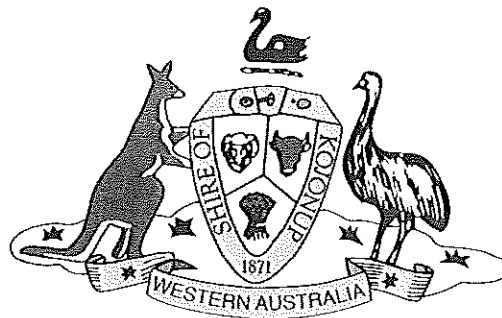


SHIRE OF KOJONUP



Council Agenda

15th December 2009

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15th December 2009****TABLE OF CONTENTS**

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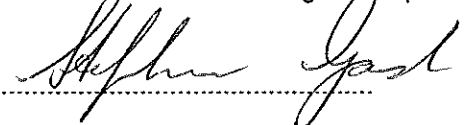
SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 15th December 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 15th December 2009 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH
CHIEF EXECUTIVE OFFICER**

10 December 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	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	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 17th November 2009

Corrections:

COUNCIL DECISION

/09 MOVED Cr seconded Cr that the Minutes of the Ordinary Meeting of Council held on 17th November 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: Wednesday, December 09, 2009
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July to 30th November 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2009 to 30th November 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 30 November 2009 shows a solid position with 83.87% of rates collected to 30th November 2009 and a total amount of cash holdings of \$4,801,686 of which \$2,008,436 is held in fully cash backed Reserves. Of the total amount of funds held 3,800,000 is currently invested in short term Term Deposits as shown in Note 2. of the attached Monthly Statement's of Financial Activity. Interest earnings are continuing to increase with more investment and the steady increase in interest returns being offered by the financial sector – we remain investing with Local Bank Branches in uncomplicated Term Deposits.

I am also happy to report that Operating Revenue is currently .18% better than projected year to date budget, Operating Expenditure is 1.26% less than projected year to date budget and Non-Operating Grants and Subsidies is currently 16.34% better than projected year to date budget. This analysis excludes non-cash items such as depreciation and profit and loss.

This being said Council should not conclude that this current situation will project to final end of year position, however it should provide reassurance that Councils budget remains well on track.

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: Wednesday, December 09, 2009
FILE NO:
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 01/11/2009 to 30/11/2009 comprising of Municipal Cheques 10736 to 10790, EFT's 4986 to 5070 and Internal Payment Vouchers 2039 to 2074 totaling \$607,425.14 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 OVERSIZED OUTBUILDING AND REDUCED SIDE SETBACK – NO. 14 ELVERD STREET, KOJONUP**

AUTHOR: Phil Shephard – Town Planner
 DATE: 2 December 2009
 FILE: DB.BDA.8
 OWNER: J Harris
 LOCATION: No. 14 (Lot 37) Elverd Street, Kojonup
 ATTACHMENTS: 12.1.1 Building Layout of No. 14 Elverd Street, Kojonup
 12.1.2 Sketched Plan of No. 14 Elverd Street, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct an oversize outbuilding and allow reduced side setback on No. 14 Elverd Street, Kojonup as shown on the attached plans.

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

BACKGROUND

Nil.

COMMENTS

The proposal is to construct a 120m² outbuilding on the above property to be setback 1m from the rear boundary with adjoining Lot 2 (Owner: C Pasini) and 300mm from the side boundary with Lot 38 (Owner: Shire of Kojonup). The applicant has advised the purpose of the outbuilding “.. is for storing my cars, motorbike and trailer in a locked secure place”.



View from Elverd Street (looking south) showing carport to be demolished for oversize outbuilding and adjoining Pre-primary buildings.

To achieve the acceptable development criteria contained in the R-Codes, the outbuilding should be setback 1.5m from the side boundary given the wall length and height in this instance. As the proposal is for a 300mm side setback, Council must now assess the reduced setback against the performance criteria of the Codes as follows:

- P1 Buildings setback from boundaries other than street boundaries so as to:
- Provide adequate direct sun and ventilation to the building;
 - Ensure adequate direct sun and ventilation being available to adjoining properties;
 - Provide adequate direct sun to the building and appurtenant open spaces;
 - Assist with the protection of access to direct sun for adjoining properties;
 - Assist in ameliorating the impacts of building bulk on adjoining properties; and
 - Assist in protecting privacy between adjoining properties.

It is considered that the proposed oversize outbuilding and reduced 300mm side setback does achieve these criteria.

The Building Code of Australia requires that the outbuilding achieve a minimum separation of 900mm from the existing dwelling on the site and also any buildings located on the adjoining lots. The proposed oversize outbuilding and reduced 300mm side setback also achieves this requirement, given the present setback of the Pre-primary building and patio area.

The proponents have nominated the use of colorbond metal sheeting for the outbuilding cladding which is considered appropriate given the outbuilding is double the floor area of outbuildings permitted within the residential zone under Policy 9 and this shall be placed as a condition of approval accordingly.

CONSULTATION

Nil undertaken.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – The Shire of Kojonup Town Planning Scheme No. 3 is an operative planning scheme under the Act. The land is zoned Residential with a density code of R20 under the planning scheme.

Local Government Act 1995 – a Building Licence is required to construct the outbuilding in addition to planning consent.

Building Code of Australia – controls the construction requirements for buildings and structures within the Shire.

Residential Design Codes of WA (R-Codes) – controls the siting and other related development controls for dwellings and outbuildings on residential zoned land within the Shire.

POLICY IMPLICATIONS

The development of outbuildings is also controlled under Policy 9 'Sheds on Residential and Special Rural Zoned Land' which states (in part):

The shed floor area for Residential zoned land is to be no larger than 65m².

This Policy has been prepared to guide staff and Councillors in considering the development of outbuildings within the residential and special rural zoned areas of the Shire. In this case, given the size of the outbuilding, the Policy requires that the application (for an outbuilding/shed larger than 65m²) must be submitted to Council for consideration.

Clause 7.6.4 of the Town Planning Scheme No. 3 states that the policies within the scheme

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.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council grant Planning Approval for the 120m² oversize outbuilding on No. 14 (Lot 37) Elverd Street, 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 applicant submitting additional details showing the outbuilding walls and roof will be clad with suitable coloured (vegetation green or earthy brown tone) metal sheeting for approval by the Chief Executive Officer, prior to a Building Licence being issued.
- 3) 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.
- 4) The outbuilding shall be used for storage purposes only and no commercial or industrial activity is permitted.
- 5) No openings (such as doors or windows) are permitted within the southern or western walls.

Advice Notes:

- i) The construction shall be subject to the applicants obtaining the necessary Building Licence from the Shire of Kojonup.
- ii) This approval allows for an outbuilding that it double the size of that permitted within the residential zone and no additions or other outbuildings will be permitted to be developed on the property.
- iii) In the event of the non-compliance with any of the above conditions, the Council may order that the outbuilding be demolished under the provisions of the *Planning and Development Act 2005*.

COUNCIL DECISION

/09 MOVED Cr seconded Cr

CARRIED/LOST /

12.2 SUBDIVISION APPLICATION No. 141053 – LOTS 2, 3, 22 & 24 ALBANY HIGHWAY, LOTS 11, 12, 25 & 26 JONES ROAD AND LOTS 126 & 127 ELVERD STREET, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 9 December 2009
 FILE NO: LP.SUB.1
 APPLICANT: Roger Machin Licensed Surveyor
 OWNERS: Kojonup Co-operative Ltd, Kojonup Women's Club Inc. & KA Grose
 ATTACHMENTS: Plan of Subdivision – Albany Highway, Jones Road & Elverd Street, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate and resubdivide the above 10 lots into 4 lots as shown on the plan of subdivision.

It is recommended that the application be supported.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and local government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The application is to rationalise the lot boundaries in the area following the redevelopment of the co-op after the fire destroyed the previous building.

The proposed amalgamation and resubdivision is considered consistent with the town planning scheme and the only condition recommended requires that the proposal secure the present drainage infrastructure through the sites. The proposal will ensure that the cadastral boundaries will reflect existing/proposed land uses.

Whilst the new cadastral boundaries will crossover zoning boundaries, this can be corrected during the preparation of the new planning scheme.

CONSULTATION

There has been no consultation on this matter.

STATUTORY ENVIRONMENT

The subject land contains a combination of zones and reserves as follows:

Subject Land	TPS3 Zone/Reserve
Lots 2, 3, 22 & 24 Albany Highway	Commercial
Lots 11, 25 & 26 Jones Road	Commercial
Lot 12 Jones Road	Recreation Reserve
Lots 126 & 127 Elverd Street	Residential

The proposed amalgamation and resubdivision is considered consistent with the objectives for the commercial zone and recreation reserves.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the subdivision conditions are to be met by the subdivider.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 2, 3, 22 & 24 Albany Highway, Lots 11, 12, 25 & 26 Jones Road and Lots 126 & 127 Elverd Street, Kojonup as proposed on WAPC File 141053 and request the following conditions be placed upon the approval:

All existing drainage infrastructure on the properties to be protected to the satisfaction of the Shire of Kojonup with easements and/or reserves necessary for the implementation thereof, being provided free of cost and unencumbered to the Shire.

COUNCIL DECISION

/09 MOVED Cr seconded Cr

CARRIED/LOST /

12.3 SUBDIVISION APPLICATION No. 141009 - LOTS 11 & 4032 TONE ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 9 December 2009
 FILE NO: LP.SUB.1
 APPLICANT: Roger Machin Licensed Surveyor
 OWNER: DG & JE Hansberry
 ATTACHMENTS: 12.3 Plan of Subdivision – Tone Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate and resubdivide the above properties into 2 lots as shown on the plan of subdivision.

It is recommended that the application be supported.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and local government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The applicant's have advised that the purpose of the subdivision is to " .. realign boundaries and merge the northern portion of Lot 11 with adjoining Location 4032 to create 2 equal sized lots with better access to local roads".

Under Council's adopted Town Planning Scheme Policy No. 11 'Applications for Subdivision' the requirements for subdivisions in rural areas are:

- Lot size is no smaller than prevailing in the vicinity (and greater than 2ha), and
- That each lot has a well made developed road access to it.

The proposed amalgamation and resubdivision is consistent with the Shire's Scheme and adopted Policy requirements.

CONSULTATION

There has been no consultation on this matter.

STATUTORY ENVIRONMENT

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

The objectives for the rural zone are as follows:

- (a) The zone shall consist of predominantly rural uses.
- (b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.

- (c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- (d) To prevent any development which may affect the viability of a holding.
- (e) To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.

The proposal is considered consistent with these objectives.

POLICY IMPLICATIONS

The proposal complies with Town Planning Scheme Policy No. 11 'Applications for Subdivision'.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the subdivision conditions are to be met by the subdivider.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Lots 11 & 4032 Tone Road, Kojonup as proposed on WAPC File 141009 free of conditions.

COUNCIL DECISION

/09 MOVED Cr seconded Cr

CARRIED/LOST /

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 SETTING OF COUNCIL MEETING DATES 2010

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Tuesday, December 08, 2009
 FILE NO: GO.CNM.6
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to resolve to adopt Council Meeting dates for the 2010 year.

BACKGROUND

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

COMMENTS

Over recent years Council Meetings have been scheduled in accordance with the October 2005 resolution with the exception of a January meeting. Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

It is proposed that Council continue with what is current practice and adopt the schedule of dates for the 2010 year as contained within the Officers recommendation.

CONSULTATION

None necessary

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

1. Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,
2. The following dates be approved for the 2010 year:
 - Tuesday, 16 February 2010
 - Tuesday, 16 March 2010
 - Tuesday, 20 April 2010
 - Tuesday, 18 May 2010
 - Tuesday, 15 June 2010
 - Tuesday, 20 July 2010
 - Tuesday, 17 August 2010
 - Tuesday, 21 September 2010
 - Tuesday, 19 October 2010
 - Tuesday, 16 November 2010
 - Tuesday, 21 December 2010
3. That Local Public Notice be given of the approved Council Meeting dates for the 2010 year.

COUNCIL DECISION

/09 MOVED Cr

seconded Cr

CARRIED/LOST /

14 COMMITTEES OF COUNCIL

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice is given that Council will be asked to consider the Local Emergency Arrangements following endorsement at the Local Emergency Management Committee meeting on 14th December 2009. A copy of the minutes of the LEMC and Plan will be provided prior to the Council meeting.

16 **NEW BUSINESS**

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

17 **CONFIDENTIAL REPORTS**

18 **NEXT MEETING**

Tuesday, 16th February 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 pm.

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

- Item 10.1 Monthly Statement of Financial Activity 01 July 2009 to 30 November 2009
- Item 10.2 Monthly Payment Listing November 2009
- Item 12.1.1 Building Layout of No. 14 Elverd Street, Kojonup
- Item 12.1.2 Sketched Plan of No. 14 Elverd Street, Kojonup
- Item 12.2 Plan of Subdivision – Albany Highway, Jones Road & Elverd Street, Kojonup
- Item 12.3 Plan of Subdivision – Tone Road, Kojonup