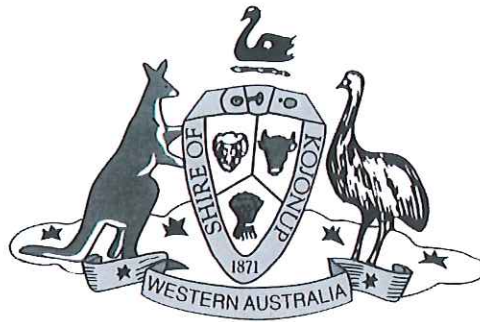


SHIRE OF KOJONUP



Council Agenda

18th August 2015

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 18th August 2015 commencing at 3:00pm.

Qualified Persons Advice etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.

A handwritten signature in blue ink, appearing to read 'Rick Mitchell-Collins', written over a horizontal dashed line.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

13 August 2015

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 18th August 2015****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE & APOLOGIES	3
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	3
4	PUBLIC QUESTION TIME	4
5	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	CONFIRMATION OF MINUTES	4
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
9	DECLARATIONS OF INTEREST	5
10	CORPORATE SERVICES REPORTS	6
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	6
10.2	MONTHLY PAYMENTS LISTING	8
10.3	SUNDRY DEBTOR CONSIDERATION FOR WRITE OFF	10
10.4	FREEDOM OF INFORMATION - INFORMATION STATEMENT 2015/2016	12
10.5	RECORDKEEPING PLAN	14
11	WORKS & SERVICES REPORTS	16
11.1	ALBANY HIGHWAY (KOJONUP MAIN STREET) – SPEED ZONES	16
11.2	SUPPLY OF VIBRATING ROLLER	18
12	REGULATORY SERVICES REPORTS	20
12.1	REQUEST FOR SUBDIVISION CLEARANCE – WAPC 148066, LOTS 2, 2, 11, 12, 22, 24, 25, 26, 126, 127 & CLOSED ROAD, ALBANY HIGHWAY/JONES ROAD/ELVERD & HONNER STREETS, KOJONUP	20
12.2	PLANNING CONSENT FOR ALTERATIONS TO SHOWGROUNDS BAR AREA	26
12.3	RETROSPECTIVE PLANNING CONSENT FOR HOME OCCUPATION (THERAPEUTIC MASSAGE CLINIC) 83 ALBANY HIGHWAY, KOJONUP	34
13	EXECUTIVE & GOVERNANCE REPORTS	43
14	AGED CARE SERVICES REPORTS	44
15	COMMUNITY DEVELOPMENT & TOURISM REPORTS	45
15.1	HIDDEN TREASURES OF THE GREAT SOUTHERN - KOJONUP DELEGATES 2015/2016	45
16	COMMITTEES OF COUNCIL	47
16.1	AUDIT COMMITTEE	47
17	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	48
18	NEW BUSINESS	48
19	CONFIDENTIAL REPORTS	49
20	NEXT MEETING	50
21	CLOSURE	50
22	ATTACHMENTS (SEPARATE)	50

A G E N D A

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**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Ian Pedler	
Cr Jane Trethowan	
Cr John Benn	
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory Services
Mr Craig McVee	Manager of Works & Services
Mrs Susan Northover	Manager of Aged Care Services
Ms Zahra Shirazee	Manager, Community Development & Tourism
Miss Dominique Hodge	Records Officer
Mrs Michelle Dennis	Development Services Coordinator
Mr Phil Shephard	Town Planner
Mr Robert Cowie	Administration/Regulatory Officer

APOLOGIES

3 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

4 **PUBLIC QUESTION TIME**

5 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

6 **APPLICATIONS FOR LEAVE OF ABSENCE**

7 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 21st July 2015

COUNCIL DECISION

/15 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 21st July 2015 be confirmed as a true record.

CARRIED/LOST /

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

9 DECLARATIONS OF INTEREST

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

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 10 August 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 July 2015.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2015 to 31 July 2015 represents just one (1) month, or 8% of the year. The following items are worthy of noting:

- Surplus position of \$4.53m;
- Operating results:
 - 44% of budgeted operating revenue received (rates raised and some significant grants invoiced); and
 - 4% of budgeted operating expenditure spent (excludes depreciation);
- Capital expenditure achieved 4% of budgeted projects;
- The value of outstanding rates equates to 89% of 2015/2016 rates raised as the due date for rates accounts is not until August (this figure includes previous years arrears but excludes deferred rates) (refer to page 17);
- Cash holdings of \$4.08m of which \$3.3m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Financial Management Regulation 34 sets out the basic information which must be included in the monthly reports to Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1 - Being Well Governed

Corporate Business Plan 2013-2017

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2015 to 31 July 2015, as attached, be noted.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer
DATE: Monday, 10 August 2015
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/07/2015 – 31/07/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st July 2015 – 31st July 2015.

BACKGROUND

Not applicable.

COMMENT

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

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 1/07/2015 to 31/07/2015 comprising of Municipal Cheques 13467 - 13491, EFT's 14344 - 14490 and Direct Debits 2707 – 17759.1 totalling \$1,211,579.73 and as attached to this agenda, be received.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.3 SUNDRY DEBTOR CONSIDERATION FOR WRITE OFF

AUTHOR: Robert Cowie - Administration/Regulatory Officer
 DATE: Wednesday, 5 August 2015
 FILE NO: FM.DEB.1
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the recommendation to write off Sundry Debtor accounts totalling \$2,765.98.

BACKGROUND

The following debtors have had outstanding amounts dating back to March 2013. The nature and amount of these debts makes it unlikely that any payment will be made by the Debtors.

Date of Invoice	Debtor	Amount	Description
25 March 2013 onwards	73426 – J Sokolowski	\$2,615.98	Springhaven Rent dating back to March 2013. Resident and family were allegedly informed by prior management that this outstanding amount would not be required to be paid.
13 January 2014	72379 – J Watene	\$150.00	Fire Hazard Reduction. Debtor refusing to pay this amount as they state that the work was not carried out on their property. Council systems and processes are being reviewed so this does not happen in the future.

COMMENT

The officer recommends that the amounts be written off as bad debt.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Local Government Act 1995 section 6.12 - Power to defer, grant discounts, waive or write off debts.

POLICY IMPLICATIONS

No policy implications.

FINANCIAL IMPLICATIONS

The previous write-off of Bad Debts was in August 2013. Council usually carries a monthly debt amount of approximately \$650,000. There is an amount in the budget of \$2,000 for provision of bad debt.

STRATEGIC/CORPORATE IMPLICATIONS

No implications for the Corporate Business Plan & the Community Strategic Plan.

RISK MANAGEMENT IMPLICATIONS

No implications for the Risk Management Plan.

ASSET MANAGEMENT PLAN IMPLICATIONS

No implications for the Asset Management Plan.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council approves the write off of the following Debtor accounts totalling \$2,765.98.

Date of Invoice	Debtor	Amount	Description
25 March 2013 onwards	73426 – J Sokolowski	\$2,615.98	Springhaven Rent dating back to March 2013. Resident and family were allegedly informed by prior management that this outstanding amount would not be required to be paid.
13 January 2014	72379 – J Watene	\$150.00	Fire Hazard Reduction. Debtor refusing to pay this amount as they state that the work was not carried out on their property. Council systems and processes are being reviewed so this does not happen in the future.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

10.4 FREEDOM OF INFORMATION - INFORMATION STATEMENT 2015/2016

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 3 August 2015
FILE NO: IM.FOI.4
ATTACHMENT: 10.4 Information Statement 2015/2016

DECLARATION OF INTEREST

Nil

SUMMARY

To review, prior to the annual publishing of, the Shire of Kojonup's Information Statement.

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; and
- The operation of FOI in the agency.

COMMENT

The Shire of Kojonup's Information Statement 2015/2016 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 by the Council at its ordinary meeting held 21 October 2014.

CONSULTATION

Records Officer – Miss Dominique Hodge.

STATUTORY REQUIREMENTS

This item is required under the *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 Recordkeeping Plan.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC/CORPORATE IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

The review of this policy ensures compliance with legislation, and is a vital tool in ensuring open and accountable local governance.

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2015/2016 information statement, as attached, be adopted and published in accordance with the *Freedom of Information Act 1992*.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

10.5 RECORDKEEPING PLAN

AUTHOR: Dominique Hodge – Records Officer
DATE: Thursday, 6 August 2015
FILE NO: IM.RCM.2
ATTACHMENT: 10.5 Shire of Kojonup Recordkeeping Plan 2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the Shire of Kojonup Recordkeeping Plan 2015.

BACKGROUND

Section 28 (5) of the *State Records Act 2000* (the Act) requires that no more than 5 years must elapse between approval of a government organisation's Recordkeeping Plan and a review of it.

Council's current Recordkeeping Plan (RKP 2010018) was endorsed by the State Records Commission in 2010 making it due for review in 2015.

COMMENT

The exercise of reviewing the Shire of Kojonup's Recordkeeping Plan has proven to be of great value, the Shire of Kojonup now has a well-documented plan that addresses all requirements of the *State Records Act 2000*. Furthermore the document provides a clear picture of where areas have been identified for improvement and timelines in which these are to be achieved.

The attached Shire of Kojonup Recordkeeping Plan 2015, once endorsed by the Commission will supersede the Shire's former Recordkeeping Plan (RKP 2010018).

CONSULTATION

Manager of Corporate Services – Mr Anthony Middleton.

STATUTORY REQUIREMENTS

Section 28 of the *State Records Act 2000*.

POLICY IMPLICATIONS

Policy 2.3.2 Records Management was reviewed and adopted by Council at the 17 February 2015 Council Meeting (Council Decision 5/15). The policy is also contained within the Shire of Kojonup Recordkeeping Plan 2015.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1 - Being Well Governed - Review the internal management of community correspondence (both hard and soft) to ensure response times meet community expectations.

Corporate Business Plan 2013-2017

Strategy 1.1.1 - To expand the way we communicate with the community and ensure appropriate response times.

Action 1.1.1.3 Review the internal management of community correspondence (both hard and soft) to ensure response times meet community expectations.

RISK MANAGEMENT IMPLICATIONS

Government organisations have a responsibility to ensure that records are protected and preserved. Without a Recordkeeping Plan, the organisation would be subject to an extreme risk as the protection and preservation may be jeopardized without staff having a plan to follow when keeping records and not complying with legislation.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management plan implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Shire of Kojonup Recordkeeping Plan 2015 as attached.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

11 WORKS & SERVICES REPORTS**11.1 ALBANY HIGHWAY (KOJONUP MAIN STREET) – SPEED ZONES**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Tuesday, 28 July 2015
FILE NO: RO.ROA.250
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's agreement to officially request Main Roads WA to implement a uniform 50KMH speed zone on the Albany Highway from the intersection of Robinson Road to Stock Road, Kojonup.

BACKGROUND

As part of the Main Street Master Plan community consultation phase, Council received numerous requests from motorists to simplify the speed zones within the Town Boundary. Council has for some time realized that motorists are required to negotiate 110, 80, 60, 50 and 40 KMH zones which may confuse and frustrate motorists who need to remain vigilant viewing signs, regulating speed and watching for traffic and pedestrians particularly in the Main Street and truck drivers who need to maintain momentum heading up the hill.

COMMENT

The existing 60KMH zones occupy a small component of the overall Main Street. The overriding criteria in our main street are pedestrian and motorist's safety and trucks being able to pull loads up the hill and maintain a safe speed travelling south down the hill!

Reducing the 50KMH zones to 40KMH may slow traffic but impedes road train ability to pull loads up the hill and an over reliance on engine breaks descending down the hill.

Extending the 60KMH speed zones is not realistic given the length of the main street and changing the 60KMH zones to 50KMH (other than within the school zones) does provide greater continuity without adding an exorbitant time frame to motorists North/South travel time. Main Roads WA traffic counts and speed assessments verify that at the 85 per centile motorists travelling in the 40, 50 and 60KMH zones do adhere to the speed limits.

CONSULTATION

Council Briefing Session
On-Site Meeting with Mr McCartin, Main Roads WA - 24 July 2015
National Heavy Vehicle Regulator
National Transport Commission
Department of Transport – Main Roads WA
Western Australia Police
Department of Mines and Petroleum
Road Safety Commission

STATUTORY REQUIREMENTS

Road Traffic (Vehicles) Regulations 2014
Road Traffic (Administration) Regulations 2014
Road Traffic Act (Towed Agricultural Implements) Regulations 1995
Road Traffic Code 2000
Road Traffic (Charges and Fees) Regulations 2006
Road Traffic (Administration) Act 2008

*Road Traffic (Vehicles) Bill 2011***POLICY IMPLICATIONS**

Policy 3.16 – Community Consultation Charter aims to reflect Council’s commitment to open and effective consultation with the community in the process of making important decisions about the wellbeing of the community.

FINANCIAL IMPLICATIONS

Financial Planning is critical in achieving short, medium and long term targets for the Main Street Renewal Strategy. Signage would be the responsibility of Main Roads WA for the changed speed zones if approved.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023

Focus Area 7 – Supporting Main Street

Corporate Business Plan 2013-2017

Strategy 1.7.1.2 – Undertake a study to identify the opportunities to enhance the main street, taking into account current and future uses.

RISK MANAGEMENT IMPLICATIONS

Ensure any future works undertaken on the Main Street address the safety of pedestrians, mobility requirements and motorist’s needs.

ASSET MANAGEMENT PLAN IMPLICATIONS

No direct implications for the Shire of Kojonup.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council officially requests Main Roads WA to implement a uniform 50KMH speed zone on the Albany Highway from the intersection of Robinson Road to Stock Road, Kojonup (excluding the 40KMH School Zone).

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

11.2 SUPPLY OF VIBRATING ROLLER

AUTHOR: Craig McVee – Manager of Works and Services
 DATE: Thursday, 13 August 2015
 FILE NO: FM.TND.2
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being requested to accept quotations for the supply and delivery of one new 16 tonne Vibrating Roller with/without trade of Council's existing Bomag Steel Vibrating Roller (2005).

BACKGROUND

Council provided funds in the 2015/2016 Budget for the purchase of a new Vibrating Roller. The trade-in of the Shire's existing Bomag Steel Vibrating Roller (P28004) was included in the Budget. This item has been identified in Council's plant replacement program.

COMMENT

Request for quotations was submitted via eQuotes on the WALGA website on 30 July 2015 with a closing date of Thursday 13 August 2015 at 3pm.

The following quotations were received at the close of the quotation period:

Supplier	Purchase Price	Make/Model
Westrac Pty Ltd (#VPR60877)	\$129,250	Caterpillar CS76 (16 – 18 tonne)
BT Equipment Pty Ltd T/A Bryant Equipment (#VPR61898)	\$118,750	Bomag BW216D
Dynapac – Atlas Copco Construction Equipment (#VPR60768)	\$132,000	Dynapac CA5000D (16/17 tonne)
	\$112,500	Dynapac CA4600D (14/15 tonne)
Wirtgen Australia (#VPR62186)	\$97,675	HAMM 3414
CJD Equipment Pty Ltd (#VPR62183)	\$126,500	Volvo SD160D (16 tonne)

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

Local Government Act 1995 – Section 3.57

POLICY IMPLICATIONS

Council Policy sets the criteria for assessment of quotations.

FINANCIAL IMPLICATIONS

The 2015/2016 Budget provides for a net changeover of \$155,000. The officer recommendation if adopted, will result in saving on expenditure on this item of \$25,750.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 – Focus Area 1.1 Being well governed.

Corporate Business Plan 2013-2017 – Strategy 1.1.4 Maintain robust systems and controls.

RISK MANAGEMENT IMPLICATIONS

Plant replacement accords with the Plant and Replacement Plan which forms part of the Shires Long Term Financial Plan and Annual Budget.

ASSET MANAGEMENT PLAN IMPLICATIONS

Westrac's product support is second to none and also Caterpillar has a better resale value than most of their competitors. We also have a Westrac mechanic residing in the area.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

The Council accepts the quotation provided by Westrac for the supply of Caterpillar CS76 Roller at \$129,250.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

12 REGULATORY SERVICES REPORTS**12.1 REQUEST FOR SUBDIVISION CLEARANCE – WAPC 148066, LOTS 2, 2, 11, 12, 22, 24, 25, 26, 126, 127 & CLOSED ROAD, ALBANY HIGHWAY/JONES ROAD/ELVERD & HONNER STREETS, KOJONUP**

AUTHOR: Michelle Dennis – Development Services Coordinator
 DATE: Thursday; 6 August 2015
 FILE NO: LP.SUB.1
 ATTACHMENT: [12.1.1 Deposited Plan 406613](#)
[12.1.2 Photos from Paul Robertson report dated 28 July 2015](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider a request for subdivision clearance for the boundary realignment and amalgamation of land occupied by the Kojonup Co-operative buildings, Kojonup Women’s Club and adjoining residence.

BACKGROUND

At its July 2013 Ordinary Meeting, Council considered a proposal to re-subdivide the abovementioned 10 lots and parts of closed roads into four lots as shown in the attached plan. At this meeting Council resolved to:

“... advise the Western Australian Planning Commission that it supports the proposed resubdivision of Lots 2, 3, 11, 12, 22, 24, 25, 26, 126, 127 & Closed Road, Albany Highway/Jones Road/Elverd & Honner Streets, Kojonup into 4 lots as proposed on WAPC File 148066 and requests the following conditions/advice be placed upon the approval:

- 1 The existing drainage system crossing the lots to be shown as a reserve on the diagram or plan of survey (deposited plan) as reserve for drainage and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
- 2 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.
- 3 The existing lots that are the subject of this application being amalgamated on the diagram or plan of survey (deposited plan).

Advice Notes:

- i) *Some of the proposed boundaries will cross zoning boundaries under the existing Town Planning Scheme No. 3 and these will be modified through the preparation of the new Local Planning Scheme to be consistent with the new cadastral boundaries on the land.”*

As Council is aware, all applications for subdivisions are submitted to and determined by the Western Australian Planning Commission (WAPC) after consultation with relevant stakeholders such as the Shire. The WAPC issued conditional subdivision approval for this application with the following condition with respect to the drain at the rear of the property:

Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited

plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

The Shire has been requested to clear this condition, with there being an easement over the existing drain. As Council requested a reserve and the applicant proposes an easement, this matter is being referred to Council for consideration.

COMMENT

The drain at the rear of the Co-op is an integral part of the town drainage system that conveys water from Kojonup-Katanning Road at the North of town to the creek near the Apex Park. The photographs attached illustrate the drain as it gets to and then passes through the property.

There is an existing easement that covers a portion of this drain, with the benefit to the Shire (for drainage purposes). The significance of this drain has been acknowledged by the WAPC by including a condition to protect the asset as well as by the applicant in their willingness to provide an easement for the entire length of this drain as it passes across their land.

Discussions with officers from the WAPC indicate that the WAPC do not have a preference to whether an easement or reserve is used to protect this drain. The applicant's representative has requested an easement as the Co-op currently have use over a portion of the land where the drain has been piped. The Co-op has further requested permission to pipe an additional portion of this drain to facilitate vehicle movements through their service yard.

As summarized by the Shire's Solicitors;

- if the land was ceded as a reserve, it would effectively become the property of the Shire and any maintenance obligations would rest with the Shire.
- An easement only confers a right on the Shire to do something on the land of the owner or to permit structures owned by the Shire to remain on the owner's land. If the Shire does not want the responsibility for the control of the land than an easement may be more appropriate.

If there is evidence to suggest that this land was needed to improve drainage infrastructure, then it may be appropriate to request that the land become a reserve. Through the WAPC subdivision process, this creation of a reserve would be at no cost to the Shire. Once a reserve, any proposed improvements to the drain by third parties, would need to be carried out with prior consultation with the Department of Lands.

Given the proximity of this drain to the Quin Quin Reserve, an area set aside by the Shire for drainage purposes, and the considerable works undertaken by the landowner to date in protecting this asset for the town it is not considered that a reserve is necessary in this instance. Supporting the proposed easement is therefore recommended and will provide adequate protection to the drainage infrastructure over time.

CONSULTATION

Roger Machin, Licensed Surveyor
Mark Jendrzejczak, Western Australian Planning Commission
Craig McVee, Manager of Works & Services
Phil Shephard, Town Planner
Paul Robertson, Paul G Robertson & Associates
Lynda Martin, Department of Lands
Fiona Grgich, McLeods Barristers & Solicitors

STATUTORY REQUIREMENTS

Planning and Development Act 2005 should a Reserve be considered appropriate
Transfer of Land Act 1893 enables easements to be placed on Certificates of Title

POLICY IMPLICATIONS

There are no policies relevant to this proposal.

FINANCIAL IMPLICATIONS

All costs associated with the subdivision clearance, creation of easement etc are the responsibility of the applicant. The applicant is also responsible to pay subdivision clearance request fees of \$292 to the Shire.

STRATEGIC/CORPORATE IMPLICATIONS

Corporate Business Plan 2013-2017 Strategy 1.4.2 Improve town drainage infrastructure.

RISK MANAGEMENT IMPLICATIONS

“Drainage” is an identified strategic risk within the Shire’s Risk Management Plan. The inclusion of the entire portion of drain across this lot within an easement provides an opportunity for the Shire to improve its asset management opportunities e.g. the ability to stipulate pipe sizing, should the land owner wish to pipe the drain.

ASSET MANAGEMENT PLAN IMPLICATIONS

As this drain is part of an existing drainage easement, it is routinely monitored for performance during storm events.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council support the applicant’s request for an easement over the land the subject of WA Planning Commission subdivision reference 148066 as presented.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

VER.	AMENDMENT	AUTHORITY	DATE	TYPE	FREELD	S.S.A. YES/NO
				PURPOSE	SUBDIVISION	
<p style="text-align: center;">COPY FOR CLEARANCE Preallocated DP # FB # SUBJECT TO AUDIT</p> <p>AS TO LOT 27 ONLY: LIMITED IN DEPTH TO 60.6 METRES THE BALANCE OF LOT 555, WHOLE OF LOT 556, 557 & 558 ARE LIMITED IN DEPTH TO 60.96 METRES</p>				<p>PLAN OF LOTS 555, 556, 557, 558, ROAD WIDENING AND EASEMENTS</p>		
				<p>FORMER TENURE SEE TABLE</p>		
<p>LOCAL AUTHORITY SHIRE OF KOJONUP</p>				<p>LOCAL AUTHORITY SHIRE OF KOJONUP</p>		
<p>LOCALITY KOJONUP</p>				<p>LOCALITY KOJONUP</p>		
<p>D.O.L. FILE XXXXXXXX</p>				<p>D.O.L. FILE XXXXXXXX</p>		
<p>FIELD RECORD 10465</p>				<p>FIELD RECORD 10465</p>		
<p>SURVEYOR'S CERTIFICATE - REG 54 S. A. S. MACHIN</p>				<p>SURVEYOR'S CERTIFICATE - REG 54 S. A. S. MACHIN</p>		
<p><small>1. I hereby certify that this plan is accurate and is a correct representation of the facts as shown to me by the parties to the plan and to the best of my knowledge and belief.</small></p> <p><small>(A) "Surveyor" and/or</small></p> <p><small>(B) "Instruments from measurements recorded in the field book" means the instruments used by the surveyor in the field and includes any instruments used by the surveyor in the field and any instruments used by the surveyor in the field and any instruments used by the surveyor in the field.</small></p>				<p><small>1. I hereby certify that this plan is accurate and is a correct representation of the facts as shown to me by the parties to the plan and to the best of my knowledge and belief.</small></p> <p><small>(A) "Surveyor" and/or</small></p> <p><small>(B) "Instruments from measurements recorded in the field book" means the instruments used by the surveyor in the field and includes any instruments used by the surveyor in the field and any instruments used by the surveyor in the field.</small></p>		
<p>LICENCED SURVEYOR</p>				<p>LICENCED SURVEYOR</p>		
<p>DATE</p>				<p>DATE</p>		
<p>PER PAID</p>				<p>PER PAID</p>		
<p>ADDRESS No.</p>				<p>ADDRESS No.</p>		
<p>EXAMINED</p>				<p>EXAMINED</p>		
<p>DATE</p>				<p>DATE</p>		
<p>WESTERN AUSTRALIAN PLANNING COMMISSION</p>				<p>WESTERN AUSTRALIAN PLANNING COMMISSION</p>		
<p>FILE</p>				<p>FILE</p>		
<p>Delegated under S.16 PWD Act 2009</p>				<p>Delegated under S.16 PWD Act 2009</p>		
<p>DATE</p>				<p>DATE</p>		
<p>IN ORDER FOR DEALINGS</p>				<p>IN ORDER FOR DEALINGS</p>		
<p>SUBJECT TO</p>				<p>SUBJECT TO</p>		
<p>FOR INSPECTOR OF PLANS AND SURVEYS</p>				<p>FOR INSPECTOR OF PLANS AND SURVEYS</p>		
<p>APPROVED</p>				<p>APPROVED</p>		
<p>DATE</p>				<p>DATE</p>		
<p>INSPECTOR OF PLANS AND SURVEYS</p>				<p>INSPECTOR OF PLANS AND SURVEYS</p>		
<p>(S. 16 Landed Surveyors Act 1939)</p>				<p>(S. 16 Landed Surveyors Act 1939)</p>		

LOT / FORMER TENURE	ON PLAN/DA	TITLE
500	DP 1000/00	LOT 1
	DP 1000/00	LOT 2
	DP 1000/00	LOT 3
	DP 1000/00	LOT 4
	DP 1000/00	LOT 5
	DP 1000/00	LOT 6
	DP 1000/00	LOT 7
	DP 1000/00	LOT 8
	DP 1000/00	LOT 9
	DP 1000/00	LOT 10
	DP 1000/00	LOT 11
	DP 1000/00	LOT 12
	DP 1000/00	LOT 13
	DP 1000/00	LOT 14
	DP 1000/00	LOT 15
	DP 1000/00	LOT 16
	DP 1000/00	LOT 17
	DP 1000/00	LOT 18
	DP 1000/00	LOT 19
	DP 1000/00	LOT 20
	DP 1000/00	LOT 21
	DP 1000/00	LOT 22
	DP 1000/00	LOT 23
	DP 1000/00	LOT 24
	DP 1000/00	LOT 25
	DP 1000/00	LOT 26
	DP 1000/00	LOT 27
	DP 1000/00	LOT 28
	DP 1000/00	LOT 29
	DP 1000/00	LOT 30
	DP 1000/00	LOT 31
	DP 1000/00	LOT 32
	DP 1000/00	LOT 33
	DP 1000/00	LOT 34
	DP 1000/00	LOT 35
	DP 1000/00	LOT 36
	DP 1000/00	LOT 37
	DP 1000/00	LOT 38
	DP 1000/00	LOT 39
	DP 1000/00	LOT 40
	DP 1000/00	LOT 41
	DP 1000/00	LOT 42
	DP 1000/00	LOT 43
	DP 1000/00	LOT 44
	DP 1000/00	LOT 45
	DP 1000/00	LOT 46
	DP 1000/00	LOT 47
	DP 1000/00	LOT 48
	DP 1000/00	LOT 49
	DP 1000/00	LOT 50

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(D)	EASEMENT	SEC 71 OF THE PWD ACT 1939	THIS PLAN	LOTS 555, 556 & 557	WATER CORPORATION	FOR DRAINAGE PURPOSES
(E)	EASEMENT (REMOVABLE)	SEC 71 OF THE PWD ACT 1939	THIS PLAN	LOTS 555, 556 & 557	LOTS 556 & 557	FOR ACCESS PURPOSES
(F)	RIGHT OF CARAVANWAY	SEC 104 OF THE TIA	THIS PLAN	LOT 500	LOTS 556 & 557	FOR ACCESS PURPOSES

FOR DETAILS OF EASEMENTS (D) & (E) - SEE SHEET 2.
 FOR DETAILS OF EASEMENTS (F) & (G) - SEE INSET ON SHEET 2.

ENLARGEMENT AT 'X' NOT TO SCALE

ENLARGEMENT AT 'Y' NOT TO SCALE

SCALE 1:400 @ A2

R.A.S. Machin
 Licensed Surveyor
 1000/00
 Broomeville WA 6205
 Tel 08161 2500
 machin@kojonup.wa.gov.au

Held by Landgate in Digital Format Only

Attachment 12.1.2



The inlet to the drain road crossing under Honner Street.



The outlet to the Honner Street crossing.



View of open drain adjacent to Co-op yard.



Downstream drain crossing under Elverd Street.

Photos from Paul Robertson report dated 28/7/2015

12.2 PLANNING CONSENT FOR ALTERATIONS TO SHOWGROUNDS BAR AREA

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 6 August 2015
FILE NO: DB.BDA.8
ATTACHMENT: [12.2.1 Site Plan](#)
[12.2.2 Application Letter](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for planning consent to undertake alterations and add a covered patio area to the existing bar area at the Showgrounds.

The recommendation is to grant planning consent subject to conditions.

BACKGROUND

Nil.

COMMENT

The Kojonup Pastoral and Agricultural (P&A) Society propose to relocate the existing steel frame patio from the Exhibition Hall to the bar area and construct a roof to provide weather protection to patrons and performers during the annual show event.

The patio structure will be approximately 45m² in area and constructed adjoining the building and within the existing licensed area. A waist height wall will be constructed along 2 sides of the patio.

The Showgrounds are located on Lot 37 Blackwood Road, Kojonup (see image below):



Kojonup Showgrounds

Zoning and Land Use/Development

The proposed land use is consistent with the Interpretation (Schedule I) of Community Use in Town Planning Scheme No. 3 (TPS3) which is defined as:

means land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and includes any land appurtenant thereto used for recreation, and includes a residential club;

The development of the patio area is not exempt from planning consent, as set out in c.5.1.2 of TPS3 and Council must determine the application.

The land is contained within the Recreation Local Reserve under TPS3.

Clause 2.2 ‘Matters to be Considered by the Council’ of TPS3 requires:

Where an Application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to:

- (a) The objectives as outlined below; and*
 - (b) The ultimate purpose intended for the reserve;*
- and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.*

The objectives for the Recreation Local Reserve (c.2.3.1) are:

- a) To secure and reserve land for public access and recreation.*
- b) To maintain public recreation areas for the use of sporting and recreation bodies.*
- c) To preserve areas of natural vegetation worthy of retention.*
- d) To provide visual or noise buffer areas between incompatible uses.*
- e) To reflect and protect areas already set aside for National Parks or Crown Reserves.*

In accordance with c.5.4 of TPS3, any development of land shall conform to the requirements for that use in Table II – Development Table. There is no listing for community uses in Table II and c.5.4.1 and Council must determine the requirements to apply consistent with the predominant use and objectives for the reserve.

Table II establishes setbacks, plot ratio, landscaping and car parking requirements for the various listed uses and these requirements are discussed below:

- **Setbacks**
The proposed site for the covered patio is adjoining the existing bar building, which is located within the middle of the Showgrounds area, and will be well setback from all boundaries.
- **Plot Ratio**
The plot ratio is not considered relevant to the proposal.
- **Landscaping**
No additional landscaping is proposed in the application.
- **Car Parking**
There is sufficient additional areas available within the area around the building for any additional car parking required.

Heritage

The Showgrounds are contained on the Shire’s Municipal Heritage Inventory (Place No. 45).

The listing advises:

These Showground buildings (office, bar, Exhibition Hall, sheep pavilion, shearing shed and Centenary Pavilion) have historical and social significance. The original shows were held on the site of the Kojonup Hospital, and in the post-war period the Kojonup Showgrounds were moved from the town location to the outskirts of town where they are presently located. The Kojonup Show continues to be an important event in the life of a rural community. It is run by the Pastoral and Agricultural Society.

Clause 5.16.1 of TPS3 advises:

The purpose and intent of the heritage provisions are to:

- (a) Ensure the conservation of any place, area, building, object or structure of heritage value;*

- (b) *Afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality;*
- (c) *Ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.*

Clause 5.16.2 of TPS3 requires the Council to establish and maintain a Heritage List of buildings, objects, structures and places considered to be of heritage significance and worthy of conservation and in this case, the Municipal Heritage Inventory, serves that purpose.

Given the place has been identified as having local heritage value and significance only, no referral was considered necessary with the other heritage agencies such as State Heritage Office, Australian Heritage Commission or National Trust of Australia (WA).

Clause 5.16.4.4 of TPS3 requires:

Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the inventory or contained within a heritage precinct without first having applied for and obtained the Planning Consent of the Council pursuant to the provisions of clause 5.16.5 of the Scheme.

Clause 5.16.6.1 of TPS3 advises:

Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for Planning Consent, the Council in dealing with any such application may, for reasons related to the conservation of a place of cultural heritage significance or a heritage precinct:

- (i) *Refuse approval;*
- (ii) *Grant approval without conditions; or*
- (iii) *Grant approval with conditions including conditions aimed at the conservation of the place or precinct.*

Clause 6.3.2 of TPS3 requires the Council have regard to a number of matters which are discussed below in considering whether to approve/refuse the application:

Matter to be Considered	Response
Any matter which it is required by the Scheme to consider	The proposal is considered compliant with the matters contained in the Scheme, namely the objectives for the recreation reserve. The proposed covered area is consistent with the long-term use of the area as a bar in conjunction with the annual show and the heritage values for the site as part of the Showgrounds. The structure is to be relocated from another building on the same reserve and could be removed away from the building in the future if required.
The purpose for which the land is reserved, zoned or approved for use under the Scheme	The land is reserved for recreation under TPS3 and the use of the Showgrounds land by the Kojonup P&A Society for the annual show is consistent with the objectives for the reserve. The proposal by the Kojonup P&A Society to construct a covered area for patrons/performers adjoining the existing bar building is consistent with the other developments in the Showgrounds reserve and will improve the facilities available.

The purpose for which the land in the locality is used	The land is within the Showgrounds reserve area.
The orderly and proper planning of the locality	The proposal is considered consistent with the orderly and proper planning of the locality.
The preservation of the amenities of the locality	The proposal will involve a temporary annual use and is not expected to produce any adverse impacts in terms of emissions or adversely affect the amenity of the locality.

The Council has a number of options available to it, which are discussed below:

- 1 Not approve the proposal
The Council can choose to refuse to approve the proposal. If this option was chosen, the alterations would not proceed.
- 2 Approve the proposal
The Council can choose to approve the proposal, with or without conditions.
- 3 Defer the proposal
The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Nil undertaken.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Liquor Control Act 1988 - regulates the sale, supply and consumption of liquor and the use of premises on which liquor is sold, and the services and facilities provided.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147 as set out in the adopted 2015/2016 Schedule of Fees and Charges. The P&A Society (applicants) are a community group and will use local sponsorship and volunteers to complete the works and have requested that Council waive payment of the fees.

STRATEGIC/CORPORATE IMPLICATIONS

The item covers a number of areas in the Community Strategic Plan 2013 – 2023 as follows:

Being Well Governed	
Shire's Commitment	Timeframe
Undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.	Short term

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant planning consent for the covered patio alterations to the Showgrounds bar area	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Grant planning consent subject to conditions

ASSET MANAGEMENT PLAN IMPLICATIONS

Council's currently undertaking a review of the management structure of the precinct including buildings and infrastructure.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1) **Grant planning consent for the proposed alterations to the Showgrounds bar building on Lot 37 Blackwood Road, Kojonup subject to the following conditions:**
 - a) **The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.**
 - b) **Stormwater to be collected and disposed of on-site or discharged off-site to the satisfaction of the Shire of Kojonup.**

Advice Notes:

You are required to obtain a Building Permit prior to any construction activity commencing.

- 2) **Waive the required planning application fee of \$147 on the basis the applicants are a local community group undertaking an improvement to a community facility/event with noted local heritage values.**

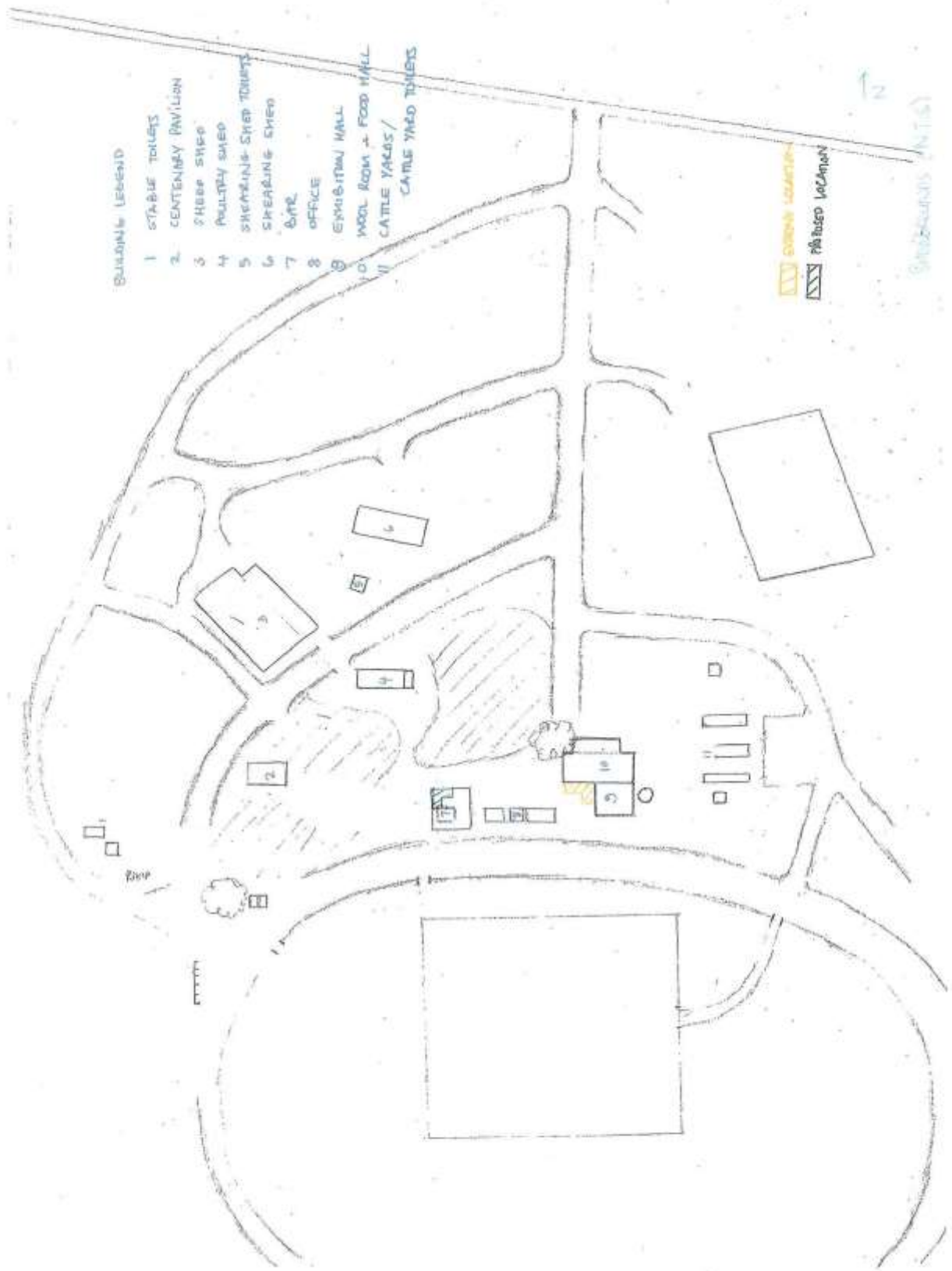
COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



Kojonup Pastoral and Agricultural Society
 PO Box 104
 Kojonup WA 6395

28th July 2015

Michelle Dennis
 Development Services Coordinator
 Shire of Kojonup
 93 Albany Highway (PO Box 163) Kojonup WA 6395

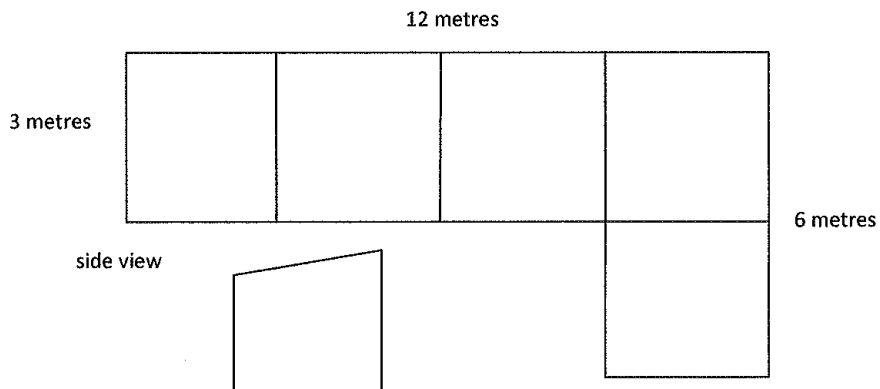
Dear Michelle,

The Kojonup P&A Society requests permission to proceed with the following proposal:

To move the metal, square tubing framed structure from outside the 150th Exhibition Hall to inside the Bar area and to roof it to provide shelter from weather for patrons and Band.

- Kojonup Lions Club and Kojonup Apex Club are planning, on the last weekend in August 2015, to move the structure to bar area where the structure will be cemented into its new position.
- New roofing supports will be welded into place
- Roof will be covered with roof sheeting
- A waist height wall constructed from metal sheets will be built along the west and north sides. This will be topped with a wooden plank 150mm wide.

This is a not to scale drawing of the metal framed shelter currently located outside 150th Exhibition Hall at Kojonup Show grounds, Blackwood Road, Kojonup. Framing is made from square tubing. Posts will be cemented into the ground.



Roy Bailey (Kojonup Lions Club) and Nathan Leitch (Kojonup Apex Club) have measured and calculated the materials required and are obtaining a quote from Hi-Way Sales and Service, a major sponsor of the Society. It is planned to obtain some materials from the Kojonup Coop and Kojonup Ag Supplies as both are also sponsors of the Kojonup Show.

The Society would appreciate the waivering of or payment by the Kojonup Shire of any fees that may be required in regard to this request.

Yours faithfully



Peta Zadow (President 2015)

12.3 RETROSPECTIVE PLANNING CONSENT FOR HOME OCCUPATION (THERAPEUTIC MASSAGE CLINIC) 83 ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Wednesday, 12 August 2015
FILE NO: DB.BDA.8
ATTACHMENT: 12.3 Application Letter & Floor Plan

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for retrospective planning consent for the existing periodic massage clinic operated from the dwelling as set out in the attachments.

The recommendation is to grant planning consent subject to conditions.

BACKGROUND

The Shire received a complaint regarding the operation of the clinic and staff advised the landowner by letter that to utilise the premises to conduct a business requires planning consent to be granted by the Shire of Kojonup. As there was no record of any approval being granted in the past by the Shire of Kojonup, the landowner was advised to cease any future activity until the necessary permissions were in place.

The Shire subsequently received this planning application.

COMMENT

The proponent is a local massage therapist and has successfully operated the practice in Kojonup and Katanning since 2002. The proponent advises that the clinic currently operates 2 days per week (Tuesday and Thursday) from 10am-8pm with all clients by appointment.



83 Albany Highway, Kojonup bordered in red (Image Google Earth)

The floor plan provided shows the reception and treatment rooms used. The proponent includes details of her qualifications, practice, insurances and health fund accreditations.

The proponent advises that the tenancy is considered temporary as the dwelling is currently for sale.



Street View of 83 Albany Highway, Kojonup (Image Google Earth)

Zoning and Land Use/Development

The land is zoned Commercial under Town Planning Scheme No. 3 (TPS3). The proposed land use is consistent with the Interpretation (Schedule I) of Home Occupation in TPS3 which is defined as:

Means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant;

Home Occupation has an 'IP' incidental permissibility in the Commercial Zone which is defined (c.3.3.2) as a use that is not permitted unless it has been determined by the Council to be incidental to the predominant use.

The objectives for the Commercial Zone (c.3.2.3) are:

- (a) *To provide a variety of service functions, predominantly commercial, service, and administrative uses.*
- (b) *To maintain a compact and accessible centre.*
- (c) *To centralise commercial and service functions.*
- (d) *To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.*
- (e) *To preclude the storage of bulky and unsightly goods where they may be in public view.*
- (f) *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- (g) *To provide sheltered places for pedestrians.*
- (h) *To restrict industrial type uses to service or low impact, labour intensive industries that relate to the centre functions.*
- (i) *To reduce uses attracting large volumes of truck traffic other than to service retail outlets.*
- (j) *To provide for residential uses only where the uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.*

In accordance with c.5.4 of TPS3, any development of land shall conform to the requirements for that use in Table II – Development Table. There is no listing for home occupations in Table II and c.5.4.1 and Council must determine the requirements to apply consistent with the predominant use and objectives for the zone.

Table II establishes setbacks, plot ratio, landscaping and car parking requirements for the various listed uses. Given that this development involves the temporary use of the existing dwelling only and

no external changes are proposed apart from the sign, no development requirements are considered necessary other than car parking.

In respect to car parking, this is undertaken on-site and adequate areas are available.

The sign at 0.36m² exceeds the exempt standard of 0.2m² for home occupations and also requires Council approval. The sign is only displayed during the 2 days on the verge along Albany Highway. As the proponent advises that clients book appointments for treatment, the sign is considered to be required for direction purposes only, as is not required to attract passing trade and should be ideally be displayed within the property. The permanent display of a sign in the road verge would not be supported by staff.

Retrospective Planning Consents

The Council can grant retrospective planning consent to uses or developments (c.6.3.6) under TPS3 as follows:

6.3.6 Unauthorised existing developments

- (a) *The local government may grant Planning Consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*
- (b) *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of Planning Consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of Planning Consent.*

Note: The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without Planning Consent.

The proponents sought planning consent immediately upon being advised by staff that this was required. Given the proposal is effectively a temporary use of the dwelling (as the property is for sale), no further action regarding the breach of TPS3 is considered necessary or recommended.

Matters to be Considered

Clause 6.3.2 of TPS3 requires the Council have regard to a number of matters which are discussed below in considering whether to approve/refuse the application:

Matter to be Considered	Response
Any matter which it is required by the Scheme to consider	The proposal is considered compliant with the matters contained in the Scheme, namely the objectives for the commercial zone. The use of part of the existing vacant dwelling for a therapeutic massage clinic on a part-time basis is considered to be incidental to its original purpose as a dwelling and will not adversely affect any existing or future use of the land or surrounding area. The Council may grant retrospective planning consent to an existing use or development under TPS3.
The purpose for which the land is reserved, zoned or approved for use under the Scheme	The land is zoned for commercial uses and developments and the therapeutic massage clinic is consistent with the objectives for the zone.
The purpose for which the land in the locality is used	The land is within an area (North of Newstead Road to Kojonup-Katanning

	Road) along Albany Highway which are zoned for commercial uses but currently used for residential, vacant, hotel, motel, café and service station uses.
The orderly and proper planning of the locality	The proposal is considered consistent with the orderly and proper planning of the locality.
The preservation of the amenities of the locality	The proposal will involve a temporary and periodic use and is not expected to produce any adverse impacts in terms of emissions or adversely affect the amenity of the locality.

The Council has a number of options available to it, which are discussed below:

1 Not approve the proposal

The Council can choose to refuse to approve the proposal. If this option was chosen, the clinic activities would need to cease.

2 Approve the proposal

The Council can choose to approve the proposal, with or without conditions.

3 Defer the proposal

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Nil required.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$444 as set out in the adopted 2015/2016 Schedule of Fees and Charges for home occupations that have already commenced.

STRATEGIC/CORPORATE IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant retrospective planning consent for the massage clinic	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
				Grant planning consent subject to conditions

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council in accordance with c.6.3.6 of Town Planning Scheme No. 3 grant retrospective planning consent for the Home Occupation (Therapeutic Massage Clinic) at 83 Albany Highway, Kojonup subject to the following conditions:

- a) All client parking to be on-site.
- b) The sign being displayed during treatment times only.
- c) This planning consent approval shall terminate upon the sale of the property.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

14 JUL 2015

ICR20010

SHIRE OF KOJONUP			
FILE NO	DB 20A.8	FILE	DATE
DATE	FILE	DATE	FILE

SCHEDULE III(A) APPLICATION FOR PLANNING CONSENT FORM 1

COPY

**SHIRE OF KOJONUP
TOWN PLANNING SCHEME NO. 3**

APPLICATION FOR PLANNING CONSENT

Name of Owner of Land) Surname O'Halloran
 on which development) Christian Names Sue
 proposed) Address in Full 86-90 Newstead Rd
P.O. Box 89 KOJONUP 6395

Submitted by Kate Bowden - 0422454930
 Address for Correspondence RMB 138 KOJONUP

Locality of Development Kojonup

Titles Office Description of Land:

Lot No Street 83 Albany Hwy Loc No ENR OF NEWS TEAR RD
 Plan or Diagram Certificate of Title Vol Folio

The type of development and the nature of the proposed buildings are as follows:
see attached cover letter

The approximate cost of proposed development is already occurring

The estimated time of completion is

The approximate number of persons to be employed when the development is completed is

Three copies of the Site Plan and other necessary plans of the proposals are submitted with this application.

Signed by the Owner of the Land S O'Halloran

NOTE: A separate application is required to be submitted to the Council for a building licence (where applicable).

To Mr. Shephard

13/10/15

I am writing to submit for your consideration a retrospective application for planning consent,

The location at number 83 Albany Highway Kojonup is currently in use as a massage clinic, by myself Kate Bawden.

This is a temporary arrangement until the sale of this property which is on the market at present.

I work from this building two days a week, Tuesday and Thursday between 10am and 8pm, and see all Clients by appointment.

One room is used as a reception area and the other to treat clients. There is parking for three cars in The driveway and carport. I have a sign that is placed on the verge outside (off the footpath) - 600mm x 600mm- an A frame .Included in this application are exact details of that signage.

I have had a business operating in the Kojonup and Katanning area since 2002, for fourteen years.

I have three diplomas in Health Science, Remedial massage and Chinese Medicine., as well as numerous short courses completed as is the ongoing training requirement of my association AAMT.

Medical indemnity and public liability insurance cover my practice and clients claim from their private Health care funds.

I am qualified to treat workers compensation claimants in the relevant Australian States. Local Chiropractors and Physiotherapists refer clients to me.

I treat injured law enforcement officers as part of a government rehabilitation scheme.

I also service community groups such as The Alzheimers Association and The Schizophrenia Fellowship as part of funding to support their carers.

I consider myself to have a valuable contribution to local community healthcare.

Thank you for taking the time to consider this application.

Yours Sincerely

Kate Bawden



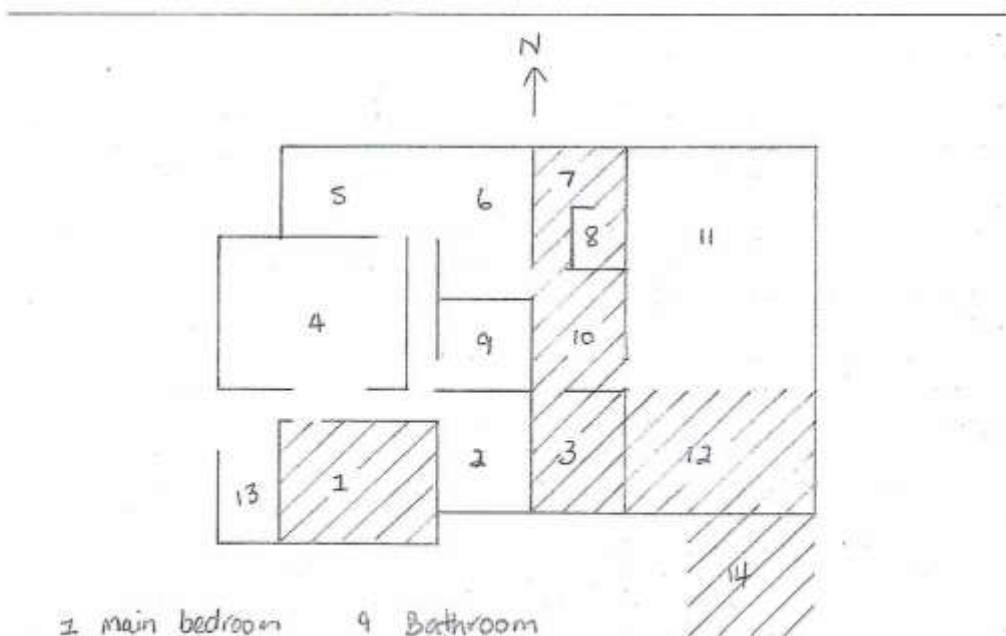
Remedial
MASSAGE



For Appointments
Phone Kate
0422 454 930

AAMT
Australian Association
of Massage Therapists

Property at 83 Albany Highway /cnr Newstead Rd



- | | |
|----------------|-------------------|
| 1 main bedroom | 4 Bathroom |
| 2 bedroom | 10 entry |
| 3 bedroom | 11 Patio |
| 4 lounge | 12 2 car car port |
| 5 dining | 13 Front porch |
| 6 kitchen | 14 Extra parking |
| 7 laundry | |
| 8 toilet | |

shaded areas used by Kate Bawden

13 EXECUTIVE & GOVERNANCE REPORTS

Nil

14 AGED CARE SERVICES REPORTS

Nil

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS**15.1 HIDDEN TREASURES OF THE GREAT SOUTHERN - KOJONUP DELEGATES 2015/2016**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Monday, 3 August 2015
FILE NO: ED.PRM.2
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council approval for the appointment of new delegates to the Hidden Treasures Committee following the implementation of the new management structure for Community Development and Tourism for the Shire of Kojonup.

BACKGROUND

Established in 2004, the Hidden Treasures of the Great Southern is a working partnership of 8 Shires and communities in the Great Southern region promoting the area as a tourism region.

Participating Shires nominate a delegate either from their community, Council or Shire without limitation on the number of representatives they want to attend. All Shires have one vote, so the number of delegates at any one meeting ensures information is effectively transmitted through their communities.

The region is working together in an effective way to help enhance the area as a tourist stop – if not as a final destination, then certainly as an integral place to stop on driving tours or as people are on the way to visit Albany, Esperance or Margaret River. There are almost 100 points of interest identified in 16 different towns and the group produces a signature annual guidebook which entails an 800km drive trail taking in lesser known points of interest throughout the Great Southern region in detail. It also gives a history of each of the towns in the region and recommendations for accommodation and places to eat.

COMMENT

Previous delegates to Hidden Treasures were Glenys Russell in her capacity as Manager – Kojonup Visitors Centre/Secretary Kojonup Tourist Association and Cr. Benn who was also President of the Kojonup Tourist Association (KTA).

As from 1 July 2015, Zahra Shirazee became the Manager, Community Development & Tourism. Given the introduction of the new management structure and KTA members have elected a new committee with Mr. Ian Malane becoming the new President.

It is considered appropriate to recommend new delegates to Hidden Treasures namely the Manager, Community Development & Tourism and the Shire President as Proxy.

CONSULTATION

Past Briefing Sessions
CEO discussions with Mr Malane
Manager, Community Development & Tourism

STATUTORY REQUIREMENTS

Local Government Act 1995 – Division 2, Subdivision 2(Committees)

POLICY IMPLICATIONS

No direct policy implications other than working collaboratively with other committee members and Shires.

FINANCIAL IMPLICATIONS

Officer time forms part of Employment Contract.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1.5 – Staying Active & Entertained

Corporate Business Plan 2013–2017 Strategy 1.5.1 – Promote Kojonup as a place to live and visit.

RISK MANAGEMENT IMPLICATIONS

No direct risk management implications other than remaining informed on Hidden Treasures aims and objectives and opportunities for Kojonup.

ASSET MANAGEMENT PLAN IMPLICATIONS

No direct asset management implications.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1. Notify the Hidden Treasures Committee that the Shire of Kojonup delegates effective as from 18 August 2015 are Zahra Shirazee – Manager, Community Development & Tourism with the Shire President as proxy.**
- 2. Council express in writing its gratitude and appreciation to Mrs. Glenys Russell and Cr Benn for their past contribution to the Hidden Treasures Committee on behalf of the Shire of Kojonup.**

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

16 COMMITTEES OF COUNCIL

16.1 AUDIT COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Audit Committee held Tuesday 4th August 2015 be received by Council.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

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

Nil

18 **NEW BUSINESS**

(of an urgent nature, introduced by a decision of the meeting).

19 CONFIDENTIAL REPORTS

Nil

20 **NEXT MEETING**

Tuesday, 15th September 2015 commencing at 3:00pm.

21 **CLOSURE**

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

22 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/07/2015 – 31/07/2015
- Item 10.4 Information Statement 2015/2016
- Item 10.5 Shire of Kojonup Recordkeeping Plan 2015
- Item 16.1 Unconfirmed Audit Committee Minutes – Tuesday 4th August 2015