in the Pensioner Road, McLeod Street and George Street area. The results were mixed although it was clear that most of the affected landowners requested that something should be done to address the anti-social behaviour concerns.

Staff also sought advice from John Jamieson (Consulting Surveyor) on the process and implications of the closure of the laneway (copy attached). Staff accepts the advice and agrees that whilst the permanent closure of these laneways may satisfy the immediate concerns of some of the residents, the long-term planning benefit of retaining these laneways for future development is considered to provide a much greater benefit over time. Should Council not adopt this approach, the advice contains information on the likely costs associated with pursuing their closure.

The general options available to Council are:

- a) Defer the application for additional information;
- b) Decide to give public notice and seek comment on the proposal;
- c) Refuse the proposal; or
- d) Approve the proposal, with or without conditions.

CONSULTATION

Comment sought comment from some affected commercial landowners, servicing agencies and affected residential landowners of the laneway in the Pensioner Road, McLeod Street and George Street area.

STATUTORY ENVIRONMENT

Some parts of the laneways are zoned Residential and other parts are not zoned under the town planning scheme.

The closure of the laneway and/or obstruction through use of gates etc. must comply with the Land Administration Act and Local Government Act requirements.

POLICY IMPLICATIONS

Nil. Whilst there is no planning policy that affects this proposal, Council is requested to apply a common approach to all the laneways that may be affected.

FINANCIAL IMPLICATIONS

The financial implications for the recommendation are unknown at this stage but are estimated at between \$1-2,000 per laneway.

Should Council not accept the recommendation and proceed with the closure of the laneway, the final costs are unknown at this stage, but the advice indicates that the costs are estimated at between \$12,500 - \$21,000 per laneway.

If an affected landowner was to challenge the decision or seek compensation, these costs would increase through defending the appeal and/or paying compensation. Any monies derived by the sale of the laneway area to residents would be payable to the Crown.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1) Not proceed with the permanent closure of the laneways within Kojonup.
- 2) Consider during 2009/10 Budget deliberations:
 - i) Funding the placement of permanent locked gates with keys to be provided to landowners, service agencies and other authorised persons only, and
 - ii) Providing signs at the beginning of the laneways advising that use and access of the laneway is restricted to landowners, service agencies and other authorised persons only.
- 3) Approach the local Police regarding additional patrols of the laneways to address the anti-social behaviour concerns of residents.
- 4) Request that landowners adjoining the laneways maintain their dividing fences and properties to a suitable standard in an effort to discourage anti-social behaviour and activities from occurring.

COUNCIL DECISION

12/09 MOVED Cr Pritchard seconded Cr Benn That Council:

- 1) **Not proceed with the permanent closure of the laneways within Kojonup.**
- 2) **Consider during 2009/10 Budget deliberations:**
 - i) **Funding the placement of permanent locked gates with keys to be provided to landowners, service agencies and other authorised persons only, and**
 - ii) **Providing signs at the beginning of the laneways advising that use and access of the laneway is restricted to landowners, service agencies and other authorised persons only.**

- | | |
|--|---|
| <p>3) Approach the local Police regarding additional patrols of the laneways to address the anti-social behaviour concerns of residents.</p> <p>4) Request that landowners adjoining the laneways maintain their dividing fences and properties to a suitable standard in an effort to discourage anti-social behaviour and activities from occurring.</p> | <p>CARRIED</p> <p>8/0</p> |
|--|---|

4.05pm Cr Mathwin returned to the Chamber and was advised by the Chief Executive Officer of Council Decision relating to Item 12.1.

Cr Mathwin resumed the Chair and presided over the meeting.

12.2 SERVICE STATION APPLICATION - LOT 1 CNR. ALBANY HIGHWAY/BENN PARADE, KOJONUP

AUTHOR: Phil Shephard – Town Planner
 DATE: 20 February 2009
 FILE: 14.07.01
 OWNER: WHS & CM Cybula
 LOCATION: Lot 1 cnr. Albany Highway/Benn Parade, Kojonup
 ATTACHMENTS: Yes

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to reinstate the service station on Lot 1 cnr. Albany Highway/Benn Parade, Kojonup as shown on the attached plans. This involves the demolition of the existing dwelling on the site for the provision of car parking.

BACKGROUND

Nil.

COMMENT

The proposal is to reinstate the previous service station use on the above lot consistent with Special Use zoning of the land for the purpose of a service station. The development includes renovations to the existing building which has not operated for many years. The completed building will include approximately 115m² of shop/restaurant area, toilets (including disabled access), a 96m² kitchen/store/display areas and canopy/fuel bowsers area of 38m².

Table II 'Development Table' of the scheme contains the development standards that apply to the proposal and these are discussed below:

Setbacks

Table II requires front and side setbacks of 7.5m. As the proposal is to renovate the existing building it does not require any additional setbacks to be determined.

Plot Ratio

There is no stated plot ratio in the Table II and this needs to be determined by Council. As with Setbacks, the proposal is to renovate the existing building and the existing plot ratio shall be maintained which is approximately 0.2.

Landscaping Area

Table II requires 5% landscaping area and it is recommended that the landscaping provide for some shade trees in the parking or front setback area. Details should be supplied on a separate landscaping plan and developed upon completion of the building and car park works.

Car Parking

Table II requires car parking in the ratio of 1 bay for every working bay, plus 1 for each person employed on the site. As there are no working or service bays proposed in the redevelopment there is no parking requirement in that respect.

Following an assessment of the floor area and the 115m² of shop/restaurant area and 96m² kitchen/store/display area and canopy/fuel bowsers area of 38m² it is estimated that the number of employees will be between 4 persons in peak use times which would require 4 car parking bays.

Staff recommend that Council consider requiring parking to be provided for the shop/restaurant uses also. As a guide to the discussion, a Shop in Table II requires 1 bay for every 15m² of gross floor area and a Restaurant requires 1 bay for every 10m² of gross floor area or 1 for every 4 seats provided (whichever is greater) and based on floor area this would require between 4 - 7 bays. Should Council support this recommendation, the applicant would be required to provide car parking that achieves 4 car parking bays for staff (to be located at the rear of the building) and 7 car parking bays for patrons to be located at the front of the building and upon the area of the demolished house.

The parking areas should be suitably upgraded to a sealed standard and marked/painted accordingly.

Access to Highway/Benn Parade

The proposal will retain the present access points onto Albany Highway only. Any changes should be referred to Main Roads (Great Southern Region) for comment. Separate access to Benn Parade is not supported by staff.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The premises are zoned Special Use No. 7 for the purpose of a service station. Service Station is defined within TPS3 as follows:

Service Station: means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary purpose; but does not include transport depot, panel beating, spray painting, major repairs or wrecking;

Clause 3.5 'Special Use Zone' of the scheme states:

No person shall use land or any building or structure thereon in a special use zone, except for the purpose set against that land in Schedule II and subject to compliance with any conditions specified in the Schedule, or in a Town Planning Scheme Policy, with respect to the land.

Clause 5.11 'Special Use Development' of the scheme states:

Development in a Special Use Zone shall be permitted in accordance with the requirements of Table II for the use specified on the Scheme Map and outlines in Schedule II, and with any other requirements specified by the Council.

In accordance with clause 5.1 of TPS3, the proposal is not exempt from approval and planning consent is required to be granted by Council.

The proposal is consistent with the zoning of the land and approval is recommended subject to conditions to impose the scheme and Shire requirements. The general options available to Council are:

- a) Defer the application for additional information from the applicant;
- b) Decide to give public notice and seek comment on the proposal;
- c) Refuse the application and give reasons; or
- d) Approve the application, with or without conditions.

POLICY IMPLICATIONS

Nil.

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 reestablishment of the Service Station on Lot 1 cnr. Albany Highway/Benn Parade, Kojonup subject to the following conditions:

- 1) This approval is subject to the applicants obtaining the necessary approvals for the storage, handling and supply of fuels and oils from the Department of Industry and Resources and if required the Department of Environmental Protection prior to operations commencing.
- 2) The development to be in accordance with the attached stamped approved plans and where marked in red dated 30 January 2009.
- 3) The demolition of the existing dwelling and redevelopment of the service station building shall be subject to the applicants obtaining the necessary Demolition and Building Licences from the Shire of Kojonup.
- 4) The kitchen, food preparation/storage and shop areas (including refuse storage area) shall be subject to meeting the relevant Australian New Zealand Food Standards Code and other relevant health requirements to the satisfaction of the Shire's Environmental Health Officer.
- 5) All stormwater and runoff to be retained and disposed of on-site to the satisfaction of the Shire of Kojonup.
- 6) The property to be connected to the Water Corporation reticulated sewer and water supply networks.
- 7) 5% of the site to be landscaped including the provision of shade trees in accordance with an overall Landscaping Plan to be submitted for approval by the Chief Executive Officer.
- 8) The provision of on-site car parking in accordance with an overall Parking Plan to be submitted for approval by the Chief Executive Officer that achieves:
 - o 4 car parking bays for employees (to be located at the rear of the building), and
 - o 7 car parking bays for patrons to be located at the front of the building and upon the area of the demolished dwelling.
- 9) The car parking and service areas to be sealed, drained and line marked or similar to the satisfaction of the Shire of Kojonup.
- 10) No direct vehicular access/egress from the site onto Benn Parade is permitted.

- 11) All deliveries etc. to take place within the subject property boundaries at all times.
- 12) Any new or replacement signs to comply with the Town Planning Scheme No. 3 requirements.

Advice Notes:

All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the service station activity may commence operations.

You are advised that the site must be used for the primary purposes of supplying fuels/oils and motor vehicle accessories and any use of the site for a cafeteria, restaurant/roadhouse, shop or the like must be incidental to that primary use.

Your activity will include the storage of rubbish (foodstuffs) that has the potential to create odour problems from time to time. Please ensure that these facilities are adequately sited, stored and managed to reduce any potential for conflict with adjoining residential properties.

Any alteration to the property crossover onto Albany Highway will require liaison and approval from Main Roads (Great Southern Region).

COUNCIL DECISION

13/09 MOVED Cr Benn seconded Cr Pedler that Council grant Planning Approval for the reestablishment of the Service Station on Lot 1 cnr. Albany Highway/Benn Parade, Kojonup subject to the following conditions:

- 1) This approval is subject to the applicants obtaining the necessary approvals for the storage, handling and supply of fuels and oils from the Department of Industry and Resources and if required the Department of Environmental Protection prior to operations commencing.
- 2) The development to be in accordance with the attached stamped approved plans and where marked in red dated 30 January 2009.
- 3) The demolition of the existing dwelling and redevelopment of the service station building shall be subject to the applicants obtaining the necessary Demolition and Building Licences from the Shire of Kojonup.
- 4) The kitchen, food preparation/storage and shop areas (including refuse storage area) shall be subject to meeting the relevant Australian New Zealand Food Standards Code and other relevant health requirements to the satisfaction of the Shire's Environmental Health Officer.
- 5) All stormwater and runoff to be retained and disposed of on-site to the satisfaction of the Shire of Kojonup.
- 6) The property to be connected to the Water Corporation reticulated sewer and water supply networks.
- 7) 5% of the site to be landscaped with an overall Landscaping Plan to be submitted for approval by the Chief Executive Officer.
- 8) The provision of on-site car parking in accordance with an overall Parking Plan to be submitted for approval by the Chief Executive Officer that achieves:
 - 4 car parking bays for employees (to be located at the rear of the building), and
 - 7 car parking bays for patrons to be located at the front of the building and upon the area of the demolished dwelling.
- 9) The car parking and service areas to be sealed, drained and line marked or similar to the satisfaction of the Shire of Kojonup.

- 10) No direct vehicular access/egress from the site onto Benn Parade is permitted.
- 11) All deliveries etc. to take place within the subject property boundaries at all times.
- 12) Any new or replacement signs to comply with the Town Planning Scheme No. 3 requirements.

Advice Notes:

All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the service station activity may commence operations.

You are advised that the site must be used for the primary purposes of supplying fuels/oils and motor vehicle accessories and any use of the site for a cafeteria, restaurant/roadhouse, shop or the like must be incidental to that primary use.

Your activity will include the storage of rubbish (foodstuffs) that has the potential to create odour problems from time to time. Please ensure that these facilities are adequately sited, stored and managed to reduce any potential for conflict with adjoining residential properties.

Any alteration to the property crossover onto Albany Highway will require liaison and approval from Main Roads (Great Southern Region).

CARRIED**9/0**

REASON FOR CHANGE: Council felt that the requirement for provision of shade trees, may limit the alternative methods of providing the most effective shade to the area. Crs Benn and Pedler accepted the amendment to the recommendation.

12.3 APPLICATION FOR REDUCED SIDE SETBACK TO DWELLING ADDITIONS AT Lot 0, 173 ALBANY HIGHWAY, KOJONUP

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 13 March 2009
 FILE NO: 14.09.01
 APPLICANT: W & P Zadow
 OWNER: W & P Zadow
 ATTACHMENTS: Site Plan of Lot 0, 173 Albany Highway

DECLARATION OF INTEREST

Nil.

SUMMARY

An application for planning consent has been received to build a garage / shed with a reduced side setback of 0.5m to the neighbouring property.

It is recommended that the application be approved subject to no objections being received from the neighbouring property.

BACKGROUND

Mr & Mrs Zadow wish to build a 63 square metre shed / garage as per the attached plan. The reduced setback would require Council approval, and an additional request was received from the applicant to allow the use of zinalume, instead of colorbond as submitted on the plans.

COMMENT

The subject lot is zoned Special Rural and the Shire of Kojonup Town Planning Scheme No.3 policy 5.12.3 states that “no dwelling or other structure shall be permitted within 15 metres of a lot boundary unless the Council considers that a lesser setback will not adversely affect the amenity of the area and neighbouring properties.”

Building plans have been submitted and are being processed for building license approval by the Shire of Kojonup Building Surveyor, under delegated authority.

The location of the proposed outbuilding on the block is required if the existing crossover is to be maintained. Given the sight distance implications and safety concerns with relocating the crossover there is support to maintain the existing driveway. To maintain the required separation from the house and proposed verandah, while still accommodating a double garage the reduced setback has also been requested.

The existing dwelling is listed in the Municipal Heritage inventory and referred to as Bilney's House. The zincalume finish has been requested match better with the heritage of the existing dwelling. As the outbuilding is set well back from the road and no adjacent to any other residence the Shire officers have no objection to this request.

The request for change to zincalume was only received on 10 March 2009 and feedback needs to be received from the neighbouring property owners. Lot 3 Albany Highway is currently the subject of a Town Planning Scheme amendment for the extension of the Matthews transport depot. There is also a 20 metre private lane access separating Lots 0 and 3 Albany Highway.

The applicant is aware of the Town Planning Scheme amendment and proposed use. Given the late change to zincalume cladding, formal feedback from the adjoining property owner is not available at this time and the CEO will seek a response in writing. If no objections are received from the owner of Lot 3 Albany Highway by 27 March 2009, and the applicant acknowledges the proximity to a potential special use block it is recommended that the application be approved.

Any objection will require further discussion between the neighbours and consideration again by Council.

CONSULTATION

The owners of Lot 3 Albany Highway have been written to by the Shire of Kojonup and presented with a copy of this report to Council and plans.

STATUTORY ENVIRONMENT

Town Planning Scheme No 3.

A separate Building Licence will be required to construct the additions, which is being considered under delegated authority.

POLICY IMPLICATIONS

There are no known policy implications other than the Town Planning Scheme policies noted. .

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council approve the proposed reduced side setback of 0.5m to the proposed outbuilding for 173 Albany Highway, Kojonup, subject to no objection being received from the owner of Lot 3 Albany Highway prior to 27 March 2009.

Advice note:

This is planning consent approval only and that a building licence must be obtained prior to construction of the outbuilding.

COUNCIL DECISION

14/09 MOVED Cr Trethowan seconded Cr Pedler that Council approve the proposed reduced side setback of 0.5m to the proposed outbuilding for 173 Albany Highway, Kojonup, subject to no objection being received from the owner of Lot 3 Albany Highway prior to 27 March 2009.

Advice note:

This is planning consent approval only and that a building licence must be obtained prior to construction of the outbuilding.

CARRIED**9/0**

4.56pm Cr Carrington-Jones left the chamber.

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 REVIEW OF COUNCILLOR REPRESENTATION**

DATE: Thursday, 12 March 2009
 AUTHOR: Stephen Gash – Chief Executive Officer
 FILE NO: 04.02.07
 ATTACHMENT: Discussion Paper on Councillor Representation

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the numbers of Councillor Representation.

BACKGROUND

Following on from the Hon John Castrilli MLA, Minister for Local Government; Heritage; Citizenship and Multicultural Interests announcements with respect to Local Government reform and formation of the Local Government Reform Steering Committee a set of “Structural Reform Guidelines” has now been released.

The Guidelines state that when determining the preferred number of elected members of between six and nine, the following principles need to be considered:

- ratio of councillors to electors;
- demographic trends;
- consistency with representation between wards; and
- community of interest.

The Local Government Act 1995 states that Local Governments without wards **may** undertake reviews.

In short the process for review is as follows:

1. Council Pass resolution to undertake review,
2. Call for public submissions.
3. Council to consider submissions and make determination of review.
4. Report of Council determination sent to Local Government Advisory Board,
5. Recommendation of Local Government Advisory Board to Minister, and
6. Governors Approval.

A draft “Discussion Paper on Councillor Representation” is attached for Council’s consideration, so it can be utilized during the review should Council decide to proceed.

COMMENT

Either way, it would be good governance to review our structure. The following process is being suggested should Council wish to proceed with the review.

1. Council decision to proceed with review,
2. Advertise the Review – calling for submissions,
3. Report to Council – Council to consider submissions and determine how it wishes to proceed,
4. Report of Council determination to Local Government Advisory Board,
5. Recommendation of Local Government Advisory Board to Minister, and
6. Minister makes recommendation to Governor for Approval.

CONSULTATION

It is proposed that Council call for public submissions.

STATUTORY ENVIRONMENT

Schedule 2.2 Clause 7 of the Local Government Act, 1995 requires Council to give 6 weeks public notice advising that a review is being carried out and calling for submissions.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known financial implications.

VOTING REQUIREMENT - Simple Majority

OFFICER RECOMMENDATION

That Council proceed with a Review of Councillor Representation and call for Public Submissions.

COUNCIL DECISION

15/09 **MOVED Cr Hewson seconded Cr Marsh that Council proceed with a Review of Councillor Representation and call for Public Submissions.**

CARRIED

8/0

13.2 2008 STATUTORY COMPLIANCE AUDIT RETURN

AUTHOR: Stephen Gash - Chief Executive Officer
 DATE: 13th March 2009
 FILE NO: 06.04.07
 ATTACHMENT: 2008 Statutory Compliance Report
 Non Compliance summary.

DECLARATION OF INTEREST

Nil

SUMMARY

The adoption of the 2008 Statutory Compliance Report.

BACKGROUND

The Department of Local Government has prepared and circulated to each local government an annual return covering various statutory compliance matters under the Local Government Act and associated Regulations. A copy is attached to the agenda.

COMMENT

The completion of the return is mandatory for each local government and is required by 31 March each year. The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the Local Government Act 1995 (as amended) and associated regulations.

Areas of non compliance have been summarised in an attachment to the agenda which also details remedial action taken or proposed to be taken to ensure future compliance. In 2006 compliance was 269/276 or 97.5%, last year 341/346 or 98.8%, and this year 309/311 or 99.3%.

The two areas of non compliance are viewed as not having a material impact on the performance, processes and governance of the Shire.

CONSULTATION

Nil required

STATUTORY REQUIREMENTS

The Local Government Act (Audit) Amendment Regulations 1999, Regulation 15 states:

“A compliance audit return is to be-

- (a) presented to the Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) recorded in the minutes of the meeting at which it is adopted.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications

STRATEGIC IMPLICATIONS

There are no strategic implications

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

1. That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.
2. That the circularised Statutory Compliance Return for 2008 attached be adopted.

COUNCIL DECISION

16/09 MOVED Cr Marsh seconded Cr Benn;

- 1. That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.**
- 2. That the circularised Statutory Compliance Return for 2008 attached be adopted.**

CARRIED

8/0

4.56pm Cr Carrington-Jones returned to the chamber.

13.3 CONTRACT EXTENSION – RUBBISH REMOVAL CONTRACT

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 13 March 2009
FILE NO: 06.30.01 & 08.08.02
ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider an eleven week extension to the existing rubbish removal contract.

BACKGROUND

The existing rubbish removal contract is due to expire on 10 April 2009. Council have been considering the future requirements for recycling before finalising the tender document.

COMMENT

Council have conducted briefings on the future requirements for recycling, with the assistance of community members, prior to finalising the tender document.

The process was delayed until February 2009 due to the uncertainty in the recycling industry following the crash in commodity prices threatening markets and viability of the recycling industry.

Council will consider the tender document on 21 April 2009 with tenders advertised 24 April 2009. 3 weeks will be provided for responses and a Council will consider the matter at the meeting on 19 May 2009.

The eleven week contract extension on the current terms aims to:

1. Accommodate the tender timetable above; and
2. Allow commencement of the new contract on 1 July 2009 to better match budget cycles.

The existing service provider has indicated they would accept the contract extension if a formal offer and acceptance was made.

CONSULTATION

Mr Kevin Timms, Great Southern Waste Disposal

STATUTORY ENVIRONMENT

Local Government Act 1995 tender regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil to budget. Existing rates maintained.

STRATEGIC IMPLICATIONS

Will allow better assessment of recycling options

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

- 1) Council authorise the Chief Executive Officer to offer an extension of the existing rubbish removal contract to Great Southern Waste Disposal until 30 June 2009, on the current conditions.

- 2) Council authorise the Chief Executive Officer to execute the contract extension until 30 June 2009 on the existing conditions, with the common seal as per Shire policy.

COUNCIL DECISION

17/09 MOVED Cr Hewson seconded Cr Pedler that;

- 1) Council authorise the Chief Executive Officer to offer an extension of the existing rubbish removal contract to Great Southern Waste Disposal until 30 June 2009, on the current conditions.**
- 2) Council authorise the Chief Executive Officer to execute the contract extension until 30 June 2009 on the existing conditions, with the common seal as per Shire policy.**

CARRIED BY ASOLUTE MARJORITY

9/0

13.4 APPOINTMENT OF PROJECT TEAM – STRUCTURAL REFORM

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 13 March 2009
 FILE NO:
 ATTACHMENTS: Checklist and guidelines on structural reform in WA.

DECLARATION OF INTEREST

Nil.

SUMMARY

To appoint members to the project team, as suggested by the guidelines and checklist from the Department of Local Government and Regional Development, to progress discussion and consideration of structural reform options for the Shire of Kojonup.

BACKGROUND

The Hon John Castrilli MLA, Minister for Local Government; Heritage; Citizenship and Multicultural Interests has announced that WA local governments need to consider voluntary amalgamations to reduce the number of Councillors and achieve greater efficiency, and sustainability.

Local Governments are required to submit the attached checklist by 30 April 2009 and submissions on their structural reform options by 31 August 2009. Submissions must be made in accordance with the guidelines and the process suggests the formation of project teams to progress the discussions with neighbouring Shires regarding the options for structural reform, and to guide the submission.

COMMENT

The project team will allow a more structured approach to the informal discussions that have taken place to date between Shires.

It is suggested that the team include the Shire President, Deputy President, One other Councillor (and a proxy), and the Chief Executive Officer.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Submissions need to be made in accordance with the requirements of the Local Government Advisory Board under the Local Government Act 1995.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The checklist and submission will require significant resources. At the time of writing this report there had been no announcement of the amount of financial assistance available to support Shires to compile the information requested by the Minister.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION 1**

That Council appoint the following representatives or employees to the Project Team:

- 1.
- 2.
- 3.
- 4.

And Cr _____ as a proxy.

Nominations where called and accepted.

COUNCIL DECISION

18/09 MOVED Cr Benn seconded Cr Pritchard that Council appoint the following representatives or employees to the Project Team:

1. Shire President, Cr Mathwin,
2. Deputy Shire President, Cr Trethowan,
3. Chief Executive Officer, Mr Stephen Gash
4. Cr Pritchard, and
Cr Marsh as a proxy. Furthermore that in the event of absences the project team can co-opt another Councillor to act as proxy if required.

REASON FOR CHANGE: Council felt that it was important given the timeframes within the Structural Reform Guidelines that the project team was able to co-opt Councillors on to the team should the need arise without having to wait for a decision of Council.

CARRIED**9/0****OFFICER RECOMMENDATION 2**

That Council authorise the Project Team to initiate discussions with neighbouring Shires regarding the options for structural reform.

COUNCIL DECISION

19/09 MOVED Cr Carrington-Jones seconded Cr Marsh that Council authorise the Project Team to initiate discussions with neighbouring Shires regarding the options for structural reform.

CARRIED**9/0**

14 **COMMITTEES OF COUNCIL**

Nil

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

Nil

16 **NEW BUSINESS**

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

Nil

17 **CONFIDENTIAL REPORTS**

Nil

18 **NEXT MEETING**

Tuesday, 21st April 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 5:43pm.

20 **APPENDICES AND TABLED DOCUMENTS**

Nil

21 **ATTACHMENTS**

- Item 10.1 Monthly Statement of Financial Activity 1st July 2008 to 28th February 2009 –
(Incorporating Budget Review (Appendix: A))
- Item 10.2 Monthly Payment Listing
- Item 12.1 Report form Mr John Jamieson - Consulting Surveyor
- Item 12.2 Site Plan Lot 1 Cnr Albany Hwy & Benn Pde and Plan of Proposed Alterations
- Item 12.3 Site Plan Lot 0, 173 Albany Hwy
- Item 13.1 Discussion Paper on Councillor Representation
- Item 13.2 2008 Statutory Compliance Report and Non Compliance Summary
- Item 13.4 Checklist and guidelines on structural reform in WA

Presiding Member

Date