

SHIRE OF KOJONUP



Council Minutes

19th May 2009

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19th May 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 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

3.01pm Cr Baulch entered the Chamber

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

| | |
|--------------------------|--|
| Cr Jill Mathwin | Shire President |
| Cr Jane Trethowan | Deputy Shire President |
| Cr Michael Baulch | <i>(Entered meeting at 3.01pm)</i> |
| 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 Mort Wignal | Manager of Regulatory and Community Services |
| Mr Craig McVee | Works Manager |
| Mrs Heather Marland | Senior Finance Officer <i>(Left meeting at 3.25pm)</i> |

APOLOGIES

| | |
|----------------------|-------------------------------|
| Mr Kim Dolzadelli | Manager of Corporate Services |
| Mrs Rosemary Cussons | Manager of Kodja Place |

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

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

46/09 MOVED Cr Trethowan seconded Cr Hewson that Cr Marsh be granted Leave of Absence for the Council meeting to be held 16th June 2009.

CARRIED 10/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 21st April 2009

Corrections: Nil

COUNCIL DECISION

47/09 MOVED Cr Benn seconded Cr Pedler that the Minutes of the Ordinary Meeting of Council held on 21st April 2009 be confirmed as a true record.

CARRIED 10/0

SPECIAL MEETING 29th April 2009

Corrections: Nil

COUNCIL DECISION

48/09 MOVED Cr Pedler seconded Cr Baulch that the Minutes of the Special Meeting of Council held on 29th April 2009 be confirmed as a true record.

CARRIED 10/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Presiding Member

- 21st April 2009 – Councillors attended function with Minister for Regional Development in Katanning to receive an update on Royalties for Regions
- 4th May 2009 – Councillor Pritchard, Chief Executive Officer and Shire President attended the Reform Strategy workshop in Perth
- Thank a volunteer day was held on Tuesday 12th May 2009
- Shire President attended Strategic Planning workshop for Australian Local Government Women's Association

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Item 10.3 Cr Benn declared an interest due to being a Bowling Club member
 Item 10.3 Cr Mathwin declared an interest due to being a Bowling Club member
 Item 10.3 Cr Pritchard declared an interest due to being a Bowling Club member

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Thursday, 14 May 2009
FILE NO: 06.15.01
ATTACHMENT: Monthly Statement of Financial Activity 1st July 2008 to 30th April 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement of Financial Activity for the period of 1st July 2008 to 30th April 2009.

BACKGROUND

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

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

COMMENTS

The attached Statement of Financial Activity for the period 1 July 2008 to 30 April 2009 shows a solid position with 96.44% of rates collected to 30th April 2009 and a total amount of cash holdings of \$3,235,769 of which \$1,673,920 is held in fully cash backed Reserves.

Following the adoption of new accounting estimates for depreciation at the April meeting of Council all work has been completed in order to implement the changes. Depreciation has been updated in the attached Statement of Financial Activity; the changes will result in a reduction in depreciation for the 2008/09 financial year of approximately \$890,000. The impact on Councils Income Statement when compared to Original Budget will be a change from a deficit shown in operations of \$555,445 to a surplus operating position of \$334,555. It must be noted that depreciation is a non cash item; these changes do not impact on Councils Rate Setting Statement or Cash surplus position.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

COUNCIL DECISION

49/09 MOVED Cr Marsh seconded Cr Pedler that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 10/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 13 May 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 16/04/2009 to 11/05/2009 comprising of Municipal Cheques 10327 to 10368, EFTs 4333 to 4413 and Internal Payment Vouchers 1806 to 1837 totalling \$471,312.34 and as attached to this agenda, be received.

COUNCIL DECISION

50/09 MOVED Cr Benn seconded Cr Hewson that the Payment Listing from 16/04/2009 to 11/05/2009 comprising of Municipal Cheques 10327 to 10368, EFTs 4333 to 4413 and Internal Payment Vouchers 1806 to 1837 totalling \$471,312.34 and as attached to this agenda, be received.

CARRIED 10/0

3.25pm Heather Marland left the Council meeting

3.30pm Crs Mathwin, Pritchard and Benn declared their interest in Item 10.3 and left the Chamber

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

COUNCIL DECISION

51/09 MOVED Cr Graham seconded Cr Hewson that Crs Mathwin, Pritchard and Benn to be allowed to remain in Council for Item 10.3.

CARRIED 7/0

3.32pm Crs Mathwin, Pritchard and Benn returned to the Chamber and read the disclaimer disclosing that they had an association with the applicant as Bowling Club members. As a consequence there may be a perception that their impartiality on the matter may be affected. They each individually declared that they would consider the matter on its merits and vote accordingly.

10.3 APPLICATION FOR SELF SUPPORTING LOAN – KOJONUP BOWLING CLUB

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 13 May 2009
 FILE NO: 06.21.01
 ATTACHMENT: Loan Repayment Schedule and Draft Acknowledgement of Debt Agreement

DECLARATION OF INTEREST

Nil

SUMMARY

To consider an application from the Kojonup Bowling Club Inc. for a Self Supporting Loan in the amount of \$60,000.

BACKGROUND

At its meeting of 23rd October 2007 Council effectively resolved to submit an application to the Department of Sport and Recreation for CSRFF assistance for the laying of two synthetic greens and the lighting of one green at the Kojonup Bowling Club. Furthermore if the application was successful, then provision for financial assistance be made in the draft 2008/09 Shire of Kojonup Budget. The application was indeed successful and provision was made in Council's 2008/09 budget in the amount of \$148,000 being the Shire of Kojonup's contribution to the project.

The Kojonup Bowling Club is an important recreation facility but also provides a social focal point for community events. The Club demonstrated a capacity to meet all financial and project management requirements of the grant and fund the ongoing maintenance and future resurfacing from its own funds / operating budget. In its funding proposal the Club, in part, was to fund their portion of the project through the raising of a commercial loan. The project has now been completed and with final costs known the Club has carried out an assessment of the amount of loan required. The Chief Executive Officer has met with the Club committee and verified their assessment for the amount of loan required.

The Club is requesting Council to provide a Self Supporting Loan in the amount of \$60,000 over a ten year term.

COMMENT

Should Council approve this request, one months local public notice is required of Councils intention to borrow, as no provision has been made in the Annual Budget per section 6.20(2) LGA 1995.

The Kojonup Bowling Club (Inc) will be required to enter a formal agreement prior to Council obtaining the loan. This agreement will bind the club to reimburse Council for the repayments; a draft agreement is attached to this agenda for Councils information.

It is recommended that the loan be undertaken for a 10 year period and that the loan be sourced from the WA Treasury Corporation. An indicative repayment schedule provided by WA Treasury Corporation is attached to this agenda.

CONSULTATION

One month Local Public Notice will be required to be given in accordance with section 6.20(2) of the Local Government Act 1995.

STATUTORY ENVIRONMENT

Section 6.20 of the Local Government Act 1995 – “Power to Borrow”

POLICY IMPLICATIONS

Council currently has no policy in operation with respect to Self Supporting Loans.

FINANCIAL IMPLICATIONS

There will be no monetary implications with respect to the proposed loan as repayments will be reimbursed from the Kojonup Bowling Club (Inc), however Councils Financial Ratios will be affected by the taking of the Loan.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council resolves to borrow \$60,000 from the WA Treasury Corporation over a term of ten (10) years and provide a Self Supporting Loan to the Kojonup Bowling Club Inc. in the amount of \$60,000 subject to the following conditions:

- 1) That the draw down of the loan be subject to loan being fully self supported by the Kojonup Bowling Club Inc,
- 2) That an agreement is entered into to that effect.

COUNCIL DECISION

52/09 MOVED Cr Hewson seconded Cr Marsh that Council resolves to borrow \$60,000 from the WA Treasury Corporation over a term of ten (10) years and provide a Self Supporting Loan to the Kojonup Bowling Club Inc. in the amount of \$60,000 subject to the following conditions:

- 1) That the draw down of the loan be subject to loan being fully self supported by the Kojonup Bowling Club Inc,
- 2) That an agreement is entered into to that effect.

CARRIED BY ABSOLUTE MAJORITY

10/0

10.4 COUNTRY LOCAL GOVERNMENT FUND ALLOCATION

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: Thursday, 14 May 2009
FILE NO:
ATTACHMENT: No

DECLARATION OF INTEREST

Nil

SUMMARY

To allocate the monies provided through the Country Local Government Fund.

BACKGROUND

The Shire of Kojonup has been advised that \$625,454 has been allocated to it through the Country Local Government Fund. The fund was created under the Royalties for Regions policy.

COMMENTS

The fund allocation was announced on 16 December 2008. Guidelines were issued that advised the money could only be spent on capital infrastructure, but following the Shire of Kojonup's Grants Commission hearing the Shire was also alerted to the possible impact that expenditure in certain program areas may have on the grants commission funding and was advised to wait for the statement from the grants commission before allocating the funds.

The advice from the WA Grants Commission was circulated in March and the Department of Local Government provided advice on the payment of the grant on 17 April 2009. Further advice has also been sought from the Minister for Regional Development on the ability to carry over parts of the grant to better match and leverage other funding, which has necessitated that the Council delay finalising allocations until this meeting.

Allocations for the 2008-09 grant are proposed as follows:

- \$200,000 towards the new medical centre
- \$155,425 towards the upgrade of the sporting complex
- \$50,000 to seal the 570m loop of Thornbury Close in the Industrial Estate
- \$70,000 to upgrade the APEX Park Public Toilets, access and fencing
- \$50,000 to upgrade the electrical supply to the sporting precinct and complex
- \$40,000 to build a fire rated storage within the Shire Office for storage of critical documents
- \$50,000 to build the new recycling transfer station (earthworks, concrete, structures, fencing)
- \$10,000 to provide parking and a sewer connected waste dump facilities for larger caravans and recreational vehicles.

The proposed allocation of the grant is designed to balance across the core strategic areas of the Shires operations and address areas identified in the strategic plan. Costs allocated above are conservative and the Shire will continue to pursue efficiencies in design, project management, and construction to save money. Any savings will be applied to the sporting complex upgrade project.

Given the Sporting Complex upgrade project is proposed to utilise a significant proportion of Kojonup's future Local Government Fund allocations and will seek additional Department of Sport and Recreation Funding, any monies not spent in the 2008-09 will be put in a reserve for the specific purpose of the Sporting Complex Upgrade.

CONSULTATION

Consultation on priorities for future capital projects was done as part of the strategic plan. A newsletter sent to all ratepayers in January 2009 highlighted the amount of funding and the intention to apply the funds to items identified in the strategic plan such as the medical centre and sporting complex.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996
Local Government Grants Act 1978 and associated Regulations

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

The treatment of the grant funds and expenditure will depend on when the expenditure is incurred and the grant received. It is proposed to reflect both the income and expenditure as a budget amendment for the 2008-09 year and then carry forward any unspent grant funds as restricted monies.

The existing allocation to the recycling centre in the 2008-09 budget was primarily the road access and site clearing, and it was hoped that the sale of the steel stockpile and reuse of some materials could accommodate the required relocation. However the dramatic drop in steel price left a short fall in the initial project and with the awarding of the new waste management tender there are opportunities for further design work to significantly improve public access, utilisation and environmental outcomes.

STRATEGIC IMPLICATIONS

The objective of the Local Government Fund through Royalties for Regions program is to enable Shire to bring forward infrastructure projects that were not possible in their 2008-09 budget. The prioritisation of the funds have therefore been linked to the strategic plan, subject to any conditions of the grant that outline what type of expenditure or program areas that can be funded.

The allocation also considers the complex nature of Grants Commission funding to minimise a reduction in ongoing grant funding by supporting specific classification of assets or expenditure.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the 2008-09 Local Government Fund grant be allocated as follows:

- \$200,000 towards the new medical centre
- \$155,425 towards the upgrade of the sporting complex
- \$50,000 to seal the 570m loop of Thornbury Close in the Industrial Estate
- \$70,000 to upgrade the APEX Park Public Toilets
- \$50,000 to upgrade the electrical supply to the sporting precinct and complex
- \$40,000 to build a fire rated storage within the Shire Office
- \$50,000 to build the new recycling transfer station
- \$10,000 to provide parking and waste dump facilities for recreational vehicles.

and that the 2008-09 budget be amended to reflect the \$625,425 grant revenue and expenditure.

COUNCIL DECISION

53/09 MOVED Cr Trethowan seconded Cr Baulch that the 2008-09 Local Government Fund grant be allocated as follows:

- \$200,000 towards the new medical centre**
- \$155,425 towards the upgrade of the sporting complex**
- \$50,000 to seal the 570m loop of Thornbury Close in the Industrial Estate**
- \$70,000 to upgrade the APEX Park Public Toilets**
- \$50,000 to upgrade the electrical supply to the sporting precinct and complex**
- \$40,000 to build a fire rated storage within the Shire Office**
- \$50,000 to build the new recycling transfer station**
- \$10,000 to provide parking and waste dump facilities for recreational vehicles.**

and that the 2008-09 budget be amended to reflect the \$625,425 grant revenue and expenditure.

CARRIED BY ABSOLUTE MAJORITY

10/0

3.45pm The President Cr Mathwin adjourned the Council meeting to allow for teleconference with the Minister for Agriculture. This teleconference was not related to the Council meeting, but was the only available time to seek information from the Minister on the GM Canola trials.

5.40pm The President Cr Mathwin resumed the Council meeting and standing orders.

11 **ENGINEERING & WORKS REPORTS**

12 **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

12.1 ADDITIONS TO HARRIS'S GARAGE AT 98 ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner
 DATE: 14 May 2009
 FILE: 14.07.02
 OWNER: ND Harris
 LOCATION: Lot 990 Albany Highway, Kojonup
 ATTACHMENTS: Plan for Harris's Garage

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct additions to the existing vehicle repair business on Lot 990 Albany Highway, Kojonup as shown on the attached plans.

BACKGROUND

Councillors were briefed on the application at its briefing held on the 29 April 2009 and some discussion was undertaken on the proposal.

COMMENT

The proposal is to provide for an additional 400m² of workshop area. The additions are consistent with the existing approved use of the land for motor vehicle repairs.

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. The proposal shows a 1.5m side setback and a front setback that varies from 1 – 5m. It is recommended that the reduced front setback be supported subject to landscaping along the frontage of the additions to break up the look of the plain wall along the highway in lieu of requiring a brick or similar facade. The colour should also match the existing brick colour for consistency sakes.

Plot Ratio

There is no stated plot ratio in the Table II and this needs to be determined by Council. The proposed additions to the existing building will provide for a plot ratio of approximately 0.4.

Landscaping Area

Table II requires 5% of the site be landscaped and it is recommended that the landscaping be provided along the frontage of the additions as discussed above. Details should be supplied on a separate landscaping plan and developed upon completion of the building works.

Car Parking

There is no specific parking requirement set down in Table II for vehicle repair station. As a guide to the discussion, the proposal is considered similar to a service station land use which requires car

parking in the ratio of 1 bay for every working bay, plus 1 for each person employed on the site. There is considered adequate area available to meet the additional parking requirements.

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

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The premises are zoned Commercial under Town Planning Scheme No. 3. Vehicle Repair Station is defined within TPS3 as follows:

Vehicle Repair Station: means land and buildings used for the mechanical repair and overhaul of motors or motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping;

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 additions to the Vehicle Repair Station on Lot 990 (No. 98) Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be in accordance with the stamped approved plans and where marked in red.
- 2) The wall of the additions facing Albany Highway shall be clad with a suitable coloured metal sheeting to complement the existing brick wall colour to the satisfaction of the Shire of Kojonup.
- 3) The construction shall be subject to the applicants obtaining the necessary Building Licence from the Shire of Kojonup.
- 4) The additions to comply with the Building Code of Australia and other relevant legislation.
- 5) All stormwater and runoff to be retained and disposed of on-site to the satisfaction of the Shire of Kojonup unless approval for discharge to the district system in the road reserve is granted by the Council with any upgrading costs to be borne by the proponent.
- 6) The property to be connected to the Water Corporation reticulated sewer and water supply networks.
- 7) The provision of landscaping along the highway frontage of the additions in accordance with an overall Landscaping Plan to be submitted for approval by the Chief Executive Officer.

- 8) The car parking area to be sealed, drained and line marked or similar to the satisfaction of the Shire of Kojonup.
- 9) No direct vehicular access/egress from the additions onto Albany Highway is permitted.
- 10) Any new or replacement signs to comply with the Town Planning Scheme No. 3 requirements.

Advice Notes:

- i) All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the activity may commence.
- ii) Any alteration to the property crossover onto Albany Highway will require liaison and approval from Main Roads (Great Southern Region).

COUNCIL DECISION

54/09 MOVED Cr Carrington-Jones seconded Cr Graham that Council grant Planning Approval for the additions to the Vehicle Repair Station on Lot 990 (No. 98) Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be in accordance with the stamped approved plans and where marked in red.
- 2) The wall of the additions facing Albany Highway shall be clad with a suitable coloured metal sheeting to complement the existing brick wall colour to the satisfaction of the Shire of Kojonup.
- 3) The construction shall be subject to the applicants obtaining the necessary Building Licence from the Shire of Kojonup.
- 4) The additions to comply with the Building Code of Australia and other relevant legislation.
- 5) All stormwater and runoff to be retained and disposed of on-site to the satisfaction of the Shire of Kojonup unless approval for discharge to the district system in the road reserve is granted by the Council with any upgrading costs to be borne by the proponent.
- 6) The property to be connected to the Water Corporation reticulated sewer and water supply networks.
- 7) The provision of landscaping along the highway frontage of the additions in accordance with an overall Landscaping Plan to be submitted for approval by the Chief Executive Officer.
- 8) The car parking area to be sealed, drained and line marked or similar to the satisfaction of the Shire of Kojonup.
- 9) No direct vehicular access/egress from the additions onto Albany Highway is permitted.
- 10) Any new or replacement signs to comply with the Town Planning Scheme No. 3 requirements.

Advice Notes:

- i) All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the activity may commence.
- ii) Any alteration to the property crossover onto Albany Highway will require liaison and approval from Main Roads (Great Southern Region).

CARRIED 10/0

12.2 APPLICATION FOR REDUCED SIDE SETBACK TO CARPORT ADDITION AT LOT 247 MATHER ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
DATE: 14 May 2009
FILE NO: 14.07.02
APPLICANT: DA & HM Marland
OWNER: DA & HM Marland
ATTACHMENTS: No

DECLARATION OF INTEREST

Nil.

SUMMARY

An application for planning consent has been received to construct a carport addition to the existing dwelling on the above property. The additions involve consideration of a reduced side setback of 12m to the side boundary.

It is recommended that the application be approved.

BACKGROUND

The carport additions to the existing dwelling necessitate a variation to the standards set down in the scheme and as such require Council approval.

COMMENT

The subject lot is zoned Special Rural under Town Planning Scheme No. 3. Clause 5.12.3 of Town Planning Scheme No. 3 states:

“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 the neighbouring properties.”

The carport will be constructed of steel frames and the roof clad with colorbond metal sheeting to match the existing dwelling. Staff have inspected the proposed site of the carport and consider that the carport and the reduced setback of 3m will not adversely affect the amenity of the area generally or neighbouring properties specifically and should be supported.

CONSULTATION

The applicants have approached the affected neighbours regarding the reduced setback and advice the neighbour had no objection to the proposal.

STATUTORY ENVIRONMENT

Complies with Town Planning Scheme No 3. A separate Building Licence will be required to construct the additions.

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 REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the proposed reduced side setback of 12m to the proposed carport additions for Lot 247 Mather Road, Kojonup and the applicants be advised that this is planning consent approval only and that a building licence must be obtained prior to construction of the additions.

COUNCIL DECISION

55/09 MOVED Cr Hewson seconded Cr Graham that Council approve the proposed reduced side setback of 12m to the proposed carport additions for Lot 247 Mather Road, Kojonup and the applicants be advised that this is planning consent approval only and that a building licence must be obtained prior to construction of the additions.

CARRIED 10/0

12.3 TOWN PLANNING SCHEME NO.3 - DELEGATIONS

AUTHOR: Stephen Gash
 DATE: 14th May 2009
 FILE NO: 14.04.01
 ATTACHMENT: No

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the delegations of authority from the Council under the Shire of Kojonup Town Planning Scheme No. 3 text.

BACKGROUND

Council is required to consider many planning applications that fit directly within the Shire Town Planning Scheme, are of a simple nature, with no objection from affected parties, and verified from our town planning consultant.

In October 2008 Council resolved to amend Town Planning Scheme No 3 text to provide the power to delegate authority. The amendment has been finalised and it is now appropriate for the Council to consider what specific items it may wish to delegate.

COMMENTS

Many of the planning applications are time critical and officers are seeking relevant delegations to ensure that the Shires approval process for small scale, simple applications that comply with the Town Planning Scheme No 3 and are supported by our town planning consultant can be processed and approved in the most responsive manner.

Clear conditions are proposed to guide scope of what can be considered by Officers. Reporting on the use of this delegation will still allow Council to be appropriately informed on the applications. A sample town planning consultant report is attached, to demonstrate what information Councillors can also access if they want further information.

The Chief Executive Officer can still use his discretion to ask Council to consider any planning application that falls under the conditions of this delegation if it is felt there are strategic implications that may be appropriate for the Council.

The specific delegation and conditions are outlined below and will be formalised in the Shires standard instrument of delegation to the Chief Executive Officer.

| Delegated Power | Conditions |
|---|--|
| a) To approve extensions or alternations to existing single houses and grouped dwellings involving setback variations to the Residential Design Codes | Where no objections have been received (or where the objections have been resolved), and where the application meets the performance criteria of the Residential Design Codes, and relevant polices. |
| b) To approve setback variations on new dwellings or outbuildings | For single story residential buildings and sheds under 65 sq metres only. |

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| | Where the use is permitted under the Town Planning Scheme No 3. and no objections have been received (or where the objections have been resolved), and the application meets the performance criteria of the Residential Design Codes and relevant polices. |
| c) To recommend approval to the WA Planning Commission (WAPC) for subdivisional or amalgamation proposals and request WAPC apply relevant conditions | Only for subdivisions creating 2 lots, where those proposals comply with Town Planning Scheme Policy and Town Planning Scheme No 3 provisions. There is no limit on the size or number of blocks under this delegation for an amalgamation process. |
| d) To approve home Occupations and renewal applications, | Which comply with Council's Town Planning Scheme, Policies and conditions of approval, where no objections have been received (or where any objections have been resolved). |
| e) To approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS Policy or Scheme | Only up to 80 square metres on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit the floor area or height or specify external colours and finishes and will have regard to the size of the block, R Code (density of development), intended use and access. |
| f) To initiate the necessary public advertisement of 'SA' planning consent applications prior to determination by Council | |
| g) To endorse clearance of freehold title and strata title subdivisions on Diagrams or Plans of Survey and strata documents. | That are in accordance with any approved subdivision plan |
| h) To approve or refuse applications for advertising signs | Where the proposed sign(s) comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy. Signs may be refused on the basis of safety, failure to meet sub delegation conditions from Main Roads, in adequate or no space allocated at the proposed location, adverse impact on the amenity, non compliance with policy or building licence |
| i) To provide responses to the Minister or the State Administrative Tribunal on any planning decision appeal. | Legal representation and advice to be sought by the Chief Executive Officer as required. |
| j) To approve applications for tree plantations | That: <ul style="list-style-type: none"> - are eucalypt or pine species and deemed appropriate land use for the zone; - are presented with an appropriate plantation plan; - comply with the industry Code of Practice for timber plantations; - are less than 200 Ha |

Conditions Generally

There are no delegations to refuse an application, other than for advertising signs, which may be refused on the basis of safety, failure to meet sub delegation conditions from Main Roads, in adequate or no space allocated at the proposed location, non compliance with policy or building licence. If the Chief Executive Officer is not in a position to approve an application under delegation then it must be referred to the Council.

Prior to the exercise of any delegation in this item the Chief Executive Officer will circulate to elected members notice of the name of any applicant and address and nature of planning proposal. Any contentious applications will be referred to Council.

Approved application summaries and required documentation on the use of the delegations will be circulated in an information bulletin.

The delegations will be valid for two years and be reviewed with the delegations register.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

Shire of Kojonup Town Planning Scheme No 3

Local Government Act 1995

Planning and Development Act 2005

Town Planning Regulations 1967

POLICY IMPLICATIONS

These delegations will support the response required under the Customer Service Charter

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This will support a more responsive administration process.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council delegate planning authority to the Chief Executive Officer for two years as follows, subject to the listed conditions.

| Delegated Power | Conditions |
|---|--|
| a) To approve extensions or alternations to existing single houses and grouped dwellings involving setback variations to the Residential Design Codes | Where no objections have been received (or where the objections have been resolved), and where the application meets the performance criteria of the Residential Design Codes, and relevant polices. |
| b) To approve setback variations on new dwellings or outbuildings | For single story residential buildings and sheds under 65 sq metres only. Where the use is permitted under the Town Planning Scheme No 3. and no objections have been received (or where the objections have been resolved), and the application meets the performance criteria of the Residential Design Codes and relevant polices. |
| c) To recommend approval to the WA Planning Commission (WAPC) for subdivisional or amalgamation proposals and request WAPC apply relevant conditions | Only for subdivisions creating 2 lots, where those proposals comply with Town Planning Scheme Policy and Town Planning Scheme No 3 provisions. There is no limit on the size or number of blocks under this delegation for an amalgamation process. |
| d) To approve home Occupations and renewal applications, | Which comply with Council's Town Planning Scheme, Policies and conditions of approval, where no objections have been received (or where any objections have been resolved). |
| e) To approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS Policy | Only up to 80 square metres on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which |

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| or Scheme | may limit the floor area or height or specify external colours and finishes and will have regard to the size of the block, R Code (density of development), intended use and access. |
| f) To initiate the necessary public advertisement of 'SA' planning consent applications prior to determination by Council | |
| g) To endorse clearance of freehold title and strata title subdivisions on Diagrams or Plans of Survey and strata documents. | That are in accordance with any approved subdivision plan |
| h) To approve or refuse applications for advertising signs | Where the proposed sign(s) comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy. Signs may be refused on the basis of safety, failure to meet sub delegation conditions from Main Roads, in adequate or no space allocated at the proposed location, adverse impact on the amenity, non compliance with policy or building licence |
| i) To provide responses to the Minister or the State Administrative Tribunal on any planning decision appeal. | Legal representation and advice to be sought by the Chief Executive Officer as required. |
| j) To approve applications for tree plantations | That: - are eucalypt or pine species and deemed appropriate land use for the zone; - are presented with an appropriate plantation plan; - comply with the industry Code of Practice for timber plantations; - are less than 200 Ha |

COUNCIL DECISION

56/09 MOVED Cr Benn seconded Cr Marsh that Council delegate planning authority to the Chief Executive Officer for two years as follows, subject to the listed conditions.

| Delegated Power | Conditions |
|---|--|
| a) To approve extensions or alternations to existing single houses and grouped dwellings involving setback variations to the Residential Design Codes | Where no objections have been received (or where the objections have been resolved), and where the application meets the performance criteria of the Residential Design Codes, and relevant polices. |
| b) To approve setback variations on new dwellings or outbuildings | For single story residential buildings and sheds under 65 sq metres only. Where the use is permitted under the Town Planning Scheme No 3. and no objections have been received (or where the objections have been resolved), and the application meets the performance criteria of the Residential Design Codes and relevant polices. |
| c) To recommend approval to the WA Planning Commission (WAPC) for subdivisional or amalgamation proposals and request WAPC apply relevant conditions | Only for subdivisions creating 2 lots, where those proposals comply with Town Planning Scheme Policy and Town Planning Scheme No 3 provisions. There is no limit on the size or number of blocks under this delegation for an amalgamation process. |

| | |
|--|--|
| d) To approve home Occupations and renewal applications, | Which comply with Council's Town Planning Scheme, Policies and conditions of approval, where no objections have been received (or where any objections have been resolved). |
| e) To approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS Policy or Scheme | Only up to 80 square metres on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit the floor area or height or specify external colours and finishes and will have regard to the size of the block, R Code (density of development), intended use and access. |
| f) To initiate the necessary public advertisement of 'SA' planning consent applications prior to determination by Council | |
| g) To endorse clearance of freehold title and strata title subdivisions on Diagrams or Plans of Survey and strata documents. | That are in accordance with any approved subdivision plan |
| h) To approve or refuse applications for advertising signs | Where the proposed sign(s) comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy. Signs may be refused on the basis of safety, failure to meet sub delegation conditions from Main Roads, in adequate or no space allocated at the proposed location, adverse impact on the amenity, non compliance with policy or building licence |
| i) To provide responses to the Minister or the State Administrative Tribunal on any planning decision appeal. | Legal representation and advice to be sought by the Chief Executive Officer as required. |
| j) To approve applications for tree plantations | That: <ul style="list-style-type: none"> - are eucalypt or pine species and deemed appropriate land use for the zone; - are presented with an appropriate plantation plan; - comply with the industry Code of Practice for timber plantations; - are less than 200 Ha |

CARRIED BY ABSOLUTE MAJORITY

10/0

13 CORPORATE & COMMUNITY SERVICES REPORTS14 COMMITTEES OF COUNCIL

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 NOTICE OF MOTION TO REVOKE COUNCIL DECISION – REVIEW OF COUNCILLOR NUMBERS**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday, 13 May 2009
 FILE NO: 04.02.07
 ATTACHMENT: Notices of Motion

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a Notice of Motion to revoke Council Decision 45/09 with respect to Review of Councillor Numbers.

BACKGROUND

A Notice of Motion to revoke Council Decision 45/09 of Council made at its Special Meeting held on 29th April 2009 has been received by the Chief Executive Officer. At the time of printing this agenda the Notice has been signed by the following Councillors:

Cr's Mathwin, Pritchard, Baulch, Trethowan, Pedler, Graham and Hewson.

COUNCIL DECISION

45/09 MOVED Cr Benn seconded Cr Pritchard that Council resolved to retain its current ward system and reduce its number of Councillors from ten (10) down to nine (9) to be effective from the 2009 General Elections scheduled for 17th October 2009

Not Carried By Absolute Majority 5/2

REASON FOR CHANGE: Council requested that there be nine (9) councillors instead of eight (8) due to ongoing work load and level of commitments on committees.

To have affect the decision needed to be carried by absolute majority which is currently six (6), as this was not the case the decision fails to result in any outcome.

Regulation 10 of the Local Government (Administration) Regulations 1996 states the following:

“10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)

(1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

(a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*

(b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

(1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

(2) *If a decision has been made at a council or a committee meeting then any decision to revoke or Change the first-mentioned decision must be made —*

(a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*

(b) *in any other case, by an absolute majority.*

(3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

COMMENT

The Notice of Motion to revoke the previous decision has been signed by members of the council numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

The Notice presented to the Chief Executive Officer satisfies the requirements of the Act and Regulations as it was presented with the required signatures.

The decision to revoke the decision must be made by absolute majority being six (6) members of Council voting for the motion.

Advice has been received from officers of the Local Government Advisory Board that should Council reconsider the matter and resolve by absolute majority to reduce councillor numbers the matter could then be dealt with by the Board at their meeting scheduled for 16th June 2009. Whilst not guaranteeing that the change would be in place for the October General Elections strong indication was given that this should be achievable.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995 section 5.25(1) (e) and Local Government (Administration) Regulations 1996, Regulation 10.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic implications

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION 1

That Council revoke its decision 45/09 of Council made at its Special Meeting held on 29th April 2009 with respect to Councillor Numbers Review to allow reconsideration of the matter.

COUNCIL DECISION

57/09 MOVED Cr Pritchard seconded Cr Pedler that Council revoke its decision 45/09 of Council made at its Special Meeting held on 29th April 2009 with respect to Councillor Numbers Review to allow reconsideration of the matter.

CARRIED BY ABSOLUTE MAJORITY

10/0

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

58/09 MOVED Cr Hewson seconded Cr Benn that standing orders be suspended.

CARRIED 10/0

COUNCIL DECISION

59/09 MOVED Cr Hewson seconded Cr Marsh that standing orders be resumed.

CARRIED 10/0

6.00pm Councillors resumed standing orders.

RECOMMENDATION 2

That Council resolve to retain its current no ward system and reduce its number of Councillors from ten (10) down to _____ to be effective from the 2009 General Elections scheduled for 17th October 2009.

COUNCIL DECISION

60/09 MOVED Cr Marsh seconded Cr Baulch that Council resolve to retain its current no ward system and reduce its number of Councillors from ten (10) down to eight (8) to be effective from the 2009 General Elections scheduled for 17th October 2009.

CARRIED BY ABSOLUTE MAJORITY 10/0

16

NEW BUSINESS

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

Cr Marsh requested the Council accept an item of new business of an urgent nature relating to the previous legal action with W Lenyszyn.

COUNCIL DECISION

61/09 MOVED Cr Pedler seconded Cr Trethowan that the Council consider the item of new business relating to the previous legal action with W Lenyszyn.

CARRIED 10/0

COUNCIL DECISION

62/09 MOVED Cr Marsh seconded Cr Benn that the meeting be closed to the Public in accordance with section 5.23 (2)(d) of the Local Government Act 1995 as it relates to legal advice.

CARRIED 10/0

17 CONFIDENTIAL REPORTS

The Chief Executive Officer was asked to provide a verbal update on the status of the legal action with W Lenyszyn.

COUNCIL DECISION

63/09 MOVED Cr Marsh seconded Cr Hewson that the meeting be reopened to the public.

CARRIED 10/0

6.40pm The meeting open to the public

18 NEXT MEETING

Tuesday, 16th June 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 6.41pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

- 10.1 Monthly Statement of Financial Activity 1st July 2008 to 30th April 2009
- 10.2 Monthly Payment Listing
- 10.3 Loan Repayment Schedule and Draft Acknowledgement of Debt Agreement
- 12.1 Plan for Harris's Garage
- 15.1 Notices of Motion

Presiding Member

Date