

SHIRE OF KOJONUP



Council Minutes

19th September 2006

SHIRE OF KOJONUP

MINUTES FOR THE COUNCIL MEETING HELD ON 19th SEPTEMBER 2006

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SHIRE OF KOJONUP

MINUTES

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The President opened the meeting at 3.00pm, welcomed the members of the Public Gallery and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

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 John Benn

Cr Will Carrington-Jones

Cr Ernie Graham

Cr Rosie Hewson

Cr Frank Pritchard

Cr Geoff Thorn

Mr Stephen Gash Chief Executive Officer

Mr Kim Dolzadelli Manager of Corporate Services

Ms Melissa Wilson Manager of Health and Building

Mrs Cindy North Manager of Community Development

Mr Jack Nunn Building Surveyor

Mrs Rosemary Cussons Personal Assistant

22 members of the Public

APOLOGIES

Cr Pat Bunny Leave of absence

Cr Greg Marsh Leave of absence

3. PUBLIC QUESTION TIME

The Shire President formally welcomed Senator Judith Adams to the Public Gallery.

The following questions were put to Council:

Mrs Pam McGregor

1. What is the estimated proposed lasting age of the building to be built as the Kodja Place Café?
2. What is the time length of the Lease for the Café?
3. For how long does the condition of the Grant stipulate that the building must remain as a Café?
4. Has the Shire satisfied itself that all the conditions of the Grant are being met?
5. What are the options for the Shire's use of the building if the Kodja Place Café Community Fund does not meet the conditions?

Response from the Chief Executive Officer

1. The new building will match the life of the existing Kodja Place building of 20 to 40 years.
2. There is no Lease arrangement formalised at this point.
3. The conditions of the Grant have not been viewed by the Chief Executive Officer.

Mr Bill Webb was asked by the Chief Executive Officer to comment, who responded by telling the meeting that the draft of the conditions has not yet been received by the Café Group and that at this stage, the grant is current only up to the acquittal and opening of the Café.

4. The Shire is not the applicant for the grant. It is the Community Fund who are in a position to meet all the requirements of the grant.
5. The Council has not looked at other specific options for the use of the Café building.

Mr Arnold Bilney

1. Which Council gave a letter of support for the grant application and are there any figures from the Community Fund Group to support the Kodja Place Café as being a viable business?
2. What is the estimated cost to Council for ongoing maintenance or depreciation on the building?

Response from the Chief Executive Officer

1. Support in principle was given in December 2005 and in May 2006. The Council has not assessed the commercial viability of the project but are mindful of making adequate provision for maintenance costs in the lease agreement.
2. The building will be supported by existing tenants and/or a similar arrangement as other public buildings.

Mr John Binns

1. Should the lease be finalised before approval is given for the business?
2. Can rate payers be assured that the Shire is not supporting the Café financially, including in-kind work?
3. Is the Shire liable for any debts/liabilities if the Community Fund can no longer operate?
4. What happens to the lease money that is collected?
5. Is access to the Café only through the Kodja Place?
6. How many Councillors are involved with the Café project?

Response from the Chief Executive Officer

1. As the building has not been built yet, it is difficult in advance to sign a lease.
2. The Chief Executive Officer asked Mr Bill Webb to comment on the support required from the Shire for the project. Mr Webb responded by telling the meeting that no support had been requested.
3. The Community Fund is a separate legal entity and if it cannot meet the conditions of the lease, then it is up to the Community Fund to wind up its operations and to distribute its assets in the appropriate manner. If the Shire broke the 'Head Lease', it could be argued that the

Shire caused a negative impact on the leasee of the Café business.

4. It has been estimated that around \$10,000.00 per annum is required for the leases, a portion of which will be used for maintenance. The Chief Executive Officer asked Mr Webb to comment and Mr Webb responded by saying that it was yet to be decided how the remaining ease money would be used, but it would be used in The Kodja Place.
5. Access through to the Café will be an independent entry.
6. There are no Councillors involved with the Community Fund Group. Cr Marsh is the Council representative to the Community Fund Group.

1. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

2. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

3. **CONFIRMATION OF MINUTES**

ORDINARY MEETING 15th August 2006

Corrections: Nil

COUNCIL DECISION

127/06 MOVED Cr Benn that the Minutes of the Ordinary Meeting of Council held on 15th August 2006 be confirmed as a true record.

CARRIED 8/0

SPECIAL COUNCIL MEETING 12th September 2006

Corrections: Nil

COUNCIL DECISION

128/06 MOVED Cr Pritchard that the Minutes of the Special Meeting of Council held on 12th September 2006 be confirmed as a true record.

CARRIED 8/0

4. ANNOUNCEMENTS by the Presiding Member without discussion

Nil

5. PETITIONS, DEPUTATIONS & PRESENTATIONS

Mr Bill Webb addressed the meeting and said that the Kodja Place Café project commenced four years ago. Since that time, \$220,000.00 from Regional Partnerships and \$200,000.000 from the Community has been raised. The Café building is essentially a gift to the Shire from the Community and a decision needs to be made by the Shire whether or not to support the project.

Mr Arnold Bilney addressed the meeting and said that the responsibility is on the Shire to not support the Café project as the impact on existing outlets is definitely large. Mr Bilney said that Council need to consider what impact a new Café would have on existing food retailers and should work to maintain business facilities that already exist in Kojonup. Mr Bilney stated that a large section of the community do not support this proposition and hoped it would be possible to defer the decision to go ahead with the project.

Mrs Lois O'Halloran addressed the meeting and stated that whenever a business is started there is always a cost analysis done and therefore asked if the Café Group had costed the factor of obtaining workers for the Café and has it been looked into as to how many people actually go through the doors of The Kodja Place. Mrs O'Halloran said that private enterprise in the district must not be affected and asked that the Café Group be more proactive in 'selling' the project to the Community and provide the figures to support such a venture.

Senator Judith Adams addressed the meeting and said that she was a signatory to support letters for the Café project as was Mr Terry Waldron and Mr Wilson Tuckey. Senator Adams pointed out to the meeting that competition in a small town is hard, but to attract tourists to the Kodja Place, an eating

place is also required. Regional Partnerships are difficult to obtain and if the grant is not used now, it will be hard to re-establish financial support from that source.

6. DECLARATIONS OF INTEREST

Nil

7. FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: 14 September 2006

FILE NO 06.15.01

DECLARATION OF INTEREST

Nil

SUMMARY

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.

There are a number of separate attachments to this report, which also give 'overview' information as to the position of various items of Council's finances.

BACKGROUND

The new reporting requirements came into force from 1st July 2005.

COMMENTS

There are a number of attachments to this report, and they are as follows:

1.1 Bank Reconciliations

2.1 Rates Report

3.1 Net Current Assets

3.4 Restricted Assets Details, and Committed Monies.

3.5 Reserves Details

4.1 Status Report – Finance and Accounting Work

5.1 Statement of Financial Activity – Summary

6.1 Capital Expenditure Listing

7.1 Plant Purchases and Disposals, and other Asset disposals

At its meeting of 22 August 2005 Council adopted a "Material" Variance figure of either \$500 or 8%, whichever is the greater, for each individual account. This policy was ratified recently as the appropriate level for comparisons. Variations, in broad terms, are included each month. A detailed Operating Statement includes all the relevant information, and every dollar variation, are normally presented to Council at the end of each Quarter. This detailed report includes the final projections to the end of the financial year.

Attachment 1.1 to this report gives details of Council's Bank Reconciliations, and Investments. Monthly production of this item shows to Council that this very important task has been completed, and that things are up-to-date. The bottom section of this report shows details of current investments totalling \$2.26 million. It is important that at this time of the financial year that concerted effort is made to ensure that investment opportunities are maximised, so as to produce a highly productive investment earnings outcome for Council, therefore benefiting all ratepayers generally. A new investment strategy has already been commenced, which includes a daily cash flow projection analysis system and this will enable us to produce more effective investment strategies, and therefore greater returns. A detailed report will be produced to Council on this matter to its October 2006 meeting.

Attachment 2.1 gives details of Council's Rates details. The first Instalment on Rates was due on 29th August 2006. Approximately 79% of levies have already been collected and with Final Rate notices being sent out to ratepayers within the next week this figure is expected to rise quickly. The report also shows an analysis of rates being paid by instalment.

Attachment 3.1 relates to Net Current Assets. The "Opening Balance" for the 2006/07 year will be virtually as projected. The month to month figure for the current year can be misleading, but the reality will become effective in the later part of the financial year.

Attachment 3.4 relates to "Restricted Assets", which involves funds received in advance in prior years, which should be treated as "Restricted" until the expenditures associated with such purposes have been incurred. Transfers are then made after that time. Monies received in the current year as "Committed" monies, received in advance of expenditures, these are shown as shaded items.

Attachment 3.5 shows Council's Reserves Accounts, including movements to and from such accounts for the year. The only movement at this time is that of Interest on Investment earnings. Changes will occur in September with regard to Spring Haven Bonds.

Attachment 4.1 is the monthly Status Report with regard to significant Finance and accounting work, so that the Council is kept informed as to the position of various items in this area. As can be seen, virtually all areas are up-to-date. The major area of has been the finalisation of the accounting work for the previous financial year and the production of the Annual Financial Report for the 2005/06 year. The audit of the accounts will be carried out in the last week of October 2006. It is hoped that the Auditors report will be received in time to be submitted to Council's ordinary meeting in November 2006. If this occurs, then it is proposed that the Annual Electors meeting will be held before the Christmas break in December 2006.

Attachment 5.1 is the Statement of Financial Activities for the year. This is basically a "Sources and Applications of Funds" Statement, and is a summary of figures of the original budget, any amendments adopted to date, actual figures transacted to date, as well as our projections, in dollar terms, of the likely/expected outcomes for the year. No changes are expected at this time given that this report only reflects two months trading into the financial year. Detailed changes will be listed and proposed with the close of the September quarter.

Attachment 7 refers to Plant Purchases and Disposals. A new, revised Plant replacement program is currently being examined by Councils Works Manager.

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 Financial Activities report.

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.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the Monthly Financial reports, as attached, be accepted.

COUNCIL DECISION

**129/06 MOVED Cr Thorn that the Monthly Financial reports, as attached,
be accepted.**

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Senior Finance Officer – Heather Marland

DATE: 2006

FILE NO: 06.15.01

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 08/08/2006 to 14/09/2006 comprising of Municipal Cheques 8511 to 8582, EFTs 1755 to 1831 and Internal Payment Vouchers 660 to 705 totalling \$2,209,793.71 and as attached to this agenda, be received.

COUNCIL DECISION

130/06 MOVED Cr Carrington-Jones that the Payment Listing from 08/08/2006

to 14/09/2006 comprising of Municipal Cheques 8511 to 8582,

EFTs 1755 to 1831 and Internal Payment Vouchers 660 to 705

totalling \$2,209,793.71 and as attached to this agenda, be received.

CARRIED 8/0

8. ENGINEERING & WORKS REPORTS

Nil

9. ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 OVERSIZED SHED APPLICATION - LOT 74 BIGNELL ROAD, KOJONUP

AUTHOR: Manger of Health and Building - Melissa Wilson

DATE: 12th September 2006

FILE: 14.04.02

OWNER: HR & L Herbert

LOCATION: Lot 74 Bignell Road, Kojonup

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the application made by Mr. Herbert to construct a shed on Lot 74 Bignell Road, Kojonup.

BACKGROUND

Mr Herbert submitted a application to the to the Shire of Kojonup on the 8th of September 2006 requesting to build a colour bond shed on his property located at Lot 74 Bignell Road, Kojonup.

The Town Planning Scheme no. 3 zones the property in question as Special Rural.

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that:

"The Environmental Health/Building Officer be authorised to approved plans for Special Rural zoned land for sheds with a area up to 65 square meters. Applications for sheds of a larger size must be submitted to the Council."

Policy 9 of the Shire of Kojonup Town Planning Scheme No. 3 also states that:

" Sheds not be permitted on 'Residential' or 'Special Rural' zoned blocks in the Shire of Kojonup unless a habitable residence is (or is to be) constructed on that block."

Section 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 see fit on the approval in order to achieve the desired outcome.

COMMENT

Mr Herbert proposes to build a colourbond shed, which has a floor area of 18m by 7.5m (135m²). This size shed is larger than the specified size in Town Planning Policy No. 9.

The shed is designed so that at its highest point it is 4.2 meters from the finished floor level.

The shed is proposed to be constructed of non-reflective material and its closest boundary will be bordering lot 73 Bignell Road.

There is not currently a habitable residence onsite therefore to comply with the policy a habitable residence will be required to be substantially commenced within 12 months of the licence for the shed being approved.

CONSULTATION

Mr Herbert has been consulted on the requirements of the Town Planning Policy 9.

Correspondence has been forwarded to the adjoining landowners asking for comment on the proposal. At the time of writing this report a response had not been received.

STATUTORY ENVIRONMENT

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that

"The Environmental Health/Building Officer be authorised to approved plans for Special Rural zoned land for sheds with an area up to 65 square meters. Applications for sheds of a larger size must be submitted to the Council."

Section 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."

POLICY IMPLICATIONS

The Shire of Kojonup Town Planning Scheme Policy No. 9 that Council approve sheds larger than 65m².

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the planning application made by Mr Herbert to build a shed on lot 74 Bignell Road be approved, subject to the following conditions:

- a. The shed shall not be used as a habitable residence at any time,
- b. The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,
- c. The floor area of the shed be no larger than 135m²,
- d. That plans for a habitable residence be submitted to Council and the building be substantially complete within 12 months of the approval.

- e. That no objections be received from adjoining land owners within 5 working days of the date of the request for comments sent to them and
- f. 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.

COUNCIL DECISION

131/06 MOVED Cr Hewson that the planning application made by Mr Herbert to build a shed on lot 74 Bignell Road be approved, subject to the following conditions:

- a. **The shed shall not be used as a habitable residence at any time,**
- b. **The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,**
- c. **The floor area of the shed be no larger than 135m²,**

- d. That plans for a habitable residence be submitted to Council and the building be substantially complete within 12 months of the approval.
- e. That no objections be received from adjoining land owners within 5 working days of the date of the request for comments sent to them and
- f. 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.

CARRIED 8/0

12.2 OVERSIZED SHED APPLICATION - LOT 137 SPENCER STREET, KOJONUP

AUTHOR: Manger of Health and Building - Melissa Wilson

DATE: 12th September 2006

FILE: 14.04.02

OWNER: AD & EM McNabb

LOCATION: Lot 137 Spencer Street, Kojonup

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the application made by Mr. & Mrs. McNabb to construct a shed on Lot 137 Spencer Street, Kojonup.

BACKGROUND

Mr & Mrs McNabb submitted a application to the to the Shire of Kojonup in September 2006 requesting to build a colour bond garage/shed on their property located at Lot 137 Spencer Street, Kojonup.

The Town Planning Scheme no. 3 zones the property in question as Residential.

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that

"The shed floor area for Residentially zoned land is to be no large than 65 square meters."

Policy 9 of the Shire of Kojonup Town Planning Scheme No. 3 also states that:

" Sheds not be permitted on 'Residential' or 'Special Rural' zoned blocks in the Shire of Kojonup unless a habitable residence is (or is to be) constructed on that block."

Section 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 see fit on the approval in order to achieve the desired outcome.

COMMENT

Mr and Mrs McNabb propose to build colourbond a shed, which has a floor area of 9m by 12m (108m²). This size shed is larger than the specified size in Town Planning Policy No. 9.

A shed already exists on the property however the proposal is to replace a large portion of it (renovate it) and has for this reason been described as a new shed as it will be substantially replaced. The size of the shed will not be dramatically changed.

The shed is designed so that at its highest point it is 4.25 meters from the finished floor level. It is proposed to be constructed of non-reflective material.

There is currently a habitable residence onsite therefore the applicant's comply with the requirements of the policy.

CONSULTATION

Correspondence has been forwarded to the adjoining landowners asking for comment on the proposal. At the time of writing this report no responses had been received.

STATUTORY ENVIRONMENT

Policy 9 of the Shire of Kojonup Town Planning Scheme No.3 states that

"The shed floor area for Residentially zoned land is to be no larger than 65 square meters."

Section 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."

POLICY IMPLICATIONS

The Shire of Kojonup Town Planning Scheme Policy No. 9 that Council approve sheds larger than 65m².

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That the planning application made by Mr & Mrs McNabb to build a shed on lot 137 Spencer Street be approved, subject to the following conditions:

- a. The shed shall not be used as a habitable residence at any time,
- b. The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,
- c. The floor area of the shed be no larger than 108m²,
- d. That no objections be received from adjoining land owners within 5 working days of the date of the request for comments sent to them and
- 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.

COUNCIL DECISION

132/06 MOVED Cr Carrington-Jones

That the planning application made by Mr and Mrs McNabb to build a shed on lot 137 Spencer Street be approved, subject to the following conditions:

- a. **The shed shall not be used as a habitable residence at any time,**
- b. **The shed must meet all conditions and statutory requirements of the Residential Design Codes, the Building Code of Australia and associated legislation,**
- c. **The floor area of the shed be no larger than 108m²,**
- d. **That no objections be received from adjoining land owners within 5 working days of the date of the request for comments sent to them and**
- 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.**

CARRIED 8/0

1. CORPORATE & COMMUNITY SERVICES REPORTS

13.1 THE KODJA PLACE CAFÉ

AUTHOR: Stephen Gash – Chief Executive Officer

DATE: 14 September 2006

FILE:

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the planning application for a café at The Kodja Place.

BACKGROUND

The Kodja Place Community Fund Inc was formed by community members to facilitate the building of a café at the Kodja Place, after the café development did not have enough funds to be included when the main building was constructed. This was also the first project of the group who wanted the fund to help support other community projects.

The aim of the project was stated:

"..to build a financially self sustaining café in The Kodja Place to provide employment and enterprise opportunities to the local community."

The objectives were stated as:

- 1. Plan, develop and oversee the Café project*
- 2. Provide sustainable employment and enterprise opportunities to the people of the Kojonup community including the indigenous community*
- 3. Promote Great Southern regional produce through inclusion in the café menu*
- 4. Support a hospitality training program throughout the community and nurture business enterprise opportunities for local Noongar people*
- 5. To value add to existing activities and enterprises at The Kodja Place*
- 6. Source inputs from local businesses.*

Members of the Kodja Place Community Fund Inc presented a deputation to Council on 9th May 2005 seeking a letter of support for them to progress grant applications through state and federal bodies. Council passed the following resolution:

"143/05 MOVED Cr Thorn that on furnishing the expressions of interest for grant applications to the Regional Investment Fund Programme and/or Regional

Partnership, Council provide a letter of support to The Kodja Place Community Fund for the development of the Café at The Kodja Place. RESULT: CARRIED 9/0"

Letters of support were also obtained from local politicians. The Community Fund noted that the Café had been part of the original plan for The Kodja Place and advised that there had been public consultation conducted in the past and approaches to local business regarding the proposal.

The Kodja Place Community Fund Inc had raised \$200,000 in donations from the Kojonup community and was seeking matching funds from the State or Federal Government. On the 8th December 2005 the Community fund applied for a grant of \$220,000 incl GST from the Regional Partnerships Program, administered by the Department of Transport and Regional Services (DOTARS). On 27th July 2006 it was formally announced that the café grant application had been approved.

The grant monies were approved for the construction and fit out of a building at The Kodja Place for the purpose of a café. The building would become vested in the Shire (community owned) once constructed and the Community Fund would be required to enter into a lease with the Shire to ensure that the cost of building maintenance is covered. The Community Fund is then responsible to attract and enter into a commercial lease with an operator to run the café.

The Great Southern Area Consultative Committee were responsible to assist DOTARS assess the grant application against the criteria. Mr Len van der Waag from the Great Southern Area Consultative Committee advised the Council that the Community Fund had been assessed as satisfying all the requirements of the grant including the competitive neutrality by the approval of the grant. Council had not been asked by DOTARS or the GSACC to consider or comment on the grant application, or issues such as competitive neutrality.

The Department of Transport and Regional Services have advised the Kodja Place Community Fund Inc that acceptance of the grant must occur within 6 weeks of the grant announcement. The Kodja Place Community Fund Inc has advised that they cannot progress the issue with DOTARS until approval has been given by Council for the building.

Council is not a signatory to the grant, or involved in the operation of the Café, therefore can only consider the planning/ building approval issues on its land, however, this next step is required for the grant to progress and therefore would be the final formal endorsement of the project to allow it to proceed.

If Council do not approve the building / planning application on 19th September 2006 they have been advised that the grant will not be able to progress further. Given the time taken to apply for the grant the Kodja Place Community Fund Inc have indicated they would not reapply next year as they believe Council should recognise and support the achievements of the group and be in a position to make a decision on the 19th September 2006.

The Kodja Place Community Fund Inc are seeking unconditional support for the project from Council.

COMMENT

The land proposed for the development of the Kodja Place Café is zoned 'Public Purposes' by the Shire of Kojonup Town Planning Scheme number 3. For the purposes of the Town Planning Scheme land defined as 'public purposes' are considered Local Reserves.

When an application is made relating to developments on a Local Reserve (Public Purposes) the Council is required to make its decision having regard to the objectives of Clause 2.3.2 and the ultimate purpose intended for the reserve.

Clause 2.3.2 of the Town Planning Scheme Number 3 states:

" The objectives for land shown as Public Purposes on the Scheme Map are:

- a. *To protect areas already set aside for public purposes by Crown Reserves.*
- b. *To enable the Council to control development in public purpose reserves."*

The previous development on the Federation Park site of The Kodja Place has also supported the concept of a tourist precinct and cultural museum/interpretive centre. A café/restaurant was part of the original Kodja Place development proposal and would be considered as supporting the activities approved when the Kodja Place was approved by Council.

The Town Planning Scheme Number 3 does not define a café but defines a Restaurant as:

" ...a building or portion of a building wherein food is prepared solely for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, café or nightclub, and also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that it forms a minor part of the business only."

The Development Table of the Shire of Kojonup Town Planning Scheme for a restaurant requires the following:

- Front, rear and side boundary setbacks be determined by Council and
 - At least 1 carpark is provided for every 10m² of gross floor area or 1 for every 4 seats provided (whichever is greater).

The proposed building is effectively an extension of the current building on lot 53 and will have approximately a 20 metre setback from the boundary passing that passes obliquely through

the rose maze.

Based on the verbal advice of 40 interior seats and an assessment of approximately 75 square metres in seating area then under the Town Planning Scheme 10 additional car bays would need to be provided. These could be accommodated by post and rail barriers along the Eastern side of the open drain located to the North of the existing building. This would facilitate front to kerb/ rail parking and be completed at minimal cost.

The building application will be processed under delegation by the Shires Building Surveyor. The building application has been submitted on behalf of the Kodja Place Community Fund Inc by an independent registered builder. The Shire has been formally advised that the original café plans are to be used, with the exception of replacing the rammed earth with steel cladding. This request was made given the problems with the existing rammed earth walls and cost/timing implications.

Initial review has assessed that there is no structural impact on this change but Council may wish to consider the façade / appearance of the elevation in its planning approval.

The Kodja Place Community Fund Inc has indicated that they will utilise volunteer labour and support of the community where possible and appropriate insurances will be maintained by the Shire, the builder and the Kodja Place Community Fund Inc to facilitate the planned construction and volunteer support.

CONSULTATION

The Café was part of the original plan for The Kodja Place. However, there are no minutes recorded by the Shire of the public meetings on either the Kodja Place or the Café. The Community Fund grant application outlined "that formal consultation on the café began in March 2002 with open meetings held every six months to gain community input and discuss the café project".

The Shire has been advised that the GSACC and DOTARS have assessed the grant application, which included issues such as the business model, viability and how the project will impact on other businesses in the region. The Shire has not been asked to consider the competitive neutrality issues but has circulated a flyer to all businesses, which was also circulated in the Kojonup News on 15th September 2006, advising of today's meeting and advising any written comment would be circulated to Councillors prior to the meeting.

The consultation process was agreed at a special Council Meeting on 12th September 2006 to account for the deadlines in considering the project.

STATUTORY ENVIRONMENT

Shire of Kojonup Town Planning Scheme.No. 3

Building Code of Australia

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The proposed building would become vested in the Shire. The Shire would then be required to maintain the building over its life, excluding the fit out which would be part of a commercial arrangement between the Community Fund and a commercial tenant.

Based on industry standards the Shire should plan on allocating 4% of the initial capital cost of the building per annum towards asset preservation / maintenance. This would equate to an average of \$10,000 pa (excluding fit out) and is proposed to be recovered in a lease between the Shire and the Kodja Place Community Fund Inc. The agreement should reflect that these costs are minimal in the early years and be weighted towards the period 5 to 15 years after construction.

The Kodja Place Community Fund Inc have not made any request for financial assistance and have conveyed they do not want the Café to be a burden on ratepayers.

STRATEGIC IMPLICATIONS

The presence of a café within the Kodja Place precinct would be expected to increase visitors to the site with a flow on effect to other components of the Kodja Place and other general businesses in town.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council approve the planning application to develop a café/restaurant at Lot 53 Albany Highway Kojonup subject to the following conditions:

- a. The setback from the rear boundary is a minimum of 3 metres.
- b. An additional 10 car bays are required before the facility opens.
- c. That additional car bays be provided if the seating capacity increases in accordance with the recommendations of the Shire of Kojonup Town Planning Scheme No 3.

That Council permit the Kodja Place Community Fund Inc to construct a building, as per the approved building permit, on the Shire owned land at Lot 53 Albany Highway Kojonup, subject

to the Kodja Place Community Fund Inc agreeing to enter into a lease with Council at the completion of the building.

That Council offer no objection to the change in proposed materials to the façade of steel cladding replacing rammed earth, on the conditions that:

- a. The structure meets the conditions of the Building Code of Australia
- b. The proposed steel cladding is the same type and profile used in the existing building on Lot 53 Albany Highway Kojonup.

That Council advise the Department of Transport and Regional Services that all planning approvals have been processed and reflect the Councils final endorsement of the Kodja Place Community Fund Inc grant application through the *Regional Partnerships Program*

COUNCIL DECISION

133/06 MOVED Cr Thorn

1. That Council approve the planning application to develop a café/ restaurant at Lot 53 Albany Highway Kojonup subject to the following conditions:

- a. **The setback from the rear boundary is a minimum of 3 metres.**
- b. **An additional 10 car bays are required before the facility opens.**
- c. **That additional car bays be provided if the seating capacity increases in accordance with the recommendations of the Shire of Kojonup Town Planning Scheme No 3.**

2. That Council permit the Kodja Place Community Fund Inc to construct a building, as per the approved building permit, on the Shire owned land at Lot 53 Albany Highway Kojonup, subject to the Kodja Place Community Fund Inc agreeing to enter into a lease with Council at the completion of the building, and that the lease negotiations and conditions comply with Section 3.58 sub-clause (3) of the Local Government Act 1995, as amended.

REASON FOR CHANGE: To ensure that the Leasees arrangements met the requirements of the Local Government Act in regards to the disposal of land.

3. That Council offer no objection to the change in proposed materials to the façade of steel cladding replacing rammed earth, on the conditions that:

- a. **The structure meets the conditions of the Building Code of Australia**
- b. **The proposed steel cladding is the same type and profile used in the existing building on Lot 53 Albany Highway Kojonup.**
- c. **The building have a common wall instead of a concertina door.**

REASON FOR CHANGE: To ensure that the Council Decision concurred with recent changes to construction details.

That Council advise the Department of Transport and Regional Services that all planning approvals have been processed and reflect the Councils final endorsement of the Kodja Place Community Fund Inc grant application through the *Regional Partnerships Program*

CARRIED 7/1

COUNCIL DECISION

134/06 MOVED Cr Trethowan that the Chief Executive Officer and Council on behalf of the Shire, be consulted prior to signing of the Contract with the Department of Transport and Regional Services re the Kodja Place Café to ensure that there are not compliance issues that the Shire will be liable for that will have a financial or operational impact on the Shire and its Rate Payers.

**CARRIED
8/0**

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4.10pm Mr Jack Nunn left the Chambers

The visiting public in the gallery left the Chambers

1. OCCUPATIONAL SAFETY & HEALTH COMMITTEE MINUTES

14.1 Occupational Safety & Health Committee Meeting 8th June 2006

OSH 14/06 Moved Mr Derek Marland that the Minutes of the 9th May 2006 Occupational Safety and Health Committee be confirmed.

Carried 6/0

5.6 Policy and Procedure Review

5.6.1 Isolated Workers Policy and Procedure

At the May 2006 Occupational Safety and Health Committee meeting it was reported, by an employee safety representative, that an employee was working in an isolated situation and couldn't be contacted.

The Committee discussed the incident at the May 2006 meeting and requested that the Isolated Workers Policy be reviewed.

The amended policy was discussed at the June Occupational Safety and Health Meeting for its effectiveness.

OSH 15/06 Moved Mr Allan Rourke that Isolated Workers Policy and Procedure, as attached to the 8th of June 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 6/0

5.6.2 Workplace Bullying Policy

The Committee discussed the amendment to the Workplace Bullying Policy. The amendment covered the deleting of one name from the grievance/contact officers listing didn't accept the position.

OSH 16/06 Moved Mr Derek Marland that Workplace Bullying Policy, as attached to the 8th of June 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 6/0

14.2 Occupational Safety & Health Committee Meeting 20th July 2006

OSH 17/06 Moved Mrs Paini that the Minutes of the 8th June 2006 Occupational Safety and Health Committee be confirmed.

Carried 6/0

5.6 Policy and Procedure Review

5.6.1 Home Based Work Policy

The Home Based Work Policy was last reviewed and adopted on the 8th of June 2005. The policy aims to provide a framework for employees working from home. The arrangement to work from home can only be made between an employee and their manager/supervisor providing that the arrangements meet the requirements of both parties. The policy was discussed by the Committee as per its annual review.

OSH 18/06 Moved Cr Carrington Jones that the Home Based Work Policy, as attached to the 13th July 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

5.6.2 Fitness for Work Policy & Procedure

The Fitness for Work Procedure was originally adopted on the 13th of July 2005. The policy and procedure is aimed at providing a safe and healthy workplace by targeting things that may influence an employee's fitness for work. Employees are required to present themselves fit for work at all times including to be free of the affects of drugs, alcohol and fatigue.

The policy and procedure were discussed by the Committee in accordance with their annual review.

Some suggested changes have been made to the draft policy and procedure, as attached, including the amalgamation of the Drug and Alcohol Policy and the Fitness for Work Procedure. A further change was made by the Committee in reference to the Road Traffic Act 1974. The Committee felt that the reference to this Act should automatically include any future amendments to the Act.

OSH 19/06 Moved Cr Carrington Jones that the Fitness for Work Policy and Procedure, as attached to the 13th of July 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

5.6.3 Visitors in the Workplace Procedure

The Visitors in the Workplace Procedure was last reviewed on the 8th of June 2005. The procedure sets a specific process for the protection of visitors and is aimed at all persons, that are not Council staff or Councillors, that enter the Administration Office, Depot, Springhaven or Kodja Place.

The procedure was discussed by the Committee in accordance with its annual review. The Committee discussed remedying the public gaining access to the Administration Building via the library. It was felt that another barrier is needed to stop this access.

The procedure was altered to better describe 'high hazard' areas and the location of the 'public attendance book'.

OSH 20/06 Moved Mrs D Paini that the Visitors in the Workplace Policy, as attached to the 13th of July 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

5.6.4 First Aid Policy

The First Aid Policy was last reviewed on the 8th of June 2005. The policy is aimed at providing, as far as is practicable, appropriate first aid facilities and trained first aid officers in the workplace. The policy outlines the first aid responsibilities of supervisors, first aid officers, employee safety representatives and employees.

The policy was discussed by the Committee in accordance with its annual review.

OSH 21/06 Moved Cr Carrington Jones that the First Aid Policy, as attached to the 13th of July 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

5.6.5 Personal Protective Clothing and Equipment Policy

The Personal Protective Clothing and Equipment Policy was last reviewed on the 8th of June 2005.

The policy outlines the Shire of Kojonup's commitment for providing personal protective clothing and equipment to its employees where it is deemed necessary. The policy also outlines the relevant responsibilities for all concerned.

The policy was discussed by the Committee in accordance with its annual review. The Committee discussed the policy and made changes to some minor typographical errors.

OSH 22/06 Moved Cr Carrington Jones that the Personal Protective Clothing and Equipment Policy, as attached to the 13th of July 2006 Occupational Safety and Health Committee Minutes be adopted.

Carried 5/0

OFFICER RECOMMENDATION

That the minutes from the Occupational Safety and Health Committee Meetings held 8th June and 20th July 2006 be endorsed and that the recommendations OSH 14/06 to OSH 22/06 inclusive be noted.

COUNCIL DECISION

135/06 MOVED Cr Carrington-Jones that the minutes from the Occupational Safety and Health Committee Meetings held 8th June and 20th July 2006 be endorsed and that the recommendations OSH 14/06 to OSH 22/06 inclusive be noted

CARRIED 8/0

2. SPRINGHAVEN ADVISORY COMMITTEE MINUTES

15.1 Springhaven Advisory Committee Minutes 25th May 2006

15.2 Springhaven Advisory Committee Minutes 20th July 2006

OFFICER RECOMMENDATION

That the minutes from the Springhaven Advisory Committee meetings held 25th May and 20th July 2006 be received.

COUNCIL DECISION

136/06 MOVED Cr Hewson that the minutes from the Springhaven Advisory

Committee meetings held 25th May and 20th July 2006 be received.

CARRIED 8/0

3. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

4. NEW BUSINESS of an urgent nature, introduced by a decision of the meeting

Nil

COUNCIL DECISION

137/06 MOVED Cr Carrington-Jones that the meeting be closed to the public pursuant to Section 5.23 (2) (d) of the Local Government Act as the following item related to legal advice and contained confidential information.

CARRIED 8/0

4.20pm Mr Kim Dolzadelli, Ms Melissa Wilson, Mrs Cindy North and Mrs Rosemary Cussons left the Chamber

5. CONFIDENTIAL REPORTS

1. Legal Action – W LENYSZYN

The Chief Executive Officer provided a confidential briefing on the status of the current Supreme Court Action against the Shire.

COUNCIL DECISION

138/06 MOVED Cr Carrington-Jones that the meeting be reopened to the public.

CARRIED 8/0

The meeting was reopened to the public at 5.07pm. No members of the public re-entered.

6. **NEXT MEETING**

17th October 2006 commencing at 3:00pm.

7. **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 5.08pm.

8. **APPENDICES AND TABLED DOCUMENTS**

9. **ATTACHMENTS**

Item 10.1 Monthly Statement of Financial Activity

Item 10.2 Monthly Payment Listing

Item 13.1 Draft Site Plan – Lot 53 Albany Highway Kojonup

Letter from Great Southern Area Consultative Committee, Mr Len van der Waag

Item 14.1 Occupational Safety and Health Committee Minutes 8th June 2006

Item 14.2 Occupational Safety and Health Committee Minutes 20th July 2006

Item 15.1 Springhaven Advisory Committee Minutes 25th May 2006

Item 15.2 Springhaven Advisory Committee Minutes 20th July 2006

Presiding Member Date