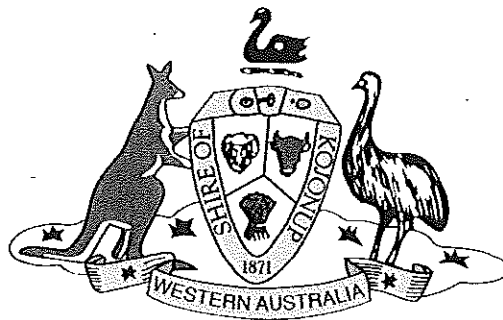


SHIRE OF KOJONUP



Council Agenda

17th November 2009

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 17th November 2009****TABLE OF CONTENTS**

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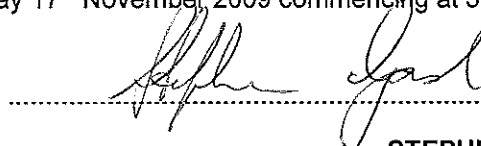
SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 17th November 2009

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 17th November 2009 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH
CHIEF EXECUTIVE OFFICER**

13 November 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
Cr Jane Trethowan
Cr John Benn
Cr Ian Pedler
Cr Michael Baulch
Cr Rosemary Hewson
Cr Frank Pritchard
Cr Greg Marsh

Mr Stephen Gash
Mr Kim Dolzadelli
Mr Mort Wignal
Mr Craig McVee
Mrs Heather Marland

Chief Executive Officer
Manager of Corporate Services
Manager of Regulatory and Community Services
Works Manager
Senior Finance Officer

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**

ORDINARY MEETING 20th October 2009

Corrections:

COUNCIL DECISION

/09 MOVED Cr seconded Cr that the Minutes of the Ordinary Meeting of Council held on 20th October 2009 be confirmed as a true record.

CARRIED/LOST /

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Thursday, November 12, 2009
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July to 31st October 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2009 to 31st October 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 2009 to 31 October 2009 shows a solid position with 82.68% of rates collected to 31st October 2009 and a total amount of cash holdings of \$4,831,487 of which \$1,914,614 is held in fully cash backed Reserves.

An analysis of outstanding Rate Debtors is currently being undertaken with respect to any long term outstanding amounts and a report will be put before Council, once full investigations are completed, regarding the various legal options for recovery. There are 5 long term outstanding properties which collectively owe \$22,912, it should be noted that none of these amounts are at risk as ultimately the debts will be recovered on sale of properties if required.

The Annual Audit has been concluded with the Auditors Management Report, Audit Report and Annual Financial Report being presented to Council in item 13.1 of this meeting. The Audit has made a minor change to the opening position of the 2009/10 Budget in so much that it increased from \$904,449 to \$904,521, a \$72 increase.

With the finalization of the 2008/09 Annual Financial Audit Depreciation has now been updated.

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

/09 MOVED Cr seconded Cr

CARRIED/LOST /

10.2 **MONTHLY PAYMENTS LISTING**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Thursday, November 12, 2009
FILE NO:
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 01/09/2009 to 30/09/2009 comprising of Municipal Cheques 10661 to 10735, EFTs 4851 to 4985 and Internal Payment Vouchers 2002 to 2038 totaling \$790,383.92 and as attached to this agenda, be received.

COUNCIL DECISION

/09 MOVED Cr

seconded Cr

CARRIED/LOST

/

11 ENGINEERING & WORKS REPORTS**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 7 FOR TRANSPORT DEPOT' FOR MATTHEWS TRANSPORT AT LOTS 1 & 3 ALBANY HIGHWAY, KOJONUP.**

AUTHOR: Phil Shephard – Town Planner
 DATE: 22 October 2009
 FILE NO: 14.04.10 (Amendment No. 7)
 ATTACHMENT: 12.1.1 Copy of amendment document
 12.1.2 Copy of submissions
 12.1.3 Schedule of Submissions

DECLARATION OF INTEREST

Nil.

SUMMARY

The statutory public notice period for the above scheme amendment has now been completed and a total of 8 submissions were received. Two submissions (No's 5 & 6) were received from adjoining landowners prior to the formal advertising of the amendment. Nonetheless, these have been included and considered as submissions on the scheme amendment.

Council is now required to determine the submissions and decide whether to proceed or not with the amendment.

It is recommended that Council determine the submissions in accordance with the attached Schedule of Submissions and refer the amendment to the WA Planning Commission and Minister for Planning for final approval.

BACKGROUND

The proposal for a transport depot on the site was discussed and agreed to by Council back in February 2008 (Item 12.3 Res: 144/08), although the historical use of the site dates well before then.

Scheme Amendment No. 7 seeks to include the subject land into an Additional Use zone to reflect the existing land use as a Transport Depot and include Special Conditions to control future uses and development of the land as outlined in the amendment document (copy attached).

Council initiated the scheme amendment at its 21 April 2009 meeting (Item 12.6 Res: 30/09).

In accordance with the requirements of the *Planning and Development Act 2005*, the amendment was firstly referred to the Environmental Protection Authority for their assessment. They advised that the amendment was acceptable and no formal assessment was required in correspondence dated 10 August 2009.

The amendment was then advertised for a period of 42-days to allow for comment from the adjoining/nearby landowners, general public and government agencies.

COMMENTS

The submissions received from government agencies advised they had no objection to the scheme amendment proceeding and were supportive of the proposed conditions to be placed upon the future use and development of the land. The 2 submissions received from local landowners do not support the amendment for the reasons outlined in their submissions, although this represents only a fraction of the 43 referrals sent to adjoining/nearby landowners.

The matter raised within the submissions have either been dealt with satisfactorily by the introduction of conditions for the proposal or where necessary minor modifications have been recommended.

CONSULTATION

The amendment was advertised for a period of 42-days for submission to be received.

The notice given included:

- Notice of amendment in Kojonup News and Great Southern Herald.
- Notice of amendment placed on Shire Notice Board.
- Amendment sign placed on-site during advertising period.
- Notice and copy of amendment document referred to Environmental Protection Authority, Water Corporation, Telstra, Western Power and Main Roads WA inviting them to comment.
- Notice of amendment referred to 43 adjoining/nearby landowners inviting them to comment.

At the conclusion of the notice period, 8 submissions were received for consideration.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *Local Government Act 1995*
- Shire of Kojonup Town Planning Scheme No. 3

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

All administration and advertising costs will be recovered from the proponents.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council:

- 1) Determine the submissions (noted or upheld in part) as contained within the attached Schedule of Submissions, and
- 2) Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 7 subject to those modifications contained within the Schedule of Submissions being completed.

COUNCIL DECISION

/09 MOVED Cr seconded Cr

CARRIED/LOST /

12.2 INITIATE TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 9 TO INCLUDE ADDITIONAL SCHEME PROVISIONS CONTROLLING RESIDENTIAL DENSITIES IN ADOPTED GUIDED DEVELOPMENT PLANS

AUTHOR: Phil Shephard – Town Planner
DATE: 12 November 2009
FILE NO: 14.04.01 (Amendment 9)
ATTACHMENT: 12.2

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the initiation of a scheme amendment to include additional scheme controls for Guided Development Plans adopted by Council.

It is recommended that the amendment be initiated.

BACKGROUND

In considering the revised Guided Development Plan for Lot 101 Soldier Road, Kojonup, Council at its Special Meeting on 29 September 2009 resolved in part:

“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.”

Council has now received draft scheme amendment documents from the proponents planning consultants and a request to initiate the scheme amendment accordingly.

COMMENTS

The amendment is necessary to ensure that in the situation such as in Soldier Road where Council adopts a Guided Development Plan where the proposed density is different to that on the Scheme Map, the density shown on the adopted Guided Development Plan shall prevail.

The proposed scheme provisions are derived from Model Scheme Text provisions contained in the *Town Planning Regulations 1967*. The documents are acceptable with some minor alterations required.

CONSULTATION

If initiated by Council, in accordance with the requirements of the *Planning and Development Act 2005*, the amendment will be firstly referred to the Environmental Protection Authority (EPA) for their assessment.

Upon receiving clearance from the EPA, the amendment will then be advertised for a period of 42-days to allow for comment from the public and government agencies.

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005 & Town Planning Regulations 1967* - sets out the procedures to undertake an amendment to a Local Planning Scheme including referral to EPA, public notice period, referral to WAPC and Minister's decision-making powers.
- Shire of Kojonup Town Planning Scheme No. 3 - land is presently zoned Residential Development with a density code of R10/20.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The administration and advertising costs associated with the amendment will be recovered from the proponents in accordance with the *Planning and Development Regulations 2000*.

STRATEGIC IMPLICATIONS

Nil.

CONSULTATION

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

STATUTORY ENVIRONMENT

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995
 Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

OFFICER RECOMMENDATION 1

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

That Council Accepts the Annual Report including the Annual Financial Report for the 2008/2009 year.

COUNCIL DECISION

/09 MOVED Cr seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION 2

VOTING REQUIREMENTS - SIMPLE MAJORITY

That Council:

- 1. Hold the Annual Electors meeting on Tuesday 15th December 2009 in the Lesser Hall, Kojonup, commencing at 7:00pm;**
- 2. Receives the Audit Report and Audit Management Letter;**
- 3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.**

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

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

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Tuesday, 15th December 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 pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

- 10.1 Monthly Statement of Financial Activity 1st July to 31st October 2009
- 10.2 Monthly Payment Listing
- 12.1.1 Copy of amendment document (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.1.2 Copy of submissions (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.1.3 Schedule of Submissions (AMENDMENT No. 7 FOR TRANSPORT DEPOT')
- 12.2 Shire of Kojonup Town Planning Scheme No. 3 Amendment No. 9 Proposed Scheme Text Amendment Lot 101 Soldier Road, Kojonup – Prepared by Dykstra Planning
- 13.1 Annual Report 2008-09 including Annual Financial Report, Audit Report and Audit Management Letter