

SHIRE OF KOJONUP



Council Minutes

17th May 2011

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 17th May 2011****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 3:00pm 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 Rosemary Hewson
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Mellissa Haynes	Finance Officer

APOLOGIES

Cr Greg Marsh applying for a Leave of Absence for the Council meeting.

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE**COUNCIL DECISION**

48/11 MOVED Cr Hewson seconded Cr Pritchard that Cr Marsh be granted Leave of Absence for the Council meeting held 17th May 2011.

CARRIED 7/0

6 CONFIRMATION OF MINUTESORDINARY MEETING 19th April 2011

Corrections:

COUNCIL DECISION

49/11 MOVED Cr Benn seconded Cr Baulch that the Minutes of the Ordinary Meeting of Council held on 19th April 2011 be confirmed as a true record.

CARRIED 7/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Chief Executive Officer & Shire President attended the Whole of Government Forum - Local Government in Western Australia - Planning for Change on Thursday 12th May 2011.

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: Tuesday, May 03, 2011
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 30th April 2011

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement of Financial Activity for the period of 1st July 2010 to 30th April 2011.

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 of 1st July 2010 to 30th April 2011 shows a solid position with 96.04% of rates collected and a total amount of cash holdings of \$3,218,827.23 of which \$2,025,388.51 is held in fully cash backed Reserves as at 30th April 2011. Of these cash holdings \$600,000 of Municipal funds and \$1,500,000 of Reserve funds have been reinvested in short term deposits, due to mature 19th May 2011.

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 April 2011, as attached, be accepted.

COUNCIL DECISION

50/11 MOVED Cr Trethowan seconded Cr Hewson that the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 30th April 2011, as attached, be accepted.

CARRIED 7/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Monday, 9 May 2011
 FILE NO: FM.AUT.1
 ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st April 2011 to 30th April 2011.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

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 in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/04/2011 to 30/04/2011 comprising of Municipal Cheques 11629 to 11667, EFT's 6914 to 7030 and Internal Payment Vouchers 2631 to 2662 totalling \$668,285.43 and as attached to this agenda, be received.

COUNCIL DECISION

51/11 MOVED Cr Hewson seconded Cr Pritchard that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/04/2011 to 30/04/2011 comprising of Municipal Cheques 11629 to 11667, EFT's 6914 to 7030 and Internal Payment Vouchers 2631 to 2662 totalling \$668,285.43 and as attached to this agenda, be received.

CARRIED 7/0

3:14pm Mrs Mellissa Haynes left the Chamber.

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 OVERSIZED OUTBUILDING APPLICATION – LOT 15 (No. 8) BAGG STREET, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 10 May 2011
 FILE: DB.BDA.8
 OWNER: FD Reid
 LOCATION: Lot 15 (No. 8) Bagg Street, Kojonup
 ATTACHMENTS: 12.1 Plan of Oversized Outbuilding Application

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application to construct an oversized outbuilding on Lot 15 Bagg Street, Kojonup as shown on the attached plans. The submitted plans also show a future lap-pool and carport/patio additions.

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

BACKGROUND

Nil.

COMMENT

The proposal (as shown in the attached plans) is twofold as follows:

- Firstly to construct a 105m² outbuilding on the property. The applicant has advised the reasons for the oversized outbuilding is for “ .. Storage of cars, trailers as well as materials collected from rental properties and furniture. A large section will also be for a personal fitness training area which will consist of treadmill, exercise bike, weights bench etc.”
- Subsequent to the outbuilding, the applicant proposes to undertake additions to the dwelling including a carport along the northern side of the dwelling, patio along eastern (rear) side of the dwelling and a 20m long lap-pool at the rear of the dwelling.

The property has been developed with a dwelling (and small 9m² pre-fabricated outbuilding) and has access from Bagg Street. The proposed outbuilding plans show that the walls, downpipes and roller door will be clad with ‘classic cream’ coloured metal sheeting and the roof, ridge cap, barge and spouting will be clad with ‘zincalume’ coloured metal sheeting.

The site for the proposed outbuilding and carport/patio additions has been inspected and generally complies with the requirements of the R-Codes and Scheme for the Residential. The lot is slightly larger (1,225m²) than a traditional sized residential lot (between 500 – 1,000m²) and the outbuilding is able to be screened from public view and is not out of keeping with similar proposals developed on other similar lots in Kojonup.

Including the smaller outbuilding, the overall total floor area of outbuildings on the site will equate to approximately 9% of the lot area (which is consistent with part 6.10 the R-Codes) and the application is not opposed in this instance. It is suggested that given the size of the outbuilding requested, Council require the whole outbuilding be clad with ‘classic cream’ coloured metal sheeting and not zincalume for the roof, barges etc.

The pool will be required to be fenced to comply with *Local Government (Miscellaneous Provisions) Act 1960* and *Building Regulations 1989*. Some privacy screening is required along the side boundaries under the Residential Design Codes (R-Codes).

The property is zoned Residential and the requirements of Town Planning Scheme Policy No. 9 ‘Sheds on Residential and Special Rural Zoned Land’ applies to the proposal.

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

- a) Defer the application and seek additional information from the applicants;
- b) Approve the application (with or without conditions); or
- c) Refuse the application and give reasons.

CONSULTATION

Comment was sought from adjoining/nearby affected landowners for a period of 14-days and at the conclusion of this submission period, no submissions or objections were received.

STATUTORY ENVIRONMENT

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

Clause 5.14 ‘Development of Other Structures’ of the Scheme states:

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an outbuilding; carport or garage; pergola; shadehouse or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft.

A separate Building Licence will be required to construct the outbuilding and additions.

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 and Carport/Patio and Pool Additions on No. 8 (Lot 15) Bagg Street, Kojonup subject to the following conditions:

- a) The floor area of the outbuilding not to exceed 105m².
- b) The outbuilding walls and roof to be clad in ‘classic cream’ coloured metal sheeting (or any alternative coloured material approved by the Chief Executive Officer).
- c) The proposal (including dimensions, setbacks, materials/colours) to be in accordance with stamped approved plans.
- d) The outbuilding to be used for storage/personal fitness purposes only.
- e) All building works having the necessary setbacks to the existing deep sewer connection to the satisfaction of the Environmental Health Officer.
- 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*.
- g) The future pool to be fenced to the satisfaction of the Environmental Health Officer as required under the relevant legislation.
- h) The provision of a suitable overflow system/device for the future pool to the satisfaction of the Chief Executive Officer.
- i) The provision of permanent privacy screening (such as vegetation, fencing or timber lattice panels/louvers) to protect the visual privacy of the adjoining property to the north to be provided to those areas as shown on the approved plans to the satisfaction of the Shire of Kojonup.

COUNCIL DECISION

52/11 MOVED Cr Trethowan seconded Cr Baulch that Council grant Planning Consent for the oversize Outbuilding and Carport/Patio and Pool Additions on No. 8 (Lot 15) Bagg Street, Kojonup subject to the following conditions:

- a) The floor area of the outbuilding not to exceed 105m².
- b) The outbuilding walls and roof to be clad in 'classic cream' coloured metal sheeting (or any alternative coloured material approved by the Chief Executive Officer).
- c) The proposal (including dimensions, setbacks, materials/colours) to be in accordance with stamped approved plans.
- d) The outbuilding to be used for storage/personal fitness purposes only.
- e) All building works having the necessary setbacks to the existing deep sewer connection to the satisfaction of the Environmental Health Officer.
- 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*.
- g) The future pool to be fenced to the satisfaction of the Environmental Health Officer as required under the relevant legislation.
- h) The provision of a suitable overflow system/device for the future pool to the satisfaction of the Chief Executive Officer.
- i) The provision of permanent privacy screening (such as vegetation, fencing or timber lattice panels/louvers) to protect the visual privacy of the adjoining property to the north to be provided to those areas as shown on the approved plans to the satisfaction of the Shire of Kojonup.

CARRIED 7/0

CORPORATE & COMMUNITY SERVICES REPORTS

13.1 REVIEW OF LOCAL LAWS

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
 DATE: Tuesday, 10 May 2011
 FILE NO: LE.LCL.2
 ATTACHMENTS: 13.1.1 Activities on Thoroughfares and Trading in Public Places Local Law 2000,
 Local Government Property Local Law 2000,
 Cemeteries Local Law 2000,
 13.1.2 Health Local Law 2000, and
 13.1.3 Standing Orders Local Law 1997

DECLARATION OF INTEREST

Nil

SUMMARY

This report advises of the need to review Local Laws and recommends Council review all of its adopted local laws.

BACKGROUND

The Local Government Act 1995 requires that within a period of eight (8) years when a local law commenced, it is to be reviewed with Council determining whether or not it should be repealed or amended.

COMMENT

The following current Local Laws have been previously adopted by Council and are need of review:

- Activities on Thoroughfares and Trading in Public Places Local Law 2000,
- Local Government Property Local Law 2000,
- Cemeteries Local Law 2000,
- Health Local Law 2000, and
- Standing Orders Local Law 1997

It is appropriate for a review to be undertaken on all of Councils Local Laws and the process would allow for the proposal to review to be advertised (state wide) and inviting public submissions.

Council would then consider those submissions to determine whether or not it considers that any of its Local Laws should be repealed or amended.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

The Section 3.16 requires Council to review a local law within 8 years of its commencement.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The task of reviewing Council's Local Laws can be accommodated within the Shire of Kojonup budget.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council in accordance with section 3.16 of the Local Government Act 1995 commence a review of the Shire of Kojonup Local Laws and that Statewide public notice and Local public notice be given of the review.

COUNCIL DECISION

53/11 MOVED Cr Trethowan seconded Cr Hewson that Council in accordance with section 3.16 of the Local Government Act 1995 commence a review of the Shire of Kojonup Local Laws and that Statewide public notice and Local public notice be given of the review.

CARRIED

7/0

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

Nil

17 CONFIDENTIAL REPORTS

OFFICER RECOMMENDATION

That the meeting be closed to the public under Section 5.23 2(b) of the Local Government Act 1995 as it relates to the personal financial position of a resident.

COUNCIL DECISION

54/11 MOVED Cr Benn seconded Cr Hewson that the meeting be closed to the public under Section 5.23 2(b) of the Local Government Act 1995 as it relates to the personal financial position of a resident.

CARRIED**7/0**

17.1 FINANCIAL MANAGEMENT – PROPOSED WRITE OFF OF SUNDRY DEBTOR

A Separate confidential report was circulated to Council on this item.

OFFICER RECOMMENDATION

That the meeting be re-opened to the public.

COUNCIL DECISION

55/11 MOVED Cr Trethowan seconded Cr Benn that the meeting be re-opened to the public.

CARRIED**7/0****OFFICER RECOMMENDATION**

That Council approves the write-off of the amount of \$350.00 pertaining to sundry debtor # 72557 and with respect to the dog infringement issued 18th March 2009.

COUNCIL DECISION

56/11 MOVED Cr Pritchard seconded Cr Benn that Council approves the write-off of the amount of \$350.00 pertaining to sundry debtor # 72557 and with respect to the dog infringement issued 18th March 2009.

CARRIED**7/0**

The Shire President then read aloud the Council Decision.

18 NEXT MEETING

Tuesday, 21st June 2011 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 3:26pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 st July 2010 to 30 th April 2011
Item 10.2	Monthly Payment Listing 1 st April 2011 to 30 th April 2011
Item 12.1	Plan of Oversized Outbuilding Application
Item 13.1.1	Activities on Thoroughfares and Trading in Public Places Local Law 2000, Local Government Property Local Law 2000, Cemeteries Local Law 2000,
Item 13.1.2	Health Local Law 2000, and
Item 13.1.3	Standing Orders Local Law 1997
Item 17.1	Confidential Report – Proposed Write Off of Sundry Debtor

Presiding Member

Date