

SHIRE OF KOJONUP



Council Minutes

19th October 2010

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19th October 2010****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:03pm 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
Cr Jane Trethowan
Cr Ian Pedler
Cr Frank Pritchard
Cr John Benn
Cr Greg Marsh

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer
Miss Gemma Boys	Customer Service Officer

APOLOGIES

Cr Rosemary Hewson	Granted Leave of Absence at Meeting 17 August 2010
Cr Michael Baulch	Granted Leave of Absence at Meeting 21 st September 2010

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 21st September 2010

Corrections: Nil

COUNCIL DECISION

89/10 MOVED Cr Benn seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 21st September 2010 be confirmed as a true record.

CARRIED 6/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

23rd September 2010 – Visit by Dr Ken Michael, Governor of Western Australia at the Kodja Place was attended by Cr Mathwin,

4th October 2010 – Hidden Treasures Launch at Nyabing attended by Cr Mathwin, Cr Benn, Ms Terri Neuzerling & Mr Jack Cox,

8th October 2010 – Official Opening of the Kojonup Co-op,

13th, 14th & 15th October 2010 – Cr Mathwin, Cr Trethowan & Cr Pritchard attended the Western Australia Transport & Roads Forum in Bunbury, and

16th October 2010 – Civic Reception at the Kojonup Show and was attended by Senator Judith Adams & Hon. Terry (Tuck) Waldron MLA

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Thursday, October 14, 2010

FILE NO: FM.FNR.2

ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 30th September 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th September 2010.

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's of Financial Activity for the periods of 1st July 2010 to 30th September 2010 show a solid position with 75.44% of rates collected and a total amount of cash holdings of \$3,886,039.98 of which \$2,087,259.44 is held in fully cash backed Reserves as at 30th September 2010.

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's of Financial Activity for the periods of 1st July 2010 to 30th September 2010, as attached, be accepted.

COUNCIL DECISION

90/10 MOVED Cr Marsh seconded Cr Trethowan that the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th September 2010, as attached, be accepted.

CARRIED 6/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Friday, October 8, 2010

FILE NO: FM.AUT.1

ATTACHMENT: 10.2 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 01/09/2010 to 30/09/2010 comprising of Municipal Cheques 11320 to 11372, EFT's 6058 to 6183 and Internal Payment Vouchers 2391 to 2516 totaling \$950,885.79 and as attached to this agenda, be received.

COUNCIL DECISION

91/10 MOVED Cr Benn seconded Cr Pedler that the Payment Listing from 01/09/2010 to 30/09/2010 comprising of Municipal Cheques 11320 to 11372, EFT's 6058 to 6183 and Internal Payment Vouchers 2391 to 2516 totaling \$950,885.79 and as attached to this agenda, be received.

CARRIED

6/0

3:24pm Mrs Heather Marland left the Chamber.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**12.1 OVERSIZED OUTBUILDING APPLICATION – LOT 18 STOCK ROAD, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
 DATE: 13 October 2010
 FILE: DB.BDA.8
 OWNER: C Thomson
 LOCATION: Lot 18 Stock Road, Kojonup
 ATTACHMENTS: 12.1 Plans of Proposed Shed - Lot 18 Stock Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct an oversize outbuilding on Lot 18 Stock Road, Kojonup as shown on the attached plans.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Nil.

COMMENT

The proposal is to construct a 9m x 18m (162m² floor area) outbuilding on the above property to be setback 20m from the side boundary with Lot 19 and approximately 105m from the front boundary with Stock Road. The applicant has advised the reasons for the oversize outbuilding is to store equipment including materials, vehicles etc.

The property has been developed with a new dwelling and the proposed outbuilding will be constructed behind the dwelling. The existing dwelling has been constructed using blue-coloured walls and cream-coloured roof.

The applicant advises that the outbuilding is proposed to be constructed using 'surfmist' (cream-coloured) colorbond metal for the roof and wall cladding.

The surrounding special rural lots and proposed site for the outbuilding was inspected. The proposed site for the outbuilding complies with the required minimum 15m setback for the special rural zone. The lot is substantially larger (3.47ha) than a traditional sized residential lot (between 600 – 1,000m²) and the outbuilding will not be out of keeping with similar proposals developed on other special rural lots in Kojonup.

Consistent with previous approvals for oversized outbuildings, it is suggested that given the larger size, Council require that the outbuilding be clad with coloured materials to match the existing dwelling.

CONSULTATION

Nil. Given the existence of other oversized outbuildings in this special rural zone, no consultation with neighbours was considered necessary, in this instance. Council can require staff undertake consultation prior to the application being determined if considered necessary.

STATUTORY ENVIRONMENT

The land is zoned Special Rural under Town Planning Scheme No. 3.

Clause 5.12.3 of the Scheme states:

"No dwelling or other structure shall be permitted within 15m 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 proposed location of the outbuilding complies with the setback requirements under the Scheme.

The options available to Council in dealing with the application can be summarised as follows:

- Approve the application, with or without conditions;
- Refuse the application and give reasons; or
- Defer the application and seek additional information from the applicant and/or undertake consultation with neighbours etc.

POLICY IMPLICATIONS

The Shire has an adopted Town Planning Scheme Policy No. 9 'Sheds on Residential and Special Rural Zoned Land' that is also used to assess applications for outbuildings within these zones.

The Policy 9 requires (in summary) that:

- Sheds will not be approved on vacant lots.
- If no dwelling exists, the applicant must submit plans for the dwelling at the time of applying for the shed and the dwelling must be commenced within 12 months and completed within 24 months of the approval.
- The maximum floor area in residential areas shall be 65m².
- The Building Surveyor can approve a maximum floor area of 65m² in special rural zones, with any application for a larger shed to be referred to Council.
- The owner shall remove any approved shed if the conditions of approval are not met.

As the outbuilding is larger than 65m², the application is required to be referred to Council.

In considering the weight to be applied to the Policy requirements, Council is reminded that clause 7.6.4 of the Scheme states that the adopted town planning scheme policies:

“Shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision.”

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

FINANCIAL IMPLICATIONS

There are no known financial implications. The applicant is required to pay the application fee (\$135 set out in 2010/2011 Fees and Charges).

If the applicant decided to appeal the decision of Council and/or a condition on the approval, costs to defend the appeal would need to be met by Council. It is not possible to determine what these costs might be at this stage.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Planning Consent for the oversize Outbuilding on Lot 18 Stock Road, Kojonup subject to the following conditions:

- a) The floor area of the outbuilding shall not exceed 162m².
- b) The outbuilding being located on the property as shown on the attached stamped approved plans.
- c) The outbuilding walls and roof to be clad in ‘surfmist’ coloured metal sheeting to the satisfaction of the Chief Executive Officer.
- d) The outbuilding is permitted to be used for storage purposes only.
- e) In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.
- f) A Building Licence will be required to be submitted and approved prior to the commencement of any building works with respect to the proposed outbuilding.

COUNCIL DECISION

92/10 MOVED Cr Marsh seconded Cr Pritchard that Council grant Planning Consent for the oversize Outbuilding on Lot 18 Stock Road, Kojonup subject to the following conditions:

- a) **The floor area of the outbuilding shall not exceed 162m².**
- b) **The outbuilding being located on the property as shown on the attached stamped approved plans.**
- c) **The outbuilding walls and roof to be clad in ‘surfmist’ coloured metal sheeting to the satisfaction of the Chief Executive Officer.**
- d) **The outbuilding is permitted to be used for storage and workshop purposes only.**
- e) **In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.**
- f) **A Building Licence will be required to be submitted and approved prior to the commencement of any building works with respect to the proposed outbuilding.**
- g) **The outbuilding is not to be used for habitable purposes.**

CARRIED

6/0

Reason for change: Council wished to ensure that the permitted use of the outbuilding was made clear in its resolution.

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 COUNCIL DELEGATIONS REGIONAL ROAD GROUP DELEGATE

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Wednesday, September 15, 2010
 FILE NO: PE.AUT.1
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider a delegation to the Shire of Kojonup delegate for the Great Southern Regional Road Group.

BACKGROUND

Section 5.42, Local Government Act 1995 provides for the delegation of some powers and duties to CEO as follows:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. *Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

In turn relevant delegations may be sub delegated to senior officers or authorised representatives, specified for each delegation.

COMMENTS

Member Councils of the Regional Road Group are being asked to consider changes to the future funding allocation model. Previous negotiations have been hampered by the proposal of amendments that had not been discussed by the delegates with their Council prior to being asked to vote on the matter.

Officers are seeking the ability for the Shire of Kojonup delegate, currently Councillor Trethowan, to be able to discuss a range of options that Council have been previously briefed on, and exercise a discretion to vote on opportunities for consensus that may arise at the meeting.

The Shire of Kojonup delegate is currently authorised to represent and vote on behalf of the Shire. This issue item been raised separately, given questions by Councils regarding the authority to enter into such negotiations.

The allocation of specific project funding each year is decided by the Regional Road Group under the State to Local Road Funding Agreement and therefore the Shire delegate would not be exercising a power that would otherwise require an absolute majority. Even if there are further questions regarding the legality or otherwise, Shire Officers are seeking to support the delegate, noting the following conditions and processes:

1. The nature of the delegation will be recorded in the delegations register.
2. Any use of the delegation, for the purpose of voting on future funding models or capping, will be presented to the subsequent Council meeting for endorsement.
3. No delegation will be required for the ordinary consideration, or voting in other Regional Road Group processes.

Shire Officers commend this approach to maintain transparency and also support the Council representative.

CONSULTATION

The Department of Local Government was consulted on the implications of the delegation.

STATUTORY ENVIRONMENT

The Local Government Act 1995, sections 5.42, 5.43, 5.44, 5.45 and 5.46 and Regulation 19 of the of the Local Government (Administration) Regulations.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with the strategic objective of ensuring governance and capability.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**ORIGINAL OFFICER RECOMMENDATION**

That the Council delegates to Cr Trethowan, either directly or via the Chief Executive Officer, as required by the Local Government Act, the authority to represent the Shire of Kojonup at the Great Southern Regional Road Group, subject to the following conditions:

1. The nature of this delegation will be recorded in the delegations register.
2. Any use of the delegation, for the purpose of voting on future funding models or capping, will be presented to the subsequent Council meeting for endorsement.
3. No further delegation will be required for the ordinary consideration, or voting in other Regional Road Group items of business or processes.

AMENDED OFFICER RECOMMENDATION

That the Council delegates to Cr Trethowan, either directly or via the Chief Executive Officer, as required by the Local Government Act, the authority to represent the Shire of Kojonup at the Great Southern Regional Road Group, subject to the following conditions:

1. The nature of this delegation will be recorded in the delegations register.
2. Any use of the delegation, for the purpose of voting on future funding models or capping, will be presented to the subsequent Council meeting for noting.
3. No further delegation will be required for the ordinary consideration, or voting in other Regional Road Group items of business or processes.

Reason for Change: it was felt that for the delegation to have any meaningful impact that any use of the delegation should be presented to the subsequent Council meeting for noting rather than endorsement.

COUNCIL DECISION

93/10 MOVED Cr Benn seconded Cr Pedler that the Council delegates to Cr Trethowan, either directly or via the Chief Executive Officer, as required by the Local Government Act, the authority to represent the Shire of Kojonup at the Great Southern Regional Road Group, subject to the following conditions:

- 1. The nature of this delegation will be recorded in the delegations register.**
- 2. Any use of the delegation, for the purpose of voting on future funding models or capping, will be presented to the subsequent Council meeting for noting.**
- 3. No further delegation will be required for the ordinary consideration, or voting in other Regional Road Group items of business or processes.**

CARRIED BY ABSOLUTE MAJORITY

6/0

OFFICER RECOMMENDATION

That the Shire President be authorised to sign the instrument of delegation.

COUNCIL DECISION

94/10 MOVED Cr Marsh seconded Cr Pritchard that the Shire President be authorised to sign the instrument of delegation.

CARRIED BY ABSOLUTE MAJORITY 6/0

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

LATE ITEM**FRANKLAND RIVER WINE REGION BILLBOARD**

Council will be circulated with a late item regarding the placement of a 2.4m by 4.8m billboard on the Cheviot Hills property adjacent to Albany Highway. The urgent nature of the request is that it is linked to grant funding through the Great Southern Development Commission.

Officers have been seeking further information on the exact location, size, confirmation of acceptance by land owner and these will be addressed in a report to Council as a late item, circulated separately from the agenda.

Council must decide whether to accept the item of an urgent nature.

COUNCIL DECISION

95/10 MOVED Cr Trethowan seconded Cr Marsh that the Item be discussed.

CARRIED 6/0

COUNCIL DECISION

96/10 MOVED Cr Trethowan seconded Cr Pedler that Council request the Chief Executive Officer to obtain further information with respect to the proposal.

CARRIED 6/0

Note: That the Chief Executive Officer advised Council that he will be advertising available advertising space at the Kojonup Airstrip.

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 16th November 2010 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 3:54pm.

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 st July 2010 to 30 th September 2010
Item 10.2	Monthly Payment Listing 1 September 2010 to 30 September 2010
Item 12.1	Plans of Proposed Shed - Lot 18 Stock Road, Kojonup
Item 16.1	Outline of proposed billboard Frankland River Wine Region

Presiding Member

Date