

SHIRE OF KOJONUP



Council Minutes

18th September 2012

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 18th September 2012****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 Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
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
Mrs Heather Marland	Senior Finance Officer
Miss Cindy Westbrook	Coordinator of Building Services

APOLOGIES

Cr Michael Baulch 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**

89/12 MOVED Cr Benn seconded Cr Mathwin that Cr Baulch be granted Leave of Absence for the Council meeting held 18th September 2012 and to be held on 16th October 2012.

CARRIED 7/0

6 CONFIRMATION OF MINUTESORDINARY MEETING 21st August 2012

Corrections:

COUNCIL DECISION**90/12 MOVED Cr Benn seconded Cr Hewson that the Minutes of the Ordinary Meeting of Council held on 21st August 2012 be confirmed as a true record.****CARRIED 7/0**SPECIAL MEETING 23rd August 2012

Corrections:

COUNCIL DECISION**91/12 MOVED Cr Mathwin seconded Cr Marsh that the Minutes of the Special Meeting of Council held on 23rd August 2012 be confirmed as a true record.****CARRIED 7/0**SPECIAL MEETING 4th September 2012

Corrections:

COUNCIL DECISION**92/12 MOVED Cr Pritchard seconded Cr Benn that the Minutes of the Special Meeting of Council held on 4th September 2012 be confirmed as a true record.****CARRIED 7/0****7 ANNOUNCEMENTS by the Presiding Member without discussion**

The Shire President officially welcomed Acting Chief Executive Officer Anthony Middleton to the Shire of Kojonup.

The Shire President noted the farewell evening held for departed Chief Executive Officer Mr Stephen Gash on Friday 14th September 2012. A good evening was had by all who attended.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Cr Marsh noted that he donated funds to the Kodja Place Café Committee.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, 12 September 2012
FILE NO: FM.FNR.2
ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1st July 2012 to 31st July 2012
& 10.1.2 Monthly Statement of Financial Activity 1st July 2012 to 31st August 2012

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2012 to 31st July 2012 and 1st July 2012 to 31st August 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.

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

COMMENTS

The Statements of Financial Activity for the period 1st July 2012 to 31st August show a solid position with 72.93% of rates collected to 31st August 2012 and a total amount of cash holdings of \$4,525,563 of which \$1,846,656 is held in fully cash backed Reserves.

Work continues with respect to non cash end of year adjustments for preparation of the Annual Financial Statements; these will be completed and delivered to Councils Auditors by 30th September 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** being sought in item 10.3 within 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

OFFICER RECOMMENDATION

That the Monthly Statement's of Financial Activity for the periods of 1st July 2012 to 31st July 2012 and 1st July 2012 to 31st August 2012, as attached, be accepted.

COUNCIL DECISION

93/12 MOVED Cr Marsh seconded Cr Pritchard that the Monthly Statement's of Financial Activity for the periods of 1st July 2012 to 31st July 2012 and 1st July 2012 to 31st August 2012, as attached, be accepted.

CARRIED 7/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 13 September 2012
 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 August 2012 to 31st August 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

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 1/08/2012 to 31/08/2012

comprising of Municipal Cheques 12371 to 12417, EFT's 9114 to 9251 and Internal Payment Vouchers 4086 to 4119 totalling \$1,005,660.19 and as attached to this agenda, be received.

COUNCIL DECISION

94/12 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 1/08/2012 to 31/08/2012 comprising of Municipal Cheques 12371 to 12417, EFT's 9114 to 9251 and Internal Payment Vouchers 4086 to 4119 totalling \$1,005,660.19 and as attached to this agenda, be received.

CARRIED

7/0

10.3 FINANCIAL MANAGEMENT – BUDGET AMENDMENTS

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, 13 September 2012
 FILE NO: FM.FNR.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to approve Budget Amendments as a result of the storm damage cleanup and cost associated with recruitment and replacement of the Chief Executive Officer position

BACKGROUND

The Storms that hit Kojonup in June 2012 caused extensive damage across a large portion of the district. These Storms have been proclaimed an *eligible disaster* under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA). The State Government will provide immediate financial assistance to those people who have been affected through joint State and Commonwealth disaster relief and recovery arrangements. The allowable time limit for eligible claims expires on 30 June 2014.

Work has already commenced on the storm damage cleanup and discussions with respect to the funding arrangements and scope of works conducted with Main Roads WA (MRWA). Funding for restoration and replacement (to pre-disaster standard) is available through the WANDRRA arrangements; this funding is capped to a level of 75% of total costs. The other source of funding that is available is through the Regional Road Group Supplementary fund; however this funding is only accessible once Council has reached its expenditure cap of \$130,000.

At the Special Council meeting held 23rd August 2012, Council accepted the resignation of Chief Executive Officer Mr Stephen Gash, decided to engage the services of Anne Lake Consultancy to commence the Chief Executive Officer Recruitment process and agreed to the total package value to be advertised for the Chief Executive Officer position.

COMMENTS

The following budget amendments are proposed to Council to address the requirements of the above as well as the staffing adjustments and payout of entitlements brought on by the departure of the Chief Executive Officer.

The Acting Chief Executive Officer advised all present, that the minus sign for COA 7699 in the agenda was on the line above the amount, it should have proceeded the amount to read '-1,522,431'. It has been amended in these minutes.

COA	Description	Type	12/13 Approved Budget	Proposed Change to Budget	Proposed New Budget
7672	Footpath Maintenance	Exp.	7,000	21,851	28,851
RM11	Kerb Maintenance	Exp.	2,000	-2,000	0
RM01	Grading Winter	Exp.	280,000	-40,000	240,000
RM15	Trees Rural Major Works	Exp.	83,000	-30,000	53,000
C174	Footpath Capital Improvement Program	Exp.	26,800	0	26,800
C216	Street Kerbing Renewal - Townsite	Exp.	16,540	-16,540	0
C251	Rural Road Widening	Exp.	70,000	-70,000	0
C287	10,000 LTR Fuel Tank, Bunding and Plumbing	Exp.	30,000	-20,000	10,000
7699	WANDRRA Funding - Storm Damage	Inc.	-22,431	-1,522,431	-1,544,863
New	RRG Supplementary Fund - Storm Damage	Inc.	0	-347,569	-347,569
RM21	WANDRRA Storm Damage Expense	Exp.	0	2,000,000	2,000,000
New	CEO Recruitment Expense	Exp.	0	20,000	20,000
1852	Salaries - Administration	Exp.	629,687	92,710	722,397
7604	Plant Purchases	Exp.	541,000	-14,000	527,000
05R0	Staff Leave Reserve Drawdown	Inc.	0	-60,000	-60,000
New	Café Lease	Inc.		-4,000	-4,000
RSS	Proceeds from Sale	Inc.	-65,000	-8,000	-73,000
Totals			1,598,596	21	1,598,617

The net impact of these changes is a reduction of the Budgeted Surplus position of Council by \$21.

The following explanations provide more detail to explain the amendments being proposed:

- The change in Plant purchases is the reduction of the value of acquisition of the Replacement of the Manager of Regulatory Services vehicle from \$50,000 to \$36,000,
- The increase in Proceeds from sale is the change from disposal of the Leading Hand Hilux Dual Cab to the disposal of the Manager of Regulatory Services existing Hilux Dual Cab \$3,000 and the added disposal of the Holden Rodeo Utility for the amount of \$5,000,
- The reduction in COA C287 will allow for the unleaded fuel supply to still be relocated as required,
- Changes to COA RM01, RM15, and C251 are all being utilised to offset Councils cost component of the storm damage cleanup,
- Changes to COA C216 and RM11 are all being utilised to offset Councils Footpath Maintenance program.

CONSULTATION

Consultation has occurred with MRWA and Senior Staff.

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** being sought.

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

ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

1. That Council Approve the following Budget Amendments:

COA	Description	Type	12/13 Approved Budget	Proposed Change to Budget	Proposed New Budget
7672	Footpath Maintenance	Exp.	7,000	21,851	28,851
RM11	Kerb Maintenance	Exp.	2,000	-2,000	0
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RM15	Trees Rural Major Works	Exp.	83,000	-30,000	53,000
C174	Footpath Capital Improvement Program	Exp.	26,800	0	26,800
C216	Street Kerbing Renewal - Townsite	Exp.	16,540	-16,540	0
C251	Rural Road Widening	Exp.	70,000	-70,000	0
C287	10,000 LTR Fuel Tank, Bunding and Plumbing	Exp.	30,000	-20,000	10,000
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RM21	WANDRRA Storm Damage Expense	Exp.	0	2,000,000	2,000,000
New	CEO Recruitment Expense	Exp.	0	20,000	20,000
1852	Salaries - Administration	Exp.	629,687	92,710	722,397
7604	Plant Purchases	Exp.	541,000	-14,000	527,000
05R0	Staff Leave Reserve Drawdown	Inc.	0	-60,000	-60,000
New	Café Lease	Inc.		-4,000	-4,000
RSS	Proceeds from Sale	Inc.	-65,000	-8,000	-73,000
Totals			1,598,596	21	1,598,617

COUNCIL DECISION**95/12 MOVED Cr Benn seconded Cr Marsh****1. That Council Approve the following Budget Amendments:**

COA	Description	Type	12/13 Approved Budget	Proposed Change to Budget	Proposed New Budget
7672	Footpath Maintenance	Exp.	7,000	21,851	28,851
RM11	Kerb Maintenance	Exp.	2,000	-2,000	0
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C251	Rural Road Widening	Exp.	70,000	-70,000	0
C287	10,000 LTR Fuel Tank, Bunding and Plumbing	Exp.	30,000	-20,000	10,000
7699	WANDRRA Funding - Storm Damage	Inc.	-22,431	-1,522,431	-1,544,863
New	RRG Supplementary Fund - Storm Damage	Inc.	0	-347,569	-347,569
RM21	WANDRRA Storm Damage Expense	Exp.	0	2,000,000	2,000,000
New	CEO Recruitment Expense	Exp.	0	20,000	20,000
1852	Salaries - Administration	Exp.	629,687	92,710	722,397
7604	Plant Purchases	Exp.	541,000	-14,000	527,000
05R0	Staff Leave Reserve Drawdown	Inc.	0	-60,000	-60,000
New	Café Lease	Inc.		-4,000	-4,000
RSS	Proceeds from Sale	Inc.	-65,000	-8,000	-73,000
Totals			1,598,596	21	1,598,617
				CARRIED	7/0

10.4 SHIRE OF KOJONUP BUILDING MAINTENANCE TENDER

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, 12 September 2012
FILE NO: FM.TND.3
ATTACHMENT: 10.4.1 CONFIDENTIAL Tender Application – Robinson Build-Tech
10.4.2 CONFIDENTIAL Tender Application – Prandi Builders
10.4.3 CONFIDENTIAL Request & Response for Further Information - Robinson Build-Tech
10.4.4 CONFIDENTIAL Request & Response for Further Information Email Prandi Builders
10.4.5 CONFIDENTIAL Financial Analysis

DECLARATION OF INTEREST

Nil

SUMMARY

To award a tender for the Provision of Building Maintenance Services on Shire of Kojonup owned and managed property for a two (2) year period.

BACKGROUND

The Shire of Kojonup employed a Registered Builder up until 2010 to undertake building maintenance and construction work. In January 2010 when it no longer had a registered builder on staff it sought to have trial the work being undertaken by a contractor which included coordination of all trades, occupational health and safety and reporting requirements.

At the July 2012 Ordinary Meeting, Council approved that the Chief Executive Officer be authorised to call for tenders for the Provision of Building Maintenance Services for Shire owned buildings.

COMMENT

The Tender advertisement was circulated in various Local and Statewide publications as shown below:

- 3rd August 2012 Koji News
- 8th August 2012 Great Southern Herald
- 13th August 2012 The West Australian
- 15th August 2012 Great Southern Herald
- 17th August 2012 Koji News

The closing date for Tenders was originally advertised for Friday 17 August 2012 and was extended to Tuesday 28th August 2012 in the second round of advertising notices to ensure compliance with the requirements for the giving of State Wide Public Notice.

At the close of the tender period two (2) responses for the Provision of Building Maintenance Services Tender had been received; one from Robinson Build-Tech and one from Prandi Builders

Council Officers sort further information with respect to the submitted tenders, such as to clarify the following:

1. Are the prices you have submitted in the price schedule *exclusive of GST*?
2. Are the prices you have submitted in the price schedule inclusive of any travel costs?
If No, please advise estimated travel costs per visit;
3. Are the prices you have submitted in the price schedule inclusive of any accommodation costs?
If No, please advise estimated accommodation costs per day;
4. Please advise any cost that would be associated with on-site meetings with Staff / Councillors.

The responses to these questions are also contained within the attached 10.4.3 and 10.4.4 confidential attachments.

A financial analysis has been prepared and is attached to this item as a confidential attachment for Council's Information. The analysis looks at the total projected costs and Council is advised that the Tender received from Prandi Builders is the best cost option.

Based on the Financial Analysis and further information provided by tenderers Council Officers recommend that Council accepts the tender received from Prandi Builders.

CONSULTATION

The Coordinator of Building Services Miss Cindy Westbrook has undertaken a thorough review of the tender documents and has been consulted by the Manager of Corporate Services.

STATUTORY REQUIREMENTS

Local Government Act 1995 (as amended)

Local Government Act (Functions and General) Regulations 1996

POLICY IMPLICATIONS

There are no policy implications, Policy # F8: Regional Price Preference has been considered however does not impact the outcome of the recommendation to Council.

FINANCIAL IMPLICATIONS

The contract will commence in the 2012/13 financial year and Councils Annual Budget will control any expenditure undertaken through this contract.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – as stated

OFFICER RECOMMENDATION 1 - VOTING REQUIREMENTS - Simple Majority

That the meeting be closed to the public in accordance with Section 5.23 (2)(c) of the Local Government Act, 1995 for the purpose of discussing matters relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL DECISION

96/12 MOVED Cr Marsh seconded Cr Hewson that the meeting be closed to the public in accordance with Section 5.23 (2)(c) of the Local Government Act, 1995 for the purpose of discussing matters relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED**7/0**

3:55pm Mrs Heather Marland left the Chamber.

OFFICER RECOMMENDATION 2 - VOTING REQUIREMENTS - Simple Majority

That the meeting be reopened to the public.

COUNCIL DECISION

97/12 MOVED Cr Hewson seconded Cr Marsh that the meeting be reopened to the public.

CARRIED**7/0****OFFICER RECOMMENDATION – VOTING REQUIREMENTS - Absolute Majority**

1. That Council accepts the Tender for the Provision of Building Maintenance Services from Prandi Builders for a period of two (2) years;
2. That Council authorise the Acting Chief Executive Officer to finalise the contract with Prandi Builders for a period of two (2) years.

COUNCIL DECISION

98/12 MOVED Cr Mathwin seconded Cr Benn

- 1. That Council accepts the Tender for the Provision of Building Maintenance Services from Prandi Builders for a period of two (2) years; and**
- 2. That Council authorise the Acting Chief Executive Officer to finalise the contract with Prandi Builders for a period of two (2) years.**

CARRIED BY ABSOLUTE MAJORITY**7/0****11 ENGINEERING & WORKS REPORTS**

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**12.1 REVISED GUIDED DEVELOPMENT PLAN AND TOWN PLANNING SCHEME No. 3 AMENDMENT No. 9 FOR LOT 101 SOLDIER ROAD, KOJONUP.**

AUTHOR: Phil Shephard – Town Planner
 DATE: 22 August 2012
 FILE NO: LP.PLN.15 & A455
 APPLICANT: Dykstra Planning
 OWNER: MTK Enterprises Pty Ltd
 ATTACHMENTS: 12.1.1 Revised Guided Development Plan and Report
 12.1.2 Advice from WAPC re subdivision application 146910 for Lot 101 Soldier Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider options for progressing the Guided Development Plan for the above lot and implementing suitable planning controls to guide the future subdivision and development of the land.

BACKGROUND

The process of undertaking the subdivision of Lot 101 has a considerable history which has been subject to several revisions of the Guided Development Plan.

The Council initially supported a Guided Development Plan for the property which comprised some 99 lots (26 lots @ R5 density or minimum 2,000m² lot size, 65 lots @ R10 density or minimum 875m² lot sizes and 8 lots @R20 density or minimum 440m² lot sizes).

The Council, following consideration of the submissions received during the advertising period, resolved at its June 2007 meeting (Res: 59/07) resolved as follows:

- “1. Endorse the subdivision as per the schedule of submissions.
2. Advise the proponent that the development of lots on the north and west of the Guided Development Plan as R5 will require a rezoning of the lots as they are currently zoned R10/20.
3. Adopt the Guided Development Plan, without modification.
4. Send copies of the submissions received from the public authorities to the proponent.”

The consultant subsequently submitted a revised Guided Development Plan which was considered and supported (subject to conditions) by the Council at its September 2009 meeting (Res: 100/09) as follows:

“That Council:

1. Adopt the draft revised Guided Development Plan (dated August 2009) for Lot 101 Soldier Road, Kojonup and undertake public consultation on the proposal for a period of 21-days as follows:
 - i) Refer to adjoining/nearby landowners for comment.
 - ii) Refer to government agencies (Department of Environment and Conservation, Department of Health, Fire and Emergency Services Authority of WA, Main Roads WA, Telstra, Western Power, Water Corporation) for submission.
 - iii) Place Notice in Local Newspaper advising of proposal and seeking comment from other interested parties.
2. Advise the proponents that rezoning/recoding of the land to ensure the density matches the subdivision will be required to be completed as a matter of urgency and no clearance to the subdivision will be issued until completed and gazetted.
3. Advise the proponents that ATU's to treat effluent and 20,000l roof collection rainwater tanks will be required to service each new dwelling and the Shire will require that they advise in writing all prospective purchasers and successors in title at the time of purchasing the land
4. Advise the proponent of Councils concerns with the location of Building Envelopes marked within the identified winter wet soil area and;

- a) *Any overlay mapping subsequently provided by the proponent be included with the documentation circulated as part of the consultation process; or*
- b) *Seek consideration for blocks identified within the winter wet soil area to be utilised as further public open space.*

In accordance with part 2 of the above Resolution, the consultants submitted a scheme amendment to include additional scheme controls for Guided Development Schemes as required by Council. The amendment was initiated by Council at its November 2009 meeting (Res: 124/09) and following environmental assessment from the Environmental Protection Authority, the amendment was advertised for 42-days for submissions.

The submissions (only 1 submission from the EPA was received) were reported to Council at its June 2010 meeting (Res: 40/10) where the Council resolved to seek final approval to the amendment without modification. The amendment and Schedule of Submissions was referred to the Department of Planning/WA Planning Commission (DoP/WAPC) in February 2012 for finalisation. Subsequently, advice was received from the DoP/WAPC that they could not support the amendment in its current format as it was inconsistent with their policies and would result in a scheme provision that was outside of the powers available to the Council under the *Planning and Development Act*.

COMMENT

As a result of the DoP/WAPC's advice, the consultants have submitted the attached request for consideration. The proposal is to utilise the existing scheme clauses (in Town Planning Scheme No. 3) relating to Guided Development Plans to achieve the same outcome as the amendment. The consultant is also requesting that the Shire discontinue with the scheme amendment (No. 9).

In considering the consultants request, staff have sought additional information regarding the ability to use the existing scheme clauses to control the subdivision and development of the lot over time, given the current subdivision proposal (WAPC File 146910) is for 2,000m² lots whilst the residential density coding applicable to the land under Town Planning Scheme No. 3 is R10/20 which allows for lots between 440m² - 875m².

Given the likelihood that the amendment will not received final approval from the Minister for Planning; it is recommended that Council undertake a new scheme amendment to:

- i) Alter the density coding of the land to R5 (consistent with the Guided Development Plan supported by Council), and
- ii) Modifying the existing scheme clauses relevant to Guided Development Plans to strengthen the controls in implementing the plans when adopted and to require the endorsement of the WA Planning Commission to an adopted Guided Development Plan (to provide surety to the landowner that the Commission will support/approve the subdivision when applied for).

The amendment documents would be prepared by Council and given the relative minor changes envisaged, it is expected to take between 6-12 months to complete.

All other requirements from previous decisions of Council will still apply to the subdivision.

CONSULTATION

McLeods Barristers and Solicitors
Department of Planning (Albany Office)

STATUTORY ENVIRONMENT

The land is zoned Residential Development with a split density code of R10/20 under Town Planning Scheme No. 3.

Clause 5.7.3 (in part) of Town Planning Scheme No. 3 states:

- “(a) The Residential Planning Code for land zoned Residential and Commercial shall be R10/20 unless otherwise indicated on the Scheme Maps.*
- (b) Residential development with the R10/20 code shall be permitted at the R10 density, however, the Council may approve developments up to the R20 density as an ‘AA use.*
- (c) Any development proposed at a density greater than R10, subject to clause (b) above, will only be considered by the Council if it can be proven that an effective method of effluent disposal, or connection to the reticulated sewer network, satisfactory to the Council’s*

requirements, can be provided. If this cannot be provided, development of residential use shall be permitted to the R10 code.”

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

All costs associated with the preparation of the scheme amendment documents, administration and processing of the amendment would be met by Council within the existing planning area budget. Alternately the Council could seek to charge the proponents for the amendment costs in accordance with the *Planning and Development (Local Government Planning Fees) Regulations 2000*.

STRATEGIC IMPLICATIONS

The completion of the subdivision based on the revised GDP will provide an additional 50 lots (including public open space) and potential of 50+ dwelling units when fully developed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) Advise Dykstra and Associates that whilst it supports the revised Development Guide Plan (Figure 4 Plan 12946-RGD-F4-120619) for Lot 101 Soldier Road, Kojonup, the proposed use of the existing scheme clauses to control the future subdivision and development of the lot is not acceptable in this instance as it does not provide the statutory controls required.
- 2) Undertake discussions with the consultants and DoP/WAPC to determine the appropriate statutory planning response and then Shire Staff to prepare a draft scheme amendment document for Council consideration to achieve one of the following outcomes:
 - i) Recoding of Lot 101 Soldier Road, Kojonup from R10/20 to R5 and modifying the existing scheme clauses relevant to Guided Development Plans to strengthen the controls in implementing the plans when adopted and to require the endorsement of the WA Planning Commission to an adopted Guided Development Plan (to provide surety to the landowner that the Commission will support/approve the subdivision when applied for); or
 - ii) Rezoning the land from Residential Development to Residential with an R5 density code and incorporate the proposed controls as Town Planning Scheme Policies.

4:23pm Council commenced a telephone conference call with Town Planner Phil Shephard to clarify points within the Officers recommendation.

4:30pm Council concluded their telephone conference call with Town Planner Phil Shephard.

COUNCIL DECISION

99/12 MOVED Cr Hewson seconded Cr Pritchard that Council:

- 1) Advise Dykstra and Associates that whilst it supports the revised Development Guide Plan (Figure 4 Plan 12946-RGD-F4-120619) for Lot 101 Soldier Road, Kojonup, the proposed use of the existing scheme clauses to control the future subdivision and development of the lot is not acceptable in this instance as it does not provide the statutory controls required.
- 2) Undertake discussions with the consultants and DoP/WAPC to determine the appropriate statutory planning response and then Shire Staff to prepare a draft scheme amendment document for Council consideration to achieve one of the following outcomes:
 - i) Recoding of Lot 101 Soldier Road, Kojonup from R10/20 to R5 and modifying the existing scheme clauses relevant to Guided Development Plans to strengthen the controls in implementing the plans when adopted and to require the endorsement of the WA Planning Commission to an adopted Guided

Development Plan (to provide surety to the landowner that the Commission will support/approve the subdivision when applied for); or

ii) Rezoning the land from Residential Development to Residential with an R5 density code and incorporate the proposed controls as Town Planning Scheme Policies.

CARRIED

7/0

12.2 APPLICATION FOR OVERSIZED OUTBUILDING AT LOT 2 TREASURE ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 13 September 2012
 FILE NO: DB.BDA 8
 APPLICANT: T Hornby
 OWNER: T & A Hornby
 ATTACHMENTS: 12.2.1 Planning Application, Site Plan & Applicant's Letter
 12.2.2 Landscaping Plan for Lot 2 Treasure Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

An application for planning consent has been received to construct a 108m² outbuilding on the above property as shown on the attached plans. The outbuilding exceeds the size permitted under the existing Town Planning Scheme Policy No. 9 and must be presented to Full Council for determination.

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

BACKGROUND

Staff has requested comment from the affected adjoining landowners (comments period closes 14/9/2012) on the proposed outbuilding. At the time of writing this report, no written submissions have been received.

Any submission received now from adjoining landowners will be presented at the Council meeting.

COMMENT

The outbuilding will have dimensions of 12m x 9m (with a wall height of 4m). The outbuilding will be constructed of steel frames with the roof and walls to be clad with 'zincalume' colorbond metal sheeting. Stormwater from the outbuilding will be collected into a new rainwater tank to be developed west of the outbuilding as shown in the attached plans.

The lot has frontage to both Treasure and Norrish Roads with access to the outbuilding (and dwelling) shown off Treasure Road.

The applicant advises that the outbuilding is required for 'storage' purposes.

A site inspection of the lot and special rural area was conducted by the Town Planner on 29/8/2012 and it was clear that similar sized outbuildings (larger than the 65m²) had been approved and constructed within the zone. The age of the outbuildings varied considerably and the external finishes used ranged from 'zincalume', 'corrugated iron' and 'colorbond' (in a range of colours/tones).

The site of the outbuilding (adjacent to the recently completed dwelling) is near to the top of the local hill and the outbuilding (as is the existing dwelling – see image below) when constructed will be visible from some lots and areas outside of the lot. The lot is in excess of 13 hectares, which is substantially larger than the 'average' 2 – 5 hectare lots in the zone and the oversized outbuilding is considered consistent with the lot area and use.



Looking west from Treasure Road to Dwelling (Outbuilding to be constructed south of dwelling)

Previously when Council has approved oversized outbuildings within these zones, it has required 'colorbond' or painted metal sheeting to be used. This application does not propose to use colorbond or similar and given its prominent position on the local landscape, Council is requested to consider requiring some landscaping around the outbuilding to reduce its visual impact.

Staff has referred the application to adjoining/nearby neighbours for their comment. The recommendation is to approve the application if no objections are received from the neighbours.

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

Staff have referred the application to the affected adjoining landowners for comment (closes 14/9/2012). Any comments received will be tabled at the Council meeting.

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 subject lot is zoned Special Rural and is within Special Rural Area No. 4 under Town Planning Scheme No. 3.

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

POLICY IMPLICATIONS

The outbuilding is covered by Town Planning Scheme Policy No 9 which restricts staff delegation to approve outbuildings within the Special Rural zone to a maximum of 65m². Applications for outbuildings that are greater than 65m² are required to be submitted to Council for determination.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council grant Planning Consent for the oversized Outbuilding Lot 2 Treasure Road, Kojonup, subject to the following conditions:

- a) The outbuilding (maximum floor area of 108m²) to be constructed utilising steel frames with the roof/walls to be clad with 'zincalume' metal sheeting colours as nominated in the application.
- b) The outbuilding being located as shown in the attached approved plans.
- c) The proponent to undertake landscaping around the outbuilding (when completed) as shown in the attached approved plans to reduce the visual impact of the outbuilding to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION

100/12 MOVED Cr Mathwin seconded Cr Marsh that Council grant Planning Consent for the oversized Outbuilding Lot 2 Treasure Road, Kojonup, subject to the following conditions:

- a) The outbuilding (maximum floor area of 108m²) to be constructed utilising steel frames with the roof/walls to be clad with 'zincalume' metal sheeting colours as nominated in the application.**
- b) The outbuilding being located as shown in the attached approved plans.**
- c) The proponent to undertake landscaping around the outbuilding (when completed) as shown in the attached approved plans to reduce the visual impact of the outbuilding to the satisfaction of the Chief Executive Officer.**

CARRIED

7/0

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 KODJA PLACE ADVISORY COMMITTEE**

AUTHOR: Stephen Gash -Chief Executive Officer
 DATE: 13 September 2012
 FILE NO: GO.CNM.9
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the formation and membership of the Kodja Place Advisory Committee.

BACKGROUND

There have been several governance models and management structures tried at the Kodja Place over the last ten years.

At the June Council meeting Council considered matters arising out of a public meeting to discuss the proposed Medical Centre, where a motion requested the Council support the original purpose of the Kodja Place. Given the evolution of the precinct over time the Council requested the Chief Executive Officer to research this and report back to Council.

A verbal approach to the mover of the motion at the public meeting confirmed that the purpose may have evolved to reflect grant conditions and stakeholder requirements over the life of the committee, and that it was not a matter of simply referring to the minutes of the first couple of committee meetings.

Given the staffing restructure within the Shire operations it is an opportune time to consider changes to improve stakeholder communication, consider the current purpose and future planning of the precinct, and to assist with prioritisation of capital works within the Shire of Kojonup budget allocation.

COMMENT

Officers recommend a formal committee of Council as the best mechanism to provide advice to the Council on the requirements at the Kodja Place. It is hoped that this will assist with awareness of the requirements of individual stakeholders within the precinct and allow coordinated planning for the future and prioritisation of the Shire expenditure.

The formal structure of the Committee and agenda process should allow members time to adequately canvas and convey the views of the groups that they represent, and also a mechanism to communicate outcomes through public minutes.

Officers are proposing the Council consider membership as follows:

- A representative of the Kojonup Tourist Association
- A representative of the Kojonup Aboriginal Corporation
- A representative of the Kodja Place Community Fund Inc
- A community representative involved with the rose maze
- A community representative involved with the story place
- 2 Councillor representatives

The mix above covers the key stakeholder groups at a community representative level, rather than managers or commercial operators, but still will be able to represent their issues.

CONSULTATION

The Kojonup Tourist Association, Kojonup Aboriginal Corporation, and Kodja Place Community Fund will be approach to nominate a representative for Council to endorse.

STATUTORY REQUIREMENTS

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 in accordance with section 5.8 of the Local Government Act 1995, 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

The proposed committee will have a significant role in the strategic direction of the Kodja Place precinct.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

1. That pursuant to Section 5.8 of the Local Government Act, 1995 Council form the Kodja Place Advisory Committee, and
2. That the committee consist of the following membership:
 - A representative of the Kojonup Tourist Association
 - A representative of the Kojonup Aboriginal Corporation

- A representative of the Kodja Place Community Fund Inc
- A community representative involved with the rose maze
- A community representative involved with the story place
- 2 Councillor representatives

4:42pm Cr Benn declared an interest as he is President of Kojonup Tourist Association and left the Chamber.

The above Officers Recommendation was Moved Cr Hewson Seconded Cr Mathwin; this was followed by discussion with respect to the item and recommendations. Following these discussions Cr Hewson and Cr Mathwin withdrew the motion. The Motion then Lapsed.

4:55pm Cr Marsh left the Chamber.

4:55pm The President adjourned the Meeting.

5:10pm The President recommenced the Meeting. Miss Cindy Westbrook did not return to the Chamber. Cr Marsh returned to the Chamber.

COUNCIL DECISION

101/12 MOVED Cr Hewson seconded Cr Mathwin that the Acting Chief Executive Officer approach Kojonup Tourist Association, Kojonup Aboriginal Corporation, Kodja Place Community Fund Inc, a community representative involved with the rose maze and a community representative involved with the story place to gauge interest in participating in a Advisory Committee for Kodja Place.

CARRIED 6/0

COUNCIL DECISION

102/12 MOVED Cr Pritchard seconded Cr Marsh that Council in conjunction with Kojonup Tourist Association undertake a review of the lapsed Memorandum of Understanding between the two organisations.

CARRIED 6/0

6:03pm Cr Benn returned to the Chamber.

The Shire President advised Cr Benn of decisions made in his absence.

14 COMMITTEES OF COUNCIL

14.1 MEDICAL / HEALTH CENTRE ADVISORY COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Medical / Health Centre Advisory Committee held Thursday 23rd August 2012 be received by Council.

COUNCIL DECISION

103/12 MOVED Cr Hewson seconded Cr Benn that the attached unconfirmed minutes of the Medical / Health Centre Advisory Committee held Thursday 23rd August 2012 be received by Council.

CARRIED 7/0

OFFICER RECOMMENDATION

That Council endorse the following recommendations of the Medical / Health Centre Advisory Committee:

Advisory Committee Decision 1/12
 Advisory Committee Decision 2/12
 Advisory Committee Decision 3/12

COUNCIL DECISION – No Decision was made with respect to the above Officer Recommendation as the Committee Decisions referred to are contained in unconfirmed minutes.

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 MEETING

Tuesday, 16th October 2012 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 6:10pm.

20 APPENDICES AND TABLED DOCUMENTS**21 ATTACHMENTS**

Item 10.1.1	Monthly Statement of Financial Activity 1 st July 2012 to 31 st July 2012
Item 10.1.2	Monthly Statement of Financial Activity 1 st July 2012 to 31 st August 2012
Item 10.2	Monthly Payment Listing
Item 10.4.1	CONFIDENTIAL RFT – Robinson Build-Tech
Item 10.4.2	CONFIDENTIAL RFT – Prandi Builders
Item 10.4.3	CONFIDENTIAL RFT – Email Robinson Build-Tech
Item 10.4.4	CONFIDENTIAL RFT – Email Prandi Builders
Item 10.4.5	CONFIDENTIAL Financial Analysis
Item 12.1.1	Revised Guided Development Plan and Report
Item 12.1.2	Advice from WAPC re subdivision application 146910 for Lot 101 Soldier Road, Kojonup
Item 12.2.1	Planning Application, Site Plan & Applicant's Letter
Item 12.2.2	Landscaping Plan for Lot 2 Treasure Road, Kojonup
Item 14.1.1	Unconfirmed Medical / Health Centre Advisory Committee Minutes – Thursday 23 rd August 2012

 Presiding Member

 Date