

SHIRE OF KOJONUP



Council Minutes

15th January 2013

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 15th January 2013****TABLE OF CONTENTS**

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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 read aloud 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 Jane Trethowan | Shire President | |
| Cr John Benn | Deputy Shire President | (entered at 3:06pm) |
| Cr Frank Pritchard | | |
| Cr Jill Mathwin | | |
| Cr Rosemary Hewson | | |
| Cr Ian Pedler | | |
| Cr Greg Marsh | | |

| | |
|----------------------|--|
| Mr Anthony Middleton | Acting Chief Executive Officer |
| Mr Kim Dolzadelli | Manager of Corporate Services |
| Mr Mort Wignall | Manager of Regulatory & Community Services |
| Mr Craig McVee | Manager of Engineering & Works |
| Mrs Heather Marland | Senior Finance Officer |

| | |
|------------------------|----------------|
| Mr Graham Hobbs | Public Gallery |
| Mr Edwin (Ned) Radford | Public Gallery |
| Mrs Pam McGregor | Public Gallery |
| Mrs Jenny Matthews | Public Gallery |
| Mrs Judith Warland | Public Gallery |
| Mrs Lorreen Greeuw | Public Gallery |
| Mr Neil Young | Public Gallery |

APOLOGIES

Cr Michael Baulch

3:03pm Cr Marsh left the Chamber.

3:05pm Cr Marsh returned to the Chamber.

3:06pm Cr Benn entered the meeting.

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**4.1 Medical Centre - Mrs Pam McGregor**

Mrs Pam McGregor asked if the Council has considered what possible effect the decision with respect to Item 10.3 might have on Medical/Health Centre Advisory Committee?

The Shire President responded that the Council is yet to consider item 10.3.

4.2 Medical Centre - Mrs Pam McGregor

Mrs Pam McGregor asked if discussions with St Luke's have been positive and will they provide on call service and hospital services?

The Shire President advised there has been no discussion to date regarding these two (2) specific matters.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 18th December 2012

Corrections: Nil.

COUNCIL DECISION

1/13 MOVED Cr Hewson seconded Cr Mathwin that the Minutes of the Ordinary Meeting of Council held on 18th December 2012 be confirmed as a true record.

CARRIED 7/0

3:08pm Cr Benn left the Chamber.

3:09pm Cr Benn returned to the Chamber.

7 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

8 PETITIONS, DEPUTATIONS & PRESENTATIONS**8.1 Mr Neil Young, Chairman of the Council's Medical/Health Centre Advisory Committee.**

Mr Neil Young stated that he received a call on Saturday evening regarding Item 10.3 in today's agenda, so he called the Shire President for clarification, and acknowledges her written invitation to attend today's meeting. A summary of Mr Young's presentation is as follows:

Last June at the public meeting there was a community revolt, which led to the Council establishing its Medical/Health Centre Advisory Committee, with a comprehensive terms of reference. The Council is now ignoring its Committee and has not learnt from past mistakes. At the last meeting of the Committee, members were advised that confidential discussions were taking place between the Council and St Luke's Family Practice in Katanning regarding a proposal to establish a medical practice in Kojonup. At the Shire Briefing Session on 18 December 2012, I presented a report of the Committee pointing out that there was no urgent need for change as Dr King has assured us he is not imminently leaving and the building he operates from is not falling down. I then decided to sit through the Council meeting on that same day to discover how the request from St Luke's was being handled by the Council but it was not discussed. The Council has not had any consideration to the committee.

Mr Young specifically asked the following questions:

1. When do you propose to inform your Medical/Health Centre Advisory Committee of what is now a firm, costed proposal?
2. What has made this become so urgent that no-one within the Council could find the time to telephone or email any of the Committee?
3. How do you propose to handle the negative reaction from Dr King?
4. What makes you think there is a need for an “interim solution”?
5. If there is a need for an interim solution, has this also been offered to Dr King?
6. If Council wishes to bring a new medical practice into town, where and how has this been advertised so that we can have the best result?
7. What consideration has been given to the impact of this new practice, perhaps staffed by part-time junior staff, on the ability of the town to attract a suitable operator should a new centre be built?

The Acting Chief Executive Officer responded by firstly clarifying a few of the issues, those being:

- It was not the Acting Chief Executive Officer that advised the Medical/Health Centre Advisory Committee to keep this issue confidential, but Mr Young as Chair of the Committee. This issue has at no stage been confidential, including in today's agenda;
- It is stated on Page 8 of the agenda that item 10.3 does not change the role of the Committee and in fact that it “will integrate with the Council's current ‘Health/Medical Centre Advisory Committee’ process for a long term solution”; and
- That the Committee is not being ignored and was indeed made aware of the approach by St Luke's at the earliest possible time, being told concurrently with elected members. The feeling at the Committee Meeting was ‘business as usual’ for the Committee as it did not affect their terms of reference.

The Acting Chief Executive Officer gave a summary of the Council's involvement and input in this issue (item 10.3 of this agenda), so as to give context to Mr Young's questions, being that it is not a Doctor selection and recruitment process but a response to a request to lease Council property. As such, the Council's involvement is purely:

- Whether or not to support financially or in-kind an important new business in the town;
- Whether or not to make available a council owned building through a lease arrangement;
- Town Planning Requirements; and
- Building licence approvals.

The Shire President advised that Mr Young's questions will be taken on notice.

9 DECLARATIONS OF INTEREST

Nil

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Monday, 7 January 2013
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2012 to 31st December 2012
10.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2012 to 31st December 2012

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2012 to 31st December 2012.

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.

COMMENTS

The Statements of Financial Activity for the period 1st July 2012 to 31st December 2012 show a solid position with 88.29% of rates collected to 31st December 2012 and a total amount of cash holdings of \$3,123,810.03 of which \$1,758,674 is held in fully cash backed Reserves; of these cash funds \$2,000,000 was invested in short term Term Deposits.

The Officer again highlights the variance between the Year to Date Budgeted Estimated Surplus and Year to Date Actual Surplus position is predominantly made up of the accumulated expenditure with respect to the Storm Damage Cleanup for which funding has yet to be received; the Claim for this funding has been submitted to Main Roads WA (MRWA).

MRWA have advised that full sign off has been completed and that funds should be received by the Shire of Kojonup within the coming weeks. Officers have been monitoring cashflow closely and this will continue to be a key focus.

The Audit of the Annual Financial Statements for the year ended 30th June 2012 has been completed by Auditor Russell Harrison of Lincolns Accountants and Business Advisers. One minor issue was raised in the Audit Management Letter with respect to the valuation of three (3) industrial lots (Thornbury Close), the Officer has noted these comments and also notes the new requirements for the use of Fair Value accounting and direction from the Department of Local Government.

The Officer is happy to advise Council that our projected opening Surplus balance for the 2012/13 year Budget of \$1,258,809 has been increased to \$1,264,283, an increase of \$5,474 which is within 0.435% of the Budgeted amount. This adjustment was made prior to Audit and has been confirmed via the Audit process.

A full copy of the Audited Annual Financial Statements, Audit Report & Audit Management Letter are attachments to Item 13.1 to this agenda.

Depreciation has now been updated in the attached Statements of Financial Activity given receipt of the Final Audit Report for the Financial Year ended 30th June 2012.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council. Financial Management Regulation 33A sets out the requirements with respect to the Review of Budget.

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 in this Agenda.

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

COUNCIL DECISION / OFFICER RECOMMENDATION

2/13 MOVED Cr Marsh seconded Cr Benn that the Monthly Statement's of Financial Activity for the periods of 1st July 2012 to 31st December 2012, as attached, be accepted.

CARRIED 7/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, 9 January 2013
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 December 2012 to 31st December 2012.

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

COUNCIL DECISION / OFFICER RECOMMENDATION

3/13 MOVED Cr Marsh seconded Cr Hewson that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/12/2012 to 31/12/2012 comprising of Municipal Cheques 12539 to 12561, EFT's 9626 to 9770 and Internal Payment Vouchers 4217 to 4245 totalling \$990,014.07 and as attached to this agenda, be received.

CARRIED 7/0

10.3 OFFER TO LEASE – 34 KATANNING ROAD, KOJONUP – PROPOSED MEDICAL CLINIC

AUTHOR: Anthony Middleton – Acting Chief Executive Officer
DATE: Thursday, January 10, 2013
FILE NO: CP.DAC.8
ATTACHMENT: 10.3.1 Concept Plan of Building Modifications
10.3.2 Plan of Existing Building

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this item is to consider a proposal to lease 34 Katanning Road, Kojonup for use as a doctors surgery and to undertake modifications to this residence as required for its proposed new use.

BACKGROUND

The Shire has been approached by St Luke's Family Practice in Katanning regarding the possibility of leasing an appropriate building for use as a Doctors Surgery to house two to three Doctors. Following this approach, on-site meetings resulted in 34 Katanning Road being identified as suitable for this purpose, subject to minor modifications to allow for use as a public building.

The provision of medical services in rural communities is essential and as such the Shire currently supports the existing Doctor service in Kojonup. This support is as follows:

- Subsidised housing to the value of \$270 per week;
- Provision of surgery building and maintenance (rented at \$100 per week);

COMMENT

This proposal has arisen because St Luke's have been successful in appointing additional Doctors to the Practice but do not have the physical room in the Katanning surgery to house them. Having said this, it is intended that St Luke's staff currently living in Kojonup will predominately be located in this proposed centre.

The details of the proposed lease are as follows:

1. The lease of 34 Katanning Road (vacant staff house) to house two (2) doctors, a nurse and possible allied health professionals;
2. Commence operations in March/April 2013;
3. Modifications be made to the building, funded by the Shire, to enable (refer attached plan):
 - Three (3) consulting rooms;
 - One (1) treatment room;
 - Office/reception;
 - Disabled toilet facility; and
 - Staff Room
4. New car park to be constructed on the land between the two Shire residences (to the immediate west).

It is suggested a lease fee of \$200 per week be negotiated, with all minor maintenance to be completed by the lessee. A term of five (5) years is also recommended, with provision for each party to terminate with appropriate written notice.

Should the Council agree to a proposal to lease, separate town planning approval will also be required (at a future meeting) and a building license will need to be granted.

This proposal to lease presents an opportunity to provide additional medical services to the Kojonup community and could greatly improve the continuity of service for all residents. It is considered that this residence, once modified, will provide a short to medium term solution for the provision of medical services and will integrate with the Council's current 'Health/Medical Centre Advisory Committee' process for a long term solution. As such it is recommended that the proposal be approved and the Council support the establishment of this service in a manner similar and equitable with the current doctors surgery arrangement.

CONSULTATION

The Shire President and Acting CEO have met with Dr Du Preez from St Luke's on two occasions, in addition to Michael Prandi to discuss building suitability. This issue has also been discussed at a Council briefing session on 18 December 2012 and at a Health/Medical Centre Advisory Committee meeting. The Shire President also met with Kojonup's existing doctor, Dr King, to discuss this proposal on Thursday, 20th December 2012.

STATUTORY REQUIREMENTS

Section 3.58 of the Local Government Act 1995 legislates the process required for a local government to dispose of property, including disposals via lease. However, regulation 30(2)(f) of the Local Government (Functions and General) Regulations 1996 defines certain dispositions of property that are exempt from section 3.58 of the Act, including:

- '(f) it is the leasing of land to a "medical practitioner" (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice;'

As such, no prescribed disposal process is required to be undertaken.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

An estimated budget for the modifications required to be undertaken to the residence to meet public building codes and community expectations is as follows:

| | |
|---|-----------------|
| Building modifications (as per attached plan) | \$45,000 |
| Construction of Carpark | \$35,000 |
| Landscaping | \$5,000 |
| Fixtures & Contingency | \$8,000 |
| TOTAL | \$93,000 |

It is recommended that application be made for the Shire's 2011/2012 Country Local Government Fund grant to be allocated for this purpose, thereby having no financial implication on this years budgeted position.

The residence concerned has been vacant for some time and a lease income will be additional to the current budgeted position.

STRATEGIC IMPLICATIONS

The provision of medical services in rural communities is essential. This proposal to lease is considered a very sound method of providing additional medical services to the Kojonup community and will greatly improve continuity of service for all residents. It is considered that this residence, once modified, will provide a short to medium term solution for the provision of medical services and will integrate with the Council's current 'Health/Medical Centre Advisory Committee' process for a long term solution.

VOTING REQUIREMENTS – Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

4/13 MOVED Cr Mathwin seconded Cr Pritchard that:

- 1. The shire owned residence at 34 Katanning Road be leased to St Luke's Family Practice, Katanning for the purpose of operating a medical centre under the following lease terms:

 - a) A lease fee of \$200 per week;**
 - b) A term of five (5) years, with provision for each party to terminate with 3 months written notice; and**
 - c) All minor maintenance to be completed by the lessee.****
- 2. Modifications be made to the building, funded by the Shire, as per the attached building plan;**
- 3. A New car park be constructed on the land between the two Shire residences (to the immediate west).**
- 4. A town planning application and a building license be submitted;**
- 5. An application be made for the Shire's 2011/2012 Country Local Government Fund grant to be allocated to fully fund the building modifications, as listed in point 2 and 3 above, prior to commencement and in accordance with the following budget:**

| | |
|--|-----------------|
| Building modifications (as per attached plan) | \$45,000 |
| Construction of Carpark | \$35,000 |
| Landscaping | \$5,000 |
| Fixtures & Contingency | \$8,000 |
| TOTAL | \$93,000 |

LOST 1/6

COUNCIL DECISION

5/13 MOVED Cr Mathwin, seconded Cr Benn that no decision to lease be made before a recommendation is received from the Medical / Health Centre Advisory Committee and further consultation between St Luke's Practice and Council and Dr King and Council on separate occasions is undertaken, prior to or on 5th February 2013 if possible.

CARRIED 7/0

11 WORKS & ENGINEERING REPORTS

Nil

12 COMMUNITY & REGULATORY SERVICES REPORTS**12.1 APPLICATION FOR REDUCED REAR SETBACK TO CARPORT ADDITIONS AT 18 BIGNELL ROAD (cnr. WATTS ROAD) KOJONUP.**

AUTHOR: Phil Shephard – Town Planner
 DATE: 12 December 2012
 FILE NO: DB.BDA.8
 APPLICANT: HR Herbert
 OWNER: HR & L Herbert
 ATTACHMENTS: 12.1 Site Plan, Elevations and Photos of Site

DECLARATION OF INTEREST

Nil.

SUMMARY

An application for planning consent has been received to construct a freestanding 6m x 6m carport addition on the above property adjacent to Bignell Road as shown on the attached plans.

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

BACKGROUND

The applicant wish to construct the carport to house a utility and tractor and seek a reduced setback of 400mm to the carport posts (the roof will extend further or closer to the boundary). The additions necessitate a variation to the Residential Design Codes and as such require Council approval.

COMMENT

The subject lot is zoned Residential Development with a density coding of R10/20 under Town Planning Scheme No. 3. The following setbacks from the Residential Design Codes apply to the R20 density coding:

| Minimum Setback (m) | |
|---------------------------------|------------------------------------|
| Primary Street (Watts Road) | 6 |
| Secondary Street (Bignell Road) | 1.5 |
| Other/Rear | As determined from Table 2a and 2b |

The subject lot is approximately 8,100m² in area and the existing dwelling and outbuilding have been constructed on the north-end of the lot (away from Katanning Road). The applicant proposes to screen the carport from Bignell Road with shrubs.

The applicant has discussed the proposed carport and its position adjacent to Bignell Road with the northern neighbour for comment and they have provided written advice that they have no objection to the application. The affected neighbour (to the west) passed away in August 2012 and no consultation has been possible.

Given that the proposal:

- Is consistent with the objectives and performance criteria of the Residential Design Codes; and
 - Has received support from affected neighbour,
- the proposal should be approved.

The roof sheets should be setback from the boundary also. Given the posts are proposed to be setback 400mm off the boundary, the roof sheets should be setback 300mm from the boundary (they extend 100mm past the posts).

CONSULTATION

The applicant has consulted with affected neighbour to the north.

STATUTORY ENVIRONMENT

Complies with Town Planning Scheme No 3 and the Residential Design Codes. A separate Building Licence will be required to construct the carport.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The applicant is required to pay the \$139 planning application fee.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – SIMPLE MAJORITY**COUNCIL DECISION / OFFICER RECOMMENDATION**

6/13 MOVED Cr Benn seconded Cr Pritchard that Council approve the reduced side setback of 400mm to the posts and 300mm to the roof sheets for the carport addition for No 18 (Lot 2) Bignell Road, Kojonup and the applicants be advised that this is planning consent approval only and that a building licence must be obtained prior to construction of the carport.

LOST 0/7

13 EXECUTIVE & GOVERNANCE REPORTS**13.1 2011/12 ANNUAL REPORT AND ELECTORS MEETING**

DATE: Wednesday, 2 January 2013
AUTHOR: Kim Dolzadelli – Manager Corporate Services
FILE NO: FM.AUD.2 & FM.FNR.1
ATTACHMENTS: 13.1.1 Annual Report 2011-12 including Annual Financial Report
13.1.2 Audit Report & Audit Management Letter

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Shire of Kojonup's 2011/12 Annual Report as circulated with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

BACKGROUND

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

COMMENT

The Council is to accept the annual report by 31st December following the year end or no later than two months after receiving the audit report.

The Audit Report was received on 4th January 2013 and a copy will be forwarded directly to the Department of Local Government and Regional Development following this meeting.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual electors' meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given. This effectively means that the Annual electors meeting must be held no later than Tuesday, 12th March 2013. The Officer recommends that the date for the Annual meeting of Electors be set for Tuesday, 19th February 2013 to coincide with Councils next meeting date.

CONSULTATION

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY**OFFICER RECOMMENDATION 1 / COUNCIL DECISION**

7/13 MOVED Cr Marsh seconded Cr Hewson that Council Accepts the Annual Report including the Annual Financial Report for the 2011/2012 year.

CARRIED 7/0

VOTING REQUIREMENTS - SIMPLE MAJORITY**OFFICER RECOMMENDATION 2 / COUNCIL DECISION**

8/13 MOVED Cr Marsh seconded Cr Mathwin that Council:

- 1. Hold the Annual Electors meeting on Tuesday 19th February 2013 in the Lesser Hall, Kojonup, commencing at 7:00pm;**
- 2. Receives the Audit Report and Audit Management Letter;**
- 3. Note the minutes of the Audit Committee meeting will be presented to the next available ordinary meeting of Council following the Audit Committee meeting.**

CARRIED 7/0

13.2 DISPOSAL OF LAND BY SALE – LOT 57 THORNBURY CLOSE

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, January 03, 2013
 FILE NO: CP.ACD.7 & A22319
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To give final consideration of an offer to purchase vacant industrial lot, Lot 57 Thornbury Close, Kojonup following Local Public Notice calling for submissions on the proposal.

BACKGROUND

At its full meeting held 17th August 2010 Council considered an application from Mr Roderick Bowey/KCM Industries for approval for development of a waste oil recycling plant on Lot 57 Thornbury Close, Kojonup, which is land owned by Council.

The Following Decision was made at that meeting:

“COUNCIL DECISION

63/10 *MOVED Cr Hewson seconded Cr Marsh that Council approve in principle an application from Rodney Bowey of KCM Industries for the proposed development of a Waste Oil Recycling Plant on Lot 57 Thornbury Close, Kojonup subject to their:*

- a) Acquisition of Lot 57 Thornbury Close from Council.*
- b) Compliance with any Department of Environment & Conservation requirements including obtaining a “Scheduled Premises” Category 39 Licence under Schedule 1 of the Environmental Protection Regulations 1987.*
- c) Compliance with any other government or regulatory authority requirements pertaining to storage of dangerous goods, storage and handling of flammable and combustible liquids and storage and handling of non explosives, as appropriate.*
- d) Submission of a copy of the Environmental Management Plan for the proposed development.*
- e) Submission of detailed plans and specifications for the buildings and septic tank and onsite effluent disposal system proposed to be erected/installed on the land for assessment and issue of a Building License and Environmental Health approval respectively.*

CARRIED

8/0”

At its full meeting held 18th November 2012 Council considered an offer to purchase Lot 57 Thornbury Close, Kojonup for a total price of \$11,000 including GST from Mr Roderick Bowey on behalf of KCM Industries.

The Following Decision was made at that meeting:

COUNCIL DECISION

118/12 *MOVED Cr Benn seconded Cr Marsh*

- 1. That the offer from Mr Roderick Bowey on behalf of KCM Industries for the purchase of land at Lot 57 Thornbury Close, Kojonup be accepted in principal for the submitted financial consideration of \$11,000 including GST,*

2. *That Council agrees to fill in the existing drain located at the front boundary of the lot and form a shallow trafficable drain/bunding to assist in redirecting water flow from the land,*
3. *That Council approves the giving of Local Public Notice of the proposed disposition in accordance with Section 3.58(3) & (4) of the Local Government Act 1995,*
4. *That Council considers any submissions received at its next available meeting of Council, and*
5. *Once Council has considered submissions, at its next available meeting of Council, it fully considers the offer from KCM Industries for the purchase of Lot 57 Thornbury Close.*

CARRIED

8/0

COMMENT

Local Public Notice of the proposed disposition was advertised in the Kojonup News on Friday, 7th & 21st December 2012 with the Closing date for submissions being 3rd January 2013; no submissions on the proposal have been received.

CONSULTATION

Local Public Notice of the proposed disposition was advertised in the Kojonup News on Friday, 7th & 21st December 2012.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 (LGA 1995) apply.

Section 3.58(3) and (4) of the (LGA 1995) states the following:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

- (i) describing the property concerned;*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local*

government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

There are no known Policy Implications.

FINANCIAL IMPLICATIONS

Proceeds for the Sale of this land is not contained in Councils approved Budget, should the sale be given final approval a Budget Amendment will be required.

STRATEGIC IMPLICATIONS

Increased occupancy and development of the industrial estate.

VOTING REQUIREMENTS – Simple Majority**OFFICER RECOMMENDATION / COUNCIL DECISION****9/13 MOVED Cr Benn seconded Cr Mathwin**

1. That the offer from Mr Roderick Bowey on behalf of KCM Industries for the purchase of land at Lot 57 Thornbury Close, Kojonup be accepted for the submitted financial consideration of \$11,000 including GST, and
2. That Council agrees to fill in the existing drain located at the front boundary of the lot and form a shallow trafficable drain/bunding to assist in redirecting water flow from the land.

CARRIED 7/0

13.3 INFORMATION STATEMENT 2012/13

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
DATE: Wednesday, January 09, 2013
FILE NO: IM.FOI.4
ATTACHMENT: 13.3 Information Statement 2012/13

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the Shire of Kojonup's Information Statement for 2012/13.

BACKGROUND

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:-

- The Agency's Mission Statement
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency.
- The operation of FOI in the agency.

COMMENT

The Shire of Kojonup's Information Statement 2012/13 is attached to this agenda. The document complies with the requirements of the Freedom of Information Act, as outlined above.

A copy of the Information Statement will be forwarded to the Commissioner as required. The previous version was adopted 20 September 2011 – Council Decision 87/11.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the Freedom of Information Act, and is linked to the Records Management Policy and Record Keeping Plan.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with strategic objective 1.1.6 to "Improve recordkeeping practices".

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

10/13 MOVED Cr Mathwin seconded Cr Hewson that Council adopts the Information Statement 2012/13 as attached to the agenda.

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

Nil

18 NEXT MEETINGTuesday, 19th February 2013 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 4:45pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

| | |
|-------------|---|
| Item 10.1 | Monthly Statement of Financial Activity 1 st July 2012 to 31 st December 2012 |
| Item 10.1 | Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1 st July 2012 to 31 st December 2012 |
| Item 10.2 | Monthly Payment Listing |
| Item 10.3.1 | Concept Plan of Building Modifications |
| Item 10.3.2 | Plan of Existing Building |
| Item 12.1 | Site Plan, Elevations and Photos of Site |
| Item 13.1.1 | Annual Report 2011-12 including Annual Financial Report |
| Item 13.1.2 | Audit Report & Audit Management Letter |
| Item 13.3 | Information Statement 2012/13 |

Presiding Member_____
Date