

# SHIRE OF KOJONUP



## Council Agenda

***15<sup>th</sup> February 2011***

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15<sup>th</sup> February 2011****TABLE OF CONTENTS**

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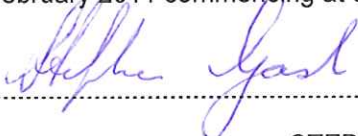
**21 ATTACHMENTS**

## SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 15<sup>th</sup> February 2011**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 15<sup>th</sup> February 2011 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH**  
**CHIEF EXECUTIVE OFFICER**

10 February 2011

**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 Ian Pedler  
Cr Frank Pritchard  
Cr John Benn  
Cr Greg Marsh  
Cr Rosemary Hewson  
Cr Michael Baulch

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 14<sup>th</sup> December 2010

Corrections:

COUNCIL DECISION

/11 MOVED Cr seconded Cr that the Minutes of the Ordinary Meeting of Council held on 14<sup>th</sup> December 2010 be confirmed as a true record.

CARRIED/LOST /

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Representatives from the Muradup Memorial Precinct Committee have been invited to present to Council and any draft maps / concepts will be tabled at the time, if appropriate.

9 **DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Monday, 7 February 2011  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 31<sup>st</sup> December 2010  
10.1.2 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 2011

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 31<sup>st</sup> December 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 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. As there was no January meeting of Council both December 2010 and January 2011 Statements are now being presented

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

The attached Statement's of Financial Activity for the period of 1<sup>st</sup> July 2010 to 31<sup>st</sup> December 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 2011 show a solid position with 87.73% of rates collected and a total amount of cash holdings of \$3,154,594.72 of which \$1,890,014.21 is held in fully cash backed Reserves as at 31<sup>st</sup> January 2011. Of these cash holdings \$1,000,000 of Municipal funds and \$1,500,000 of Reserve funds have been reinvested in short term deposits, due to mature 18<sup>th</sup> February 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 1<sup>st</sup> July 2010 to 31<sup>st</sup> December 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 2011, as attached, be accepted.**

**COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

## 10.2    MONTHLY PAYMENTS LISTING

AUTHOR:                      Kim Dolzadelli – Manager Corporate Services  
 DATE:                              Tuesday, 8 February 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 1<sup>st</sup> December 2010 to 31<sup>st</sup> January 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 01/12/2010 to 31/01/2011 comprising of Municipal Cheques 11475 to 11554, EFT's 6423 to 6638 and Internal Payment Vouchers 2493 to 2561 totalling \$1,407,435.37 and as attached to this agenda, be received.**

**COUNCIL DECISION**

/11      MOVED Cr

seconded Cr

CARRIED/LOST

/

**10.3 FEES AND CHARGES - HIRING OF PORTABLE CHEMLOO TOILET**

**AUTHOR:** Kim Dolzadelli – Manager of Corporate Services  
**DATE:** Monday, 7 February 2011  
**FILE NO:** FM.FEE.1  
**ATTACHMENT:** Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider the fees and charges associated with the hiring of the Shire's Portable CHEM LOO Toilet.

**BACKGROUND**

Council purchased a Portable Chemloo Toilet in June 2009 for use at the Kojonup Show grounds, this option was in preference to a complete refurbishment of the built Toilet facilities and associated infrastructure at the Show grounds. This option was clearly the most cost effective.

In addition it was viewed that the Portable Toilets could be used at other Council venues/events should the need arise.

**COMMENTS**

Of recent times requests have been made to Hire Councils Portable Toilets. The proposed fee structure is based upon full cost recovery associated with the Hire.

Due to the portable nature of the Chemloo toilets Councils' insurers have been contacted to clarify any insurance concerns, the officers recommendation addresses these concerns with regard to insurance excess amounts and in essence hire will be, amongst other conditions, based upon acceptance by the Hirer for any insurance excess liability.

**CONSULTATION**

Consultation has been undertaken with Councils' insurers with respect to insurance cover and excess amounts.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.16 - "Imposition of fees and charges" and Section 6.19 "Local government to give notice of fees and charges".

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

The proposed changes will have a minimal net impact on the Operational Budget.



**STRATEGIC IMPLICATIONS**

Nil

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

1. That in accordance with section 6.16 of the Local Government Act 1995 Council adopts a Hire fee for Portable Toilets of \$320.00 for periods between one (1) and seven (7) days with an additional refundable bond of \$150.00,
2. That in accordance with section 6.19 of the Local Government Act 1995 Council gives Local Public Notice of the new fee,
3. That Council delegate power to the Chief Executive Officer to waive fees for local Community Groups, Sporting Groups and local Not For Profit organisations in accordance with Council Policy and Budget constraints,
4. That Hire of the Portable Toilets is to be in accordance with the following conditions:
  - a) Hire to Sporting Groups is to be at the discretion of the Chief Executive Officer,
  - b) The Hire fee includes delivery and pickup within a 10km radius of the Kojonup Townsite, any further costs incurred will be charged at cost,
  - c) Hire costs are based on delivery and pickup on working days, any non working day delivery will incur an additional charge of \$150.00.
  - d) Any additional pump outs required during the Hire period will be charged in addition, to the Hire fee, at cost, and
  - e) That Hire is subject to acceptance by the Hirer for the cost of any damage caused to the Portable Toilets whilst onsite up to the amount of any insurance excess, that amount currently being \$1,000. Notwithstanding the aforementioned Councils' insurer reserves the right to claim the full amount of any damages or repairs from the respective Hirer.

**COUNCIL DECISION**

/11 MOVED Cr seconded Cr

CARRIED/LOST

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**10.4 FEES AND CHARGES – INDIVIDUAL FEES FOR RECYCLING AND REFUSE REMOVAL**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Monday, 7 February 2011  
 FILE NO: FM.FEE.1  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider individual Fees for additional Recycling and Refuse collection services.

**BACKGROUND**

Council currently has within its adopted Schedule of Fees and Charges a single fee for the provision of both Recycling and Refuse collection to residential premises. The current Fee is

\$270.00 per annum with a discount Fee of \$216.00 for ratepayers who are registered as an eligible pensioner in accordance with the Rates Rebates and Deferments Act. The current Fees is and will remain mandatory for all residential premises within the Kojonup and Muradup townsites.

Of recent times Officers have received requests for additional services, some of which have not been for both the Refuse and Recycling service.

#### **COMMENTS**

The proposed Fee structure has been calculated on a prorate basis of the full \$270.00 fee and based upon an analysis of the cost of provision of both individual services and further associated costs. There is no Pensioner discount being proposed for additional services.

The Officer is recommending a Fee of \$122.00 for each additional Recycling service and \$148.00 for each additional Refuse service.

#### **CONSULTATION**

Councils contractor Warren Blackwood Waste were consulted with respect to the proportional costs of the Recycling/Transfer Station and split between Recycling and Refuse Material.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.16 - "Imposition of fees and charges" and Section 6.19 "Local government to give notice of fees and charges".

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

The proposed changes will have a minimal net impact on the Operational Budget.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**

#### **OFFICER RECOMMENDATION**

1. That in accordance with section 6.16 of the Local Government Act 1995 Council adopts a Hire fee of \$122.00 for each additional Recycling service and a Fee of \$148.00 for each additional Refuse collection service,
2. That in accordance with section 6.19 of the Local Government Act 1995 Council gives Local Public Notice of the new fees.

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST

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**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 PROPOSED SINGLE HOUSE LOCATION 1643 YARRANUP ROAD, SHIRE OF KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
 DATE: 3 February 2011  
 FILE: DB.BDA.8  
 OWNER: Robinson's Yarranup Pty Ltd  
 LOCATION: Lumeah, Shire of Kojonup  
 ATTACHMENTS: 12.1 Application for Planning Consent & Plans

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider an application to develop a single house on the above lot as shown on the attached plans.

The recommendation is to approve the application subject to conditions.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to develop a single house (comprising internal floor area 63m<sup>2</sup> + verandahs 30m<sup>2</sup>). The dwelling will be clad with unspecified coloured weatherboards for the walls and unspecified colorbond metal sheeting for the roof.

The dwelling will be setback approximately 170m from Yarranup Road and 370m from the eastern side boundary and 650m from the western side boundary.

The site is cleared agricultural land and currently used for livestock and cropping activities.

The property adjoins some of the turbine locations being considered for the Moonies Hill Energy Pty Ltd (Flat Rocks Wind Farm) proposal. The distance between the closest turbine and dwelling is approximately 1.4km, which exceeds the 1km recommended in the WA Planning Commissions' Planning Bulletin 67 'Guidelines for Wind Farm Development' May 2004. It is recommended that both parties are advised of the proposal accordingly.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative local planning scheme under the Act. The land is zoned Rural within Town Planning Scheme No. 3 and the objectives (clause 3.2.7) for the Rural zone is 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.*

Single House is a 'P' permitted use in the Rural zone which is defined as:

*'Means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.'*

Clause 6.3 'Determination of Applications' of the Scheme states:

- 6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*
- 6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.*

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.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The proponents have paid the application fee as required under the Shire of Kojonup 2010/2011 Budget 'Schedule of Fees and Charges'. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

#### **VOTING REQUIREMENTS – ABSOLUTE MAJORITY**

#### **OFFICER RECOMMENDATION**

- 1 **That Council grant Planning Consent for the development of a Single House on Location 1643 Yarranup Road, Lumeah subject to the following conditions/advice:**
- i) **The dwelling being located as shown on the attached stamped approved plans and where marked in red dated 12 January 2011.**
  - ii) **The dwelling to be connected to an on-site potable water supply and effluent disposal system to the satisfaction of the Shire of Kojonup.**

#### **Advice Notes:**

- a) **The applicants are advised that the Shire is currently considering an application to develop a wind farm on the adjoining properties.**
- 2 **That Council advise Moonies Hill Energy Pty Ltd of this approval for a Single House on Location 1643 Yarranup Road, Lumeah accordingly.**

#### **COUNCIL DECISION**

/11      MOVED Cr      seconded Cr

CARRIED/LOST

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## 12.2 APPLICATION FOR REDUCED SETBACKS TO PROPOSED OUTBUILDING LOT 4 JINGALUP ROAD, JINGALUP.

AUTHOR: Phil Shephard – Town Planner  
 DATE: 9 February 2011  
 FILE NO: DB.BDA.4 & DB.BDA.8  
 APPLICANT: Anderson Outdoor  
 OWNER: DB Bartram & J Shorten  
 ATTACHMENTS: 12.2 Site Plan – DB Bartram & J Shorten

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

An application for planning consent has been received to construct a 100m<sup>2</sup> outbuilding on the above property as shown on the attached plans. The outbuilding will be constructed with 150mm setbacks to the side/rear boundaries as shown.

It is recommended that subject to no objections being received from the adjoining landowners, the application be approved.

**BACKGROUND**

Staff have requested comment from the affected adjoining landowners (comments period closes 25/2/2011) on the proposed outbuilding and setbacks.

**COMMENT**

The subject lot is zoned Rural under Town Planning Scheme No. 3. The property is contained within the Jingalup Townsite and is approximately 1012m<sup>2</sup> (or ¼ acre).

A site inspection was conducted on 9/2/2011 and it was clear that similar sized outbuildings (larger than the 65m<sup>2</sup> permitted in the residential zone) have been constructed within the Townsite. In the past, Council has required the minimum setback of 500mm (same as required setback on residential zoned lot), unless the proponent has received support/agreement from the affected landowners to a reduction of the 500mm.

The small size of the lot causes difficulty in achieving the required setbacks for land contained within the rural zone where the lot size is generally much larger.

Staff have referred the application to affected adjoining neighbours for their comment. This report will enable the Chief Executive Officer to approve the application if no objections are received from the neighbours. If objections are received, these will be referred back to Council for their determination.

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

- d) Defer the application and seek additional information from the applicants;
- e) Approve the application (with or without conditions); or
- f) Refuse the application and give reasons.

**CONSULTATION**

Staff have referred the application to the affected adjoining landowners for comment (cease 25/2/2011).

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative local planning scheme under the Act. The land is zoned Rural within Town Planning Scheme No. 3 and the objectives (clause 3.2.7) for the Rural zone is 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.*

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

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The proponents have paid the application fee as required under the Shire of Kojonup 2010/2011 Budget 'Schedule of Fees and Charges'. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS – SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION**

**That subject to no objections being received from the consultation with affected adjoining landowners, Council grant Planning Consent for the Outbuilding on Lot 4 Jingalup Road, Jingalup subject to the following conditions/advice:**

- i) The outbuilding (including all footings, gutters etc.) to be contained wholly within the subject lot as shown on the attached stamped approved plans and where marked in red.**
- ii) All stormwater to be disposed of on-site.**

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

#### **12.3      SUBDIVISION APPLICATION 142910 – LOT 84 & 85 (LOT 3194) cnr. COLLIE – CHANGERUP ROAD & ALBANY HIGHWAY, KOJONUP.**

**AUTHOR:**                      Phil Shephard – Town Planner  
**DATE:**                         7 February 2011  
**FILE NO:**                     LP.SUB.1  
**APPLICANT:**                Crossland & Hardy Pty Ltd  
**OWNER:**                      BP Rourke  
**ATTACHMENTS:**            Item 12.3 Plan of Subdivision – Crossland & Hardy Pty Ltd

#### **DECLARATION OF INTEREST**

Nil.

#### **SUMMARY**

To consider a proposal to re-subdivide the above lot on the corner of the Collie-Changerup Road and Albany Highway into 3 lots as shown on the attached 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 42 days for comments (closing on 21 February 2011) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

### **COMMENT**

The landowners have stated the purpose of the subdivision is 'arable land and wheat bin site'.

The subject land is mainly zoned Rural under Town Planning Scheme No. 3. A small portion abutting the intersection south of the Collie-Changerup Road is zoned Special Rural (Area No. 1) under Town Planning Scheme No. 3.

The Shire's Town Planning Scheme Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well made developed road access to it.
- The amenity of the area is not adversely affected.

The subdivision of the special rural portion is required to achieve 2 criteria under the Scheme:

- The minimum lot size shall be 2 hectares.
- All subdivision shall be generally in accordance with the Subdivision Guide Plan for the area (No. 1).

The use of the land will remain agriculture and the lots have access to developed roads. The re-subdivision complies with the Shire's Policy requirements and should be supported.

The proponent's advice that one of the lots is for a wheat bin. Whilst this has been the subject of previous discussions, the Shire has received no formal application planning consent to use the land and develop a wheat bin on the site. It is appropriate that the Council include an advice note to this effect.

The proposed boundaries of Lots 88 and 9002 should be realigned to be consistent with the present zoning boundaries. The finalization of titles from the road realignment and land resumption had been delayed while questions from the Department of Planning were addressed regarding the proposed Lot 85. This can now be finalised.

### **CONSULTATION**

Nil.

### **STATUTORY ENVIRONMENT**

The land is partly contained in the rural and special rural zone under Town Planning Scheme No 3 and the objectives for the zones are as follows:

#### *Special Rural (c.3.2.6)*

*The use of land in the Special Rural zone shall be consistent with the following objectives:*

- (a) To provide for closer development on smaller lots in the rural area without detrimentally affecting the rural character, amenity or viability of surrounding properties.*
- (b) To provide for such uses as hobby farms, horse breeding and rural-residential retreats.*
- (c) To ensure that the more intensive use of land makes provision for the retention or improvement of the rural landscape and environment.*

- (d) *To reduce or eliminate the detrimental affect of keeping of livestock in the zone by limiting stock numbers to those kept for hobby purposes and not for commercial gain.*
- (e) *To ensure that all applications for new special rural zone areas comply with the Council's policies for the preparation and submission of proposals.*
- (f) *To ensure that the provisions for controlling subdivision and development in specific special rural zones shall be as laid down in Schedule V to the Scheme. Future subdivision will generally accord with the Subdivision Guide Plan for the specified area referred to in the Schedule and such Subdivision Guide Plan shall form part of the Scheme.*

*Rural Zone (c.3.2.7)*

- (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 proposed subdivision does not conflict with these requirements.

**POLICY IMPLICATIONS**

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**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 84 & 85 (Lot 3194) cnr. Collie-Changerup Road/Albany Highway, Kojonup into 3 lots as proposed on WAPC File 142910 and requests the following conditions/advice be placed upon the approval:**

- 1 Any upgrading of the roads and/or new crossovers to the properties will be the responsibility of the landowner to construct to the Shire's specifications and any upgrading of the Albany Highway will need to be undertaken to the satisfaction of the Main Roads WA.**

**Advice Notes:**

- i) This support is for the subdivision component only and any proposal to develop a wheat bin on the property will require an application for planning consent and payment of the required application fee to be submitted to Council for consideration.**
- ii) Council's preference is for the new cadastral boundaries to be consistent with the present zoning boundaries on the land.**

**COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST

/



**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 2010 STATUTORY COMPLIANCE AUDIT RETURN**

AUTHOR: Stephen Gash - Chief Executive Officer  
DATE: 10<sup>th</sup> February 2011  
FILE NO: CM.REP.1  
ATTACHMENT: 13.1 - 2010 Statutory Compliance Report (Compliance Audit Return 2010)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The adoption of the 2010 Statutory Compliance Report.

**BACKGROUND**

The Department of Local Government has prepared and circulated to each local government an annual return covering various statutory compliance matters under the Local Government Act and associated Regulations. A copy is attached to the agenda.

**COMMENT**

The completion of the return is mandatory for each local government. The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the Local Government Act 1995 (as amended) and associated regulations.

The only area of non compliance has been the review of local laws, which has been flagged in this calendar year and possible will be facilitated by new model local laws. This being the only area of non compliance constitutes continued system improvement, which will be further strengthened by internal audit options to be developed over the next couple of years.

**CONSULTATION**

Nil required

**STATUTORY REQUIREMENTS/ENVIRONMENT**

The Local Government Act (Audit) Amendment Regulations 1999, Regulation 15 states:

“A compliance audit return is to be-

- (a) presented to the Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) recorded in the minutes of the meeting at which it is adopted.”

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications

**STRATEGIC IMPLICATIONS**

There are no strategic implications

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

1. That the circularised Statutory Compliance Return for 2010 attached be adopted.
2. That the non compliance of review of local laws be noted and prioritised over the next six months.

## COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

## 13.2 REGIONAL WASTE TRANSFER STATION PROJECT

AUTHOR:                      Stephen Gash - Chief Executive Officer  
 DATE:                              10<sup>th</sup> February 2011  
 FILE NO:                      GR.LRL.2

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to update Council on the Southern Link VROC regional recycling / waste project and seek endorsement for the grant submission.

**BACKGROUND**

The Strategic Planning process identified a list of priority regional projects for the Southern Link Region, endorsed on 28 April 2010. The Great Southern Development Commission (GSDC) provided \$40,000 to develop a business case for the Waste / Recycling Project.

The business case is required to be eligible for consideration for the 35% regional component of the Country Local Government Fund (CLGF). Following an extension, the business case must be submitted by 28 February 2011.

The objective of the project is to provide standardised infrastructure for transfer stations to:

- Provide a public waste collection point if any landfill is closed in the future;
- Allow better control of waste and public safety at continuing landfills;
- Support better recycling and reduction of waste to landfill;
- Support standardised containers / bins to ensure competitive tendering between waste contractors;
- Facilitate regional waste services, where appropriate; and
- Ensure compliance with environmental regulations.

**COMMENTS**

The transfer stations are proposed at the entrance of existing land fill sites to control the public's access, while still providing a waste disposal point for the community. It is up to each Council whether these are manned.

The basic infrastructure at each site will be an elevated ramp for vehicles with a concrete landing and retaining wall that accommodates 1 or 2 sea containers. There will also be cleared areas for separation and temporary stockpiling of green waste and metal, with drum muster and waste oil facilities where nominated by the Council.

OPUS engineers have provided a report on the engineering requirements of the project, including options for site plans. These plans have been assessed against the Department of Environment and Conservation requirements for landfill facilities, and other regulations covering the clearing of natural vegetation.

The proposed sites and estimated cost of works are as follows:

- Frankland                      \$170,000
- Cranbrook                      \$120,000
- Broomehill                      \$120,000

- Tambellup	\$110,000
- Porongurup	\$ 80,000
- Kamballup	\$ 80,000
- Kendenup	\$ 40,000
- Rocky Gully	\$ 20,000
- Kojonup	<u>\$ 35,000</u>
TOTAL	\$775,000

The estimates above vary due to the difference in existing infrastructure at each site, the volume of earthworks, and whether any work is proposed on top of previous trenches that requires extra stabilisation. It should be noted that drainage areas have been included for each site.

Department of Environment and Conservation require 'post closure' plans to be developed for sites with existing landfills before considering works approvals for construction of transfer stations on registered sites. These post closure plans and any clearing permit applications will be done prior to the grant submission on 28 February 2011.

Concillors Hewson and Marsh attended the Southern Link VROC meeting on the 1<sup>st</sup> of February 2011 where the following resolution was passed by the VROC:

*That the Southern Link VROC:*

- 1. Notes estimated project cost for the waste / transfer station project.*
- 2. Notes this report will be presented to the February 2011 ordinary Council meeting for each member Shire for consideration.*
- 3. Recommends that member Councils endorse the grant application for the regional component of the Royalties for Regions.*

The Shire of Kojonup is being asked to consider the grant application for regional funds. This project is supported by Shire of Kojonup officers and recommended for endorsement.

#### **CONSULTATION**

Extensive consultation with Southern Link VROC partners.

#### **STATUTORY ENVIRONMENT/REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

No contribution is requested from the Shire of Kojonup.

The grant application will be for \$775,000 of the estimated \$1,042,000 regional allocation for the Southern Link VROC Shires. No additional contributions are proposed from each Shire and the balance of the regional funds is proposed for the regional records repository.

Ongoing operating costs will vary depending on whether sites stay manned or unmanned.

#### **STRATEGIC IMPLICATIONS**

The project is a priority in the Southern Link VROC strategic plan and listed within the Shire of Kojonup forward capital works plan.

**VOTING REQUIREMENTS** - Simple Majority

#### **OFFICER RECOMMENDATION**

**That Council endorse the grant application for the regional component of the Royalties for Regions, for the regional waste / transfer station project.**

## COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST

/

## 13.3 COUNTRY LOCAL GOVERNMENT FUND (CLGF) – BUSINESS CASE APPLICATION – ARCHIVE REPOSITORY

AUTHORS: Stephen Gash – CEO – Shire of Kojonup  
 Joanne Trezona - CEO – Shire of Broomehill-Tambellup  
 Rob Stewart – CEO – Shire of Plantagenet

DATE: 10 February 2011

FILE NO: GR.LRL.2

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to update Council on the Southern Link VROC proposed shared archive repository in Broomehill and seek endorsement for an application of the regional component of the Country Local Government Fund.

**BACKGROUND**

The member Councils of the Southern Link VROC at a Special Meeting on 28 April 2010 adopted a Strategic Plan for the group that mapped the agreed direction that the VROC would take into the future. The plan also identified regionally significant projects for the VROC that the member Councils prioritised for funding consideration as part of the Regional Groups component of the CLGF. The 2010-2011 financial year sees 35% of the VROC members CLGF grant earmarked for the regional pool.

The Southern Link VROC at its meeting held on 24 November 2010 agreed that the funds earmarked for recreation in this funding round not be pursued.

The VROC was successful in obtaining additional funding through the Great Southern Development Commission (GSDC) to undertake an Environmental Needs Assessment and Operational Plan for the proposed Archive Repository. These reports form part of the Business Case application to the CLGF.

**COMMENTS**

The estimated cost for the Archive Repository project has come in at \$347,452.00. This is more than the original 'guestimate' of \$250,000.00. The final costs for the Regional Waste project and the actual funds that will be received by the Southern Link VROC from the CLGF will determine if changes need to be made to the desired scope of the project.

If changes are required it is quite likely that it will not be detrimental to the project if the item for the installation of a 15kW photovoltaic solar system is removed from the project. The estimate for this is \$109,090.00.

Councillors Hewson and Marsh attended the Southern Link VROC meeting on the 1<sup>st</sup> of February 2011 where the following resolution was passed by the VROC:

*That the Southern Link VROC:*

*1. Notes estimated project cost for the regional records repository.*

*2. Notes this report will be presented to the February 2011 ordinary Council meeting for each member Shire for consideration.*

3. *Recommends that member Councils endorse the grant application for the regional component of the Royalties for Regions.*

The Shire of Kojonup is being asked to consider the grant application for regional funds. This project is supported by Shire of Kojonup officers and recommended for endorsement.

#### **CONSULTATION**

Extensive consultation with Southern Link VROC partners

#### **STATUTORY ENVIRONMENT/REQUIREMENTS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The costs for the project are as follows

<b>ITEM</b>	<b>Cost (est - ex GST)</b>
Installation of 15kW photovoltaic solar system	\$109,090.00
Shelving (fixed)	\$100,000.00
Installation of VESDA smoke detection system	\$ 7,272.00
Installation of sprinkler system	\$ 90,909.00
Installation of security alarm system	\$ 3,636.00
Fumigation of building/sterilisation of records	\$ 14,545.00
Project Management	\$ 20,000.00
<b>Total - structural and environmental requirements</b>	<b>\$345,452.00</b>
Audit costs	\$ 2,000.00
<b>Total estimated project cost</b>	<b>\$347,452.00</b>

No cash contribution is sought from the Shire of Kojonup.

#### **STRATEGIC IMPLICATIONS**

The project is a priority in the Southern Link VROC strategic plan, and listed in the Shire of Kojonup forward capital works plan.

**VOTING REQUIREMENTS** - Simple Majority

#### **OFFICER RECOMMENDATION**

**That Council endorse the grant application for the regional component of the Royalties for Regions, for the regional record repository project.**

#### **COUNCIL DECISION**

/11      MOVED Cr                      seconded Cr

CARRIED/LOST

/

## 13.4 MURADUP MEMORIAL

AUTHOR: Stephen Gash - CEO  
DATE: 10 February 2011  
ATTACHMENTS: 13.4 Muradup Memorial Precinct Committee Minutes

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider options for the management of the Muradup Memorial.

**BACKGROUND**

The Chief Executive Officer has been approached by concerned community representatives outlining the following:

“The Muradup War Memorial built in 1916 is located in the north eastern corner of the recreation reserve No 13875. Although the Memorial is well maintained and has had significant input by the local community in the construction and subsequent maintenance, certain deficiencies are apparent and need to be addressed. The first of these is the proximity of the Memorial to a large reserve that is essentially untouched native bush which presents a significant fire threat to the Memorial. An intense fire has the ability to damage the marble tablets which are less than five meters from significant fuel loadings.

At a series of meetings initiated by the Muradup Hall committee the local community have elected from the public a management committee to advise and oversee any future development of the area styled the “Muradup War Memorial Precinct”. *See attached minutes.*

One of the directives of that meeting was “That the Chairperson and secretary meet with the Kojonup Shire Council to involve that body in further developments and make any guidelines that will be necessary for a smooth dialogue between both bodies”.

*(Reason: As the Council is the legal body holding the title, nothing can, or should be done without their approval.)*

As a consequence of that directive Mr Piesse in his capacity as chairman submits the following to the Kojonup Shire Council;

*The Precinct committee acknowledges that any changes in the Precinct area will need the assistance and approval of the Shire Council. In the past this has been a “grey area” as the local community built and then proceeded to maintain the Memorial at no cost to the wider community. However in recent times it is has become apparent that a more formal arrangement has become necessary for the future maintenance of this important structure.*

*The primary reason for the change is that the original builders and the children of the original builders who had been the main supporters have now nearly all passed on or are quite elderly and are now no longer able to contribute. Also, and just as important, in recent decades there has also been significant change in the various statutes that govern public places, reserves and the like, this committee is aware of the change and wish to be proactive and be part of the future of the Memorial.*

*The advantage of having a local committee is that the members are elected from the public and have significant standing as contributors to local affairs. The present committee are well recognised by their peers as being both attuned to the needs of the Memorial and the surrounding reserve, they are well placed to give sound well researched advice on any of the issues surrounding the Precinct; I commend them to the Council.*

*I submit the attached minutes for acceptance by the Council to form the basis of any ongoing dialogue between the two bodies. As can be seen from the minutes the desire of the committee is to preserve and protect this very important structure (one of the very first permanent War Memorials in Western Australia), the minutes also show a very strong desire to work with the community in a logical and structured manner for agreed outcomes that reflect community desires.*

*Derek Piesse. Chairman,  
Muradup War Memorial Precinct Committee.  
7/1/2011”*

## **COMMENTS**

The Chief Executive Officer met with Mr Derek Piesse and Mr Robert Sexton on 7 January 2011 to receive a further briefing.

The significance of the site, and role of the local community were acknowledged, and the desire for Council involvement in the planning of activities on the reserved land was appreciated. The option of a formal committee of Council being formed was discussed and this is supported by the CEO.

Given the public process to appoint the Muradup Memorial Precinct Committee it is recommended that Council appoint the existing members on the Committee of Council, without the requirement for further advertising. Council is also requested to nominate a Councillor representative on this committee in the interest of good governance for the management of the precinct.

The nominations from the community, documented in the attached minutes are D.Berryman, R.Brockman, R.Francis, E.Hardingham, T.Myers, D.Piesse, and R.Sexton.

The committee is aware of the requirement to abide by Shire of Kojonup Standing Orders, which guide the meeting process, and a presiding member will be reconfirmed at the next meeting if the Committee of Council is endorsed.

The Chief Executive Officer commends the committee's organised approach, commitment to transparent community consultation, and awareness of Shire processes and responsibilities.

## **CONSULTATION**

Undertaken at previous public meetings with links to the Muradup Hall and broader community interest groups.

## **STATUTORY REQUIREMENTS/ENVIRONMENT**

The election / appointment of members to Committees and their operation is set out in Sections 5.8 to 5.25 inclusive plus the Local Government (Administration) Regulations, 1995.

Council may by **absolute majority** establish Committees comprising of 3 or more persons, be it members, employees and/ or other persons to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A committee is to have as its members, persons appointed by **absolute majority** by the Council. Ref. Section 5.10 of the Act.

## **POLICY IMPLICATIONS**

There are no known policy implications.

## **FINANCIAL IMPLICATIONS**

There are no known financial implications.

## **STRATEGIC IMPLICATIONS**

Strategic asset management and community involvement are key strategic objectives of the Shire that are supported by the formation of the proposed committee. There is also a commitment to ensure appropriate governance and framework for addressing any environmental issues on the site.

## **VOTING REQUIREMENTS - ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION 1**

**That Council endorse the creation of the Muradup Memorial Precinct Committee pursuant to section 5.8 of the Local Government Act 1995.**

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**OFFICER RECOMMENDATION 2**

**That D.Berryman, R.Brockman, R.Francis, E.Hardingham, T.Myers, D.Piesse, R.Sexton, and Cr \_\_\_\_\_ be endorsed as members of the Muradup Memorial Precinct Committee pursuant to section 5.10 of the Local Government Act 1995.**

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**14      COMMITTEES OF COUNCIL**

**14.1    AUDIT COMMITTEE**

**OFFICER RECOMMENDATION**

**That the attached unconfirmed minutes of the Audit Committee held Tuesday 8<sup>th</sup> February 2011 be received by Council.**

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**OFFICER RECOMMENDATION**

**That the attached confirmed minutes of the Audit Committee held Tuesday 15<sup>th</sup> December 2009 be received by Council.**

COUNCIL DECISION

/11      MOVED Cr                      seconded Cr

CARRIED/LOST                      /



**15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

The funding and possible loan for the Kojonup Clay Target Club will be considered at this meeting, with the item sent separately to each Councillor, while we verify treasury rates and previous grant details.

**16 NEW BUSINESS**

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

**17 CONFIDENTIAL REPORTS****18 NEXT MEETING**

Tuesday, 15<sup>th</sup> March 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 ..... pm.

**20 APPENDICES AND TABLED DOCUMENTS****21 ATTACHMENTS**

Item 10.1.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 31 <sup>st</sup> December 2010
Item 10.1.2	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 31 <sup>st</sup> January 2011
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> December 2010 to 31 <sup>st</sup> January 2011
Item 12.1	Application for Planning Consent & Plans
Item 12.2	Site Plan – DB Bartram & J Shorten
Item 12.3	Plan of Subdivision – Crossland & Hardy Pty Ltd
Item 13.1	2010 Statutory Compliance Report (Compliance Audit Return 2010)
Item 13.4	Muradup Memorial Precinct Committee Minutes
Item 14.1.1	Unconfirmed Audit Committee Minutes – Tuesday 8 <sup>th</sup> February 2011
Item 14.1.2	Confirmed Audit Committee Minutes – Tuesday 15 <sup>th</sup> December 2009