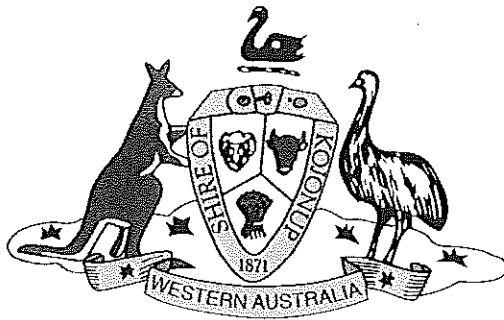


SHIRE OF KOJONUP



Special Council Agenda

29th September 2009

at 3.00pm

SHIRE OF KOJONUP**AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 29th September 2009****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

SPECIAL MEETING NOTICE AND AGENDA – 29th September 2009

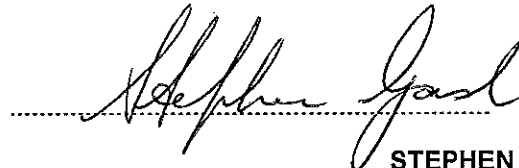
TO: THE SHIRE PRESIDENT AND COUNCILLORS

In accordance with section 5.5 of the Local Government Act, notice was given that a special meeting of the Council will be held in Council Chambers, Administration Building, Albany Highway, Kojonup on Tuesday 29th September 2009 commencing at 3.00pm.

THE PURPOSE OF THE MEETING IS TO CONSIDER:

- 1) **The Shire of Kojonup Structural Reform Submission.**
- 2) **An amended development plan for Lot 101 Soldier Road, Kojonup..**
- 3) **Community Sport and Recreation Facilities Fund Grant Submission.**

Your attendance is respectfully requested.



STEPHEN GASH
CHIEF EXECUTIVE OFFICER

23 September 2009

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

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

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager

APOLOGIES

3 **PUBLIC QUESTION TIME**

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

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

10 **FINANCE REPORTS**

11 **ENGINEERING & WORKS REPORTS**

12 **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

12.1 REVISED GUIDED DEVELOPMENT PLAN FOR LOT 101 SOLDIER ROAD, KOJONUP

AUTHOR:	Phil Shephard – Town Planner
DATE:	17 September 2009
FILE NO:	14.01.01
APPLICANT:	Dykstra Planning
OWNER:	Nick Pagano Pty Ltd
ATTACHMENTS:	YES
	12.1a) Original Guided Development Plan adopted by Council.
	12.1b) Revised Guided Development Plan and Report.

DECLARATION OF INTEREST

Nil

SUMMARY

To consider revisions to the Guided Development Plan (GDP) for Lot 101 Soldier Road adopted by Council in June 2007.

BACKGROUND

Council at its June 2007 meeting (Res; 59/07) considered the submissions received and resolved as follows:

1. *Endorse the subdivision as per the schedule of submissions.*

2. Advise the proponent that the development of lots on the north and west of the Guided Development Plan as R5 will require a rezoning of the lots as they are currently zoned R10/20.
3. Adopt the Guided Development Plan, without modification.
4. Send copies of the submissions received from the public authorities to the proponent.”

The consultants have now submitted a revised GDP for consideration by Council. The revised GDP raises some issues for Council to consider including on-site effluent disposal/deep sewer connection, subdivision staging, public open space and subdivision design and reduced dwelling densities.

COMMENTS

The consultant's are seeking a revision of the original GDP such that all lots will be in excess of 3,000m² in area and are to be serviced by individual on-site effluent disposal systems and no deep sewer would be provided to any lots.

The report advises (p.3):

“With respect to sewer, the Consulting Engineer has confirmed that servicing the entire development are would involve significant extensions both internal and external to the site, and have thereby been found to be unfeasible. Therefore, all proposed lots are intended to be service with on-site effluent disposal systems”

The revisions to the adopted GDP raise the following issues for discussion:

Subdivision Design

The design and lot yield has altered as follows:

	ADOPTED GDP (January 07 Plan)	REVISED GDP (August 09 Plan)
Lot Size & Numbers	26 @ R5 (2,000m ² minimum lot size)	50 @ R2 - R5 (3,000m ² minimum lot size)
	65 @ R10 (875m ² minimum lot size)	50 residential lots/ 50 dwelling units
	8 @ R20 (440m ² minimum lot size)	
	99 residential lots/ 107 dwelling units	

As can be seen from the above table, the original GDP produced far more lots and dwelling units than the revised GDP due to the changes in the residential density proposed.

The consultant argues this revision and alteration is necessary and due to the economics of the proposal in particular the high costs of providing deep sewer to the lots.

Deep Sewer Connection

The revised GDP is prefaced on Council supporting the use of individual on-site effluent disposal systems for the lots.

The report also includes a Land Capability and Geotechnical Assessment Report prepared by Landform Research to address the capacity and suitability of the site for the proposed residential subdivision. The Report has not been prepared based on this most recent GDP and contact was made with the author to discuss the outcomes. The author confirmed that the Report's conclusions are still valid given the lot sizes have now generally increased.

The Report was considered by the Shire's Environmental Health Officer (EHO) and whilst the conclusions are supported, it is recommended that the Shire require the use of Alternative Treatment Units (ATU's) for all housing developments as it:

- achieves a higher standard of effluent disposal,
- assists in water conservation,

- retains and treats nutrients on-site,
- provides a more effective and complete treatment of domestic effluent, and
- is likely to operate more efficiently in these soil types.

The position of each system would be determined by the EHO at the time of building and the costs would be met by the individual landowner. For information purposes, a standard septic tank/leach drain system is approximately \$3,500 to install whilst an ATU system is likely to be in the range of \$4,000 - \$8,000.

Subdivision Infrastructure

The staging of the subdivision requires consideration of the ceding of the public open space areas. Given that in this application it is intended to combine part of the stormwater drainage system within the public open space areas, the open space and all stormwater drainage infrastructure should be required to be provided by the subdivider in the first stage.

Water Conservation/Drainage Control

The Report also highlights some constraints on the site due to surface runoff and winter water table. This is a particular issue to portions of the site as shown in the Report.

Staff also recommends that the Shire consider requiring the provision of rainwater tanks (20,000l or 4,000 gallons) for all housing to assist reduce the amount of stormwater runoff from the housing development and improve the opportunities for the on-site effluent disposal. For information purposes, a tank and associated plumbing is likely to be in the range of \$4,000 - \$8,000.

Density Coding

The Council's June 2007 decision required that the consultant's rezone the smaller lots from R10/20 to R5 to reflect the lot size. The Report does not include any commitment to the recoding as required by Council. The Town Planner has spoken to the consultant's and they are expected to have some comment available for the Council Meeting.

Staff has reservations if the recoding is not completed as the scheme states at clause 5.7.3(b):

"Residential development with the R10/20 code shall be permitted at the R10 density, however, the Council may approve development sup to the R20 density as an 'AA' use."

Council needs to be satisfied by consultants/subdivider that they have included a suitable mechanism to ensure that purchasers and successors in title are advised that irrespective of the R10/20 code, Council will only permit residential development in accordance with the R2.5 - R5 code due to the lack of deep sewer connection to the properties and the low land capability of the sites to handle more than one on-site effluent disposal system.

This requirement is reinforced by the condition of subdivision placed by the WA Planning Commission which states:

- "9. *Notification in the form of a Section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) 1 to 26 advising that*
- *Notwithstanding the R-Code provisions dwelling setbacks from the adjoining cemetery and rural land use are to be 20 metres from the rear lot boundary.*
 - *Notwithstanding the current zoning of 'Residential R10/20' all lots within shall be developed in accordance with the R5 standards."*

It is considered unfortunate that the deep sewered lots have been disbanded with as they were considered important to the overall design as they allowed for a variety of lot sizes to be created and provided the ability for a range of housing types to be developed from single house to grouped/multiple dwellings.

The total creation of the subdivision using the R2.5 - R5 code represents a significant change to the density provided for under the scheme.

CONSULTATION

Given the proposed changes to the previously Adopted GDP, it is recommended that Council undertake further consultation on the proposal. It is recommended that Council undertake consultation for a period of 21-days as follows:

- Refer to adjoining/nearby landowners for comment.
- Refer to government agencies (Department of Environment and Conservation, Department of Health, Fire and Emergency Services Authority of WA, Main Roads WA, Telstra, Western Power, Water Corporation) for submission.
- Place Notice in Local Newspaper advising of proposal and seeking comment from other interested parties.

STATUTORY ENVIRONMENT

The land is zoned Residential Development with a split density code of R10/20 under Town Planning Scheme No. 3.

Clause 5.7.3 (in part) of Town Planning Scheme No. 3 states:

- "(b) Residential development with the R10/20 code shall be permitted at the R10 density, however, the Council may approve developments up to the R20 density as an 'AA use.
- (c) Any development proposed at a density greater than R10, subject to clause (b) above, will only be considered by the Council if it can be proven that an effective method of effluent disposal, or connection to the reticulated sewer network, satisfactory to the Council's requirements, can be provided. If this cannot be provided, development of residential use shall be permitted to the R10 code."

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil. All costs associated with the administration and processing of the GDP are to be met by the proponent in accordance with *Planning and Development (Local Government Planning Fees) Regulations 2000* and an account will be sent when the process is completed.

STRATEGIC IMPLICATIONS

The completion of the subdivision based on the revised GDP will provide an additional 50 lots (including public open space) and potential of 50+ dwelling units when fully developed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Adopt the draft revised Guided Development Plan (dated August 2009) for Lot 101 Soldier Road, Kojonup and undertake public consultation on the proposal for a period of 21-days as follows:
 - i) Refer to adjoining/nearby landowners for comment.
 - ii) Refer to government agencies (Department of Environment and Conservation, Department of Health, Fire and Emergency Services Authority of WA, Main Roads WA, Telstra, Western Power, Water Corporation) for submission.
 - iii) Place Notice in Local Newspaper advising of proposal and seeking comment from other interested parties.
2. Advise the proponents that rezoning/recoding of the land to ensure the density matches the subdivision will be required to be completed as a matter of urgency and no clearance to the subdivision will be issued until completed and gazetted.
3. Advise the proponents that ATU's to treat effluent and 20,000l roof collection rainwater tanks will be required to service each new dwelling and the Shire will require that they advise in writing all prospective purchasers and successors in title at the time of purchasing the land.

COUNCIL DECISION

/09 **MOVED Cr** **seconded Cr**

CARRIED/LOST /

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 SHIRE OF KOJONUP STRUCTURAL REFORM SUBMISSION**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 23 September 2009
 FILE NO: 01.01.04
 ATTACHMENTS: Draft Structural Reform Submission
 Structural Reform Guidelines

DECLARATION OF INTEREST

The Chief Executive Officer and any employee present at the meeting declares a financial interest in this item as employees of the Shire of Kojonup, that may be impacted by any structural reform.

SUMMARY

To consider the Shire of Kojonup Structural Reform Submission.

BACKGROUND

In February 2009 the Hon John Castrilli, Minister for Local Government, announced a process for local governments to consider structural reform. This process was outlined in the guidelines attached to this agenda.

Local governments are required to respond to the Minister with submissions on structural reform, that have regard to the guidelines, by 30 September 2009.

COMMENTS

The structural reform submission, attached to this agenda, provides a comprehensive outline of the process, considerations, and outcomes of the Shire of Kojonup looking at the opportunities for structural reform. The executive summary of this submission is below:

"The Shire Kojonup has followed the directions from the Minister for Local Government, and the guidelines from the Local Government Reform Steering Committee, ("The Guidelines"), to examine the opportunities and community value associated with amalgamation options.

Despite the existence of guidelines regarding the process, the exercise was found to be very difficult because of lack of specific guidance regarding expected or acceptable outcomes relating to minimum area, population or rate revenue that may satisfy the Minister. The absence of definitive criteria regarding sustainability supports the view that one size does not fit all, and the Minister for Local Government's acknowledgement, that local government is best placed to advise on options and community benefit, is appreciated.

The Shire of Kojonup reviewed several options, and undertook a detailed assessment of a possible merger of the Southern Link VROC, however, was unable to identify any net value to the community. The lack of identified net value is indicative of the absence of specific commitment from the State Government with regard to the funding of restructure costs, and the level of savings already made through regional co-operation and the operations of the Southern Link VROC. The value assessment also considered the potential impact on the local economy, community safety, and social capital.

Therefore the Shire of Kojonup has not put forward an amalgamation option, but has highlighted a regional grouping through the Southern Link VROC, that achieves most of the sustainability drivers, as required by the guidelines, without the associated costs. This proposal was subject to significant consultation and reflects the view of the Kojonup community.

Kojonup is still actively pursuing local government reform through its involvement in the Southern Link VROC and has already built significant organisational capacity in linking strategic planning and asset management, with long term financial planning to ensure

better viability of local government. By allowing Kojonup to continue to pursue this work, through the Southern Link VROC we are confident that models can be developed that will assist the broader local government sector."

CONSULTATION

- Articles in the Kojonup News on 13 March 2009, 3 July 2009, 28 August 2009, and 11 September 2009.
- Independently facilitated public meeting on 24 June 2009.
- Independently facilitated community workshop on 27 August 2009.
- Community survey was mailed on 7 August 2009 to rural ratepayers and delivered to each town residence with a mailbox.
- A final Public Meeting was held on 3 September 2009.
- Consultation with other Shires throughout the process is listed in the submission, attached to this agenda.

STATUTORY ENVIRONMENT

Schedule 2.1 and 2.2 of the Local Government Act 1995

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil as no changes are proposed.

STRATEGIC IMPLICATIONS

Structural Reform is the most significant issue for local government as it will impact on their ability to deliver core services to residents and ratepayers into the future.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That the Minister for Local Government be advised that the Council and community of Kojonup do not see any net benefit in amalgamation and do not wish to amalgamate with any other local government.
2. That the Shire of Kojonup advise the Minister for Local Government that it has already reviewed its representation and was granted approval to reduce to 8 Councillors effective from the October 2009 election.
3. That the Shire of Kojonup advise the Minister for Local Government its preferred regional grouping is the Southern Link VROC.
4. If a broader grouping is warranted then this be conveyed as the existing Great Southern Region WALGA zone, but only if ALL State Government agencies are also aligned in this manner.
5. That the Minister for Local Government examine legislative change to support the South Australian Subsidiary model structure within the Western Australian Local Government Act.
6. That if the Legislative change to support the South Australian Subsidiary Model cannot be accommodated then the Minister for Regional Development request the Department of Regional and Lands to hold any regional "Country Local Government Fund" money and disperse the funds, according to accounting and audit standards, to allow Voluntary Regional Organisation of Councils to deliver regional infrastructure projects.

COUNCIL DECISION/09 **MOVED Cr** **seconded Cr****CARRIED/LOST**13.2 **COMMUNITY SPORT & RECREATION FACILITY FUND APPLICATION (CSRFF)**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 23 September 2009
 FILE NO: 03.03.09
 ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To consider and rank applications for the CSRFF round closing 30 September 2009.

BACKGROUND

Council has appreciated the support of the Department of Sport and Recreation, through their Community Sport and Recreation Facilities Fund, which has contributed funds to significant sporting infrastructure in the district.

The project considered for the round ending 30 September 2009 is the refurbishment of the Sporting Complex on Benn Parade.

COMMENTS

The need for renewal of the sporting complex has been identified over the last 6 years and several options have been examined, with regard to local recreation plan priorities, and the capital cost.

The facility was built in 1971 and is structurally sound.

The significant issues with the current facility are:

- The asbestos roof needs replacing before it becomes a serious safety issue.
- There are no toilets upstairs in the club room, which is a significant disability access issue that needs to be addressed.
- The kitchen requires upgrade to comply with food safety standards.
- There is conflict between sporting groups over the lack of availability of change rooms at various stages during their sporting season, especially any overlap with the pool season.
- There is limited ability to host any regional carnivals due to the change room limitations.
- The change room design does not maximise space or facilitate required accessibility and privacy in showers.
- There are issues with limited access and egress to the building from a fire safety perspective.
- The mechanical services, electrical, plumbing, and finishes all need renewal.
- There are issues with the security of the building, as evidenced by the break in history and the façade/ appearance is dated.
- There is no undercover viewing area outside of the complex.
- Patrons and kitchen volunteers inside the complex cannot adequately view the main playing surfaces.

Options examined have been:

1. Demolish and rebuild a new facility. Cost > \$2.5 million
2. Demolish and build a new facility which incorporates undercover courts. Cost >\$3.5 million
3. Refurbish existing facility, re-roof, add additional change room, toilets upstairs and better access and viewing from within clubhouse \$1.225 million.

Any of the 3 options above would address the issues identified with the current facility, and provide a 'fit for purpose' asset for 30 years, which will also accommodate projected growth of the town. Given the strength of the existing structure, and the rest of any refurbishment would be to new specification, there is no difference to ongoing operational and renewal cost, other than related to the extra area in option 2. Therefore the options can be assessed purely on initial capital costs, especially given 'do nothing' is not an option given the regulatory issues.

Option 3 above would be stage 1 and allows time to consider the optimal placement of an undercover, general purpose court area as stage 2. Option 3 also has the least impact on sporting activities, because any rebuild in options 1 & 2 would require complete demolition first as the current site has been identified as the optimal location.

Meetings have been held with stakeholders from key sporting groups and the preferred option is a refurbishment of the existing facility with the following modifications:

- Build toilet facilities upstairs in the club room.
- Add a wall at the back of the pool office/ meeting room to allow for another change room the same size as the existing rooms.
- Redesign change rooms to maximise space utilisation, privacy, and access from the internal hallways.
- Extend the roof over the toilet facilities and side of the complex to provide an undercover viewing area.
- Improve the façade and windows to support better viewing from within the club room/ kitchen area.
- Change the pitch of the roof to allow future mechanical services and possible solar heating of the adjacent pool.
- Consider redesigning the squash court stairs internally within the building.

The stakeholder feedback is supported by Officers who recommend that option 3 provides the best value for money and is consistent with Council's asset management objectives.

CONSULTATION

Consultation has been conducted over the last 6 years on this issue. The last community meeting was held on 21 September 2009.

STATUTORY ENVIRONMENT

The budget commitment will be in the 2010/2011 financial year and Council will need to adopt the expenditure at that time.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The projected total cost is \$1,225,000

Approximately \$400,000 will be sought from the CSRFF grant application.

Council has \$410,000 allocated in its sporting facility reserve, which includes money reserved from the "Royalties for Regions" for this project. A further \$200,000 may be applied from the 2010/11 Council portion of the Country Local Government Fund.

This project will be put to the Southern Link VROC for consideration of further funding under the regional component of "Royalties for Regions", alternatively the \$215,000 balance is proposed to be funded by a loan over 20 years to equalise the financial contribution across future users, rather than current ratepayers.

The debt proposal above is within Council's objectives of <10% debt servicing ratio.

STRATEGIC IMPLICATIONS

The renewal of the Sporting Complex has been identified as a priority within the Shire of Kojonup Strategic Plan.

The proposal is consistent with local and regional recreation plans, and the Shire of Kojonup asset management strategies.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Council authorise the Chief Executive Officer to submit a Community Sport and Recreation Facilities Fund grant application, for the refurbishment of the Kojonup Sporting Complex, up to a value of \$1,225,000.**
- 2. Council authorise the Chief Executive Officer to pursue addition contribution to this project, as Councils priority for any regional component of the Country Local Government Fund.**
- 3. Provision be made in the 2010/11 budget for expenditure if the CSRFF grant is approved.**
- 4. Council rank the Sporting Complex refurbishment/ redesign as their number one CSRFF priority for this grant round.**

COUNCIL DECISION

/09 **MOVED Cr** **seconded Cr**

CARRIED/LOST

14 COMMITTEES OF COUNCIL

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

There will be no new business as it is a Special meeting called for specific purpose.

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Tuesday, 20th October 2009 commencing at 3:00pm.

19 CLOSURE

There being no further notice of business for the Special Meeting under section 5.5 of the Local Government Act 1995, the President thanked the members for their attendance and declared the meeting closed at pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

Item 12.1 Lot 101 Soldier Road Kojonup, Amended Development Plan.
Item 13.1 Shire of Kojonup Structural Reform Submission

Structural Reform Guidelines