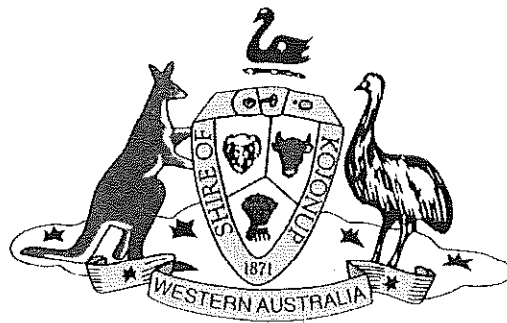


SHIRE OF KOJONUP



Council Agenda

21st June 2011

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 21st June 2011****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 21st June 2011

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 21st June 2011 commencing at 3:00pm.

Your attendance is respectfully requested.



STEPHEN GASH
CHIEF EXECUTIVE OFFICER
June 2011

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr Ian Pedler
Cr Frank Pritchard
Cr John Benn
Cr Greg Marsh
Cr Rosemary Hewson
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

3 **PUBLIC QUESTION TIME**

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

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 17th May 2011

Corrections:

COUNCIL DECISION

/11 MOVED Cr seconded Cr that the Minutes of the Ordinary Meeting of Council held on 17th May 2011 be confirmed as a true record.

CARRIED/LOST /

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, June 15, 2011
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 31st May 2011

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement of Financial Activity for the period of 1st July 2010 to 31st May 2011.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

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

COMMENTS

The attached Statement of Financial Activity for the period of 1st July 2010 to 31st May 2011 shows a solid position with 96.43% of rates collected and a total amount of cash holdings of \$2,766,279.18 of which \$1,932,888.75 is held in fully cash backed Reserves as at 31st May 2011. Of these cash holdings \$500,000 of Municipal funds and \$1,500,000 of Reserve funds have been reinvested in short term deposits, due to mature 18th June 2011.

A review of all budget revenue items has been undertaken and I happy to report that we are well on target to meet budget expectations in this area. A review has also been undertaken with respect to budgeted transfers from reserve and if or not all of these transfers will need to proceed, indications are that they will not; I will continue to monitor this requirement and report back to Council when presenting the Statement of Financial Activity to the 30th June 2011 to the next meeting of Council.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 31st May 2011, as attached, be accepted.

COUNCIL DECISION

/11 MOVED Cr seconded Cr

CARRIED/LOST /

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Tuesday, 14 June 2011
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st May 2011 to 31st May 2011.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/05/2011 to 31/05/2011 comprising of Municipal Cheques 11668 to 11711, EFT's 7031 to 7169 and Internal Payment Vouchers 2663 to 2703 totalling \$1,346,519.28 and as attached to this agenda, be received.

COUNCIL DECISION

/11 MOVED Cr

seconded Cr

CARRIED/LOST

/

11 ENGINEERING & WORKS REPORTS

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

12.1 AMALGAMATION APPLICATION No. 144240 – LOTS 23 & 136 cnr. BLACKWOOD ROAD & HAGGERTY STREET, MURADUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 1 June 2011
 FILE NO: LP.SUB.1
 APPLICANT: RAS Machin Licensed Surveyor
 OWNER: DM & AJ Wood
 ATTACHMENTS: 12.1 – Proposed Amalgamation Plan – Lots 23 & 136 cnr. Blackwood Road & Haggerty Street, Muradup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate the above 2 lots as shown on the attached plan.

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

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and local government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The applicants have advised that the purpose of the amalgamation is for residential use. The amalgamation will create 1 lot of approximately 2,848m² in area as shown on the plan. The lot has frontage to both Blackwood Road and Haggerty Street (sealed) and the rear laneway (unsealed & undrained).

Existing Lot 23 contains an outbuilding (constructed in the rear yard) and the ex-Catholic Church building which is contained on the Shire's Municipal Heritage Inventory (Place No. 31 – Muradup Catholic Church) and the description advises that it was built in 1956/57 through donations from local families. Whilst the property is no longer owned by the Catholic Church, the building has significant local heritage and is important to the local community.

Existing Lot 136 is vacant.

The lot size complies with the Shire's Policy requirements. Deep sewer connection is not available to the property and any new development would require connection to an on-site effluent disposal system.

The land has a residential density code of R10. The R-Codes (Table 1 – General Site Requirements) sets the following standards for land within the R10 code:

1 R- Code	2 Dwelling Type	3 Minimum Site Area per Dwelling (m ²)	4 Minimum lot area/ rear battlexe (m ²)	5 Minimum Frontage (m) ▼	6 Open Space		7 Minimum Setbacks (m)		
					Minimum Total (% of site)	Minimum outdoor Living (m ²)	Primar y Street	Secondar y Street ●	Other/ Rear
R10	Single house or grouped dwelling	Min 8 75 Av. 1 000	925	20	60	-	7.5	3	* / 6
	Multiple dwelling	1000	-	20	-	-	7.5	3	* / 6
■ subject to the variations permitted under clause 6.1.3 A3. ▼ only applies to single houses. ● secondary street: includes communal street, private street, right-of-way as street. - not applicable. * see Tables 2a and 2b and Design Element 6.3. Av. Average site area not to be less than.									

The proposed subdivision achieves all of the requirements of the R-Codes.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

The land is zoned Residential with a density coding of R10 under Town Planning Scheme No. 3.

The use of land in the Residential Zone shall be consistent with the following objectives:

The zone shall be predominantly residential.

Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.

A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

The proposed lots comply with the statutory requirements for the R10 code.

POLICY IMPLICATIONS

The Shire's adopted Town Planning Scheme Policy No. 11 'Applications for Subdivision' sets the following requirements for subdivisions in townsite areas:

That block size, setbacks and septic tank locations be in accordance with the prescribed Residential Planning Codes and Health Act requirements.

The proposal complies with Town Planning Scheme Policy No. 11.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the amalgamation conditions are to be met by the subdivider.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation of Lots 23 & 136 cnr. Blackwood Road & Haggerty Street, Muradup as proposed on WAPC File 144240 and request the following conditions be placed upon the approval:

- 1. Any new or altered vehicle crossovers shall be located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.**
- 2. The purchaser being advised in writing that the Church building on Lot 23 is contained on the Shire's Municipal Heritage Inventory (Place No. 31 – Muradup Catholic Church) and any development will need to be considered and assessed accordingly.**

COUNCIL DECISION

/11 MOVED Cr

seconded Cr

CARRIED/LOST

/

12.2 AMALGAMATION & RESUBDIVISION – LOCATIONS 1213 & 2103 LOWDEN ROAD, KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 15 June 2011
 FILE NO: LP.SUB.1
 APPLICANT: RAS Machin Licensed Surveyor
 OWNER: Wyatt Fisher Holdings Pty Ltd
 ATTACHMENTS: 12.2 – Boundary Realignment Plan – Locations 1213 & 2103 Lowden Road, Kojonup

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to amalgamate and resubdivide the above 2 lots as shown on the attached plan.

It is recommended that the application be supported subject to advice.

BACKGROUND

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application.

Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and local government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

COMMENT

The applicants have advised that the purpose of the amalgamation and resubdivision is for agriculture purposes. The amalgamation will create 2 lots of approximately 360.355ha's and 525.2ha's in area as shown on the plan. The lots have frontage to Lowden Road (unsealed with open drains).

Under Council's adopted Town Planning Scheme Policy No. 11 'Applications for Subdivision' the requirements for subdivisions in rural areas are:

- Lot size is no smaller than prevailing in the vicinity (and greater than 2ha), and
- That each lot has a well made developed road access to it.

The proposed lot sizes are consistent with existing rural lot sizes in the area and the proposed subdivision is considered consistent with the requirements of the WAPC and the Shire for rural subdivisions.

There are no conditions recommended to the WAPC although advice on the altering any existing vehicle crossovers onto Lowden Road should be placed upon any subdivision approval.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

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

The objectives for the Rural zone are as follows:

- The zone shall consist of predominantly rural uses.
- To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- To protect the land from closer development which would detract from the rural character and amenity of the area.
- To prevent any development which may affect the viability of a holding.

- To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.

The proposed subdivision is considered consistent with these objectives.

POLICY IMPLICATIONS

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

Block size is no smaller than the prevailing lot sizes in the vicinity; and

Greater than 2 hectares in area; and

That each block subdivided has a well made developed road access to it.

The proposal complies with Town Planning Scheme Policy No. 11.

FINANCIAL IMPLICATIONS

Nil. All costs in completing the amalgamation and resubdivision conditions are to be met by the subdivider.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed amalgamation and resubdivision of Locations 1213 & 2103 Lowden Road, Kojonup as proposed on WAPC File 144360 and request the following advice be placed upon the approval:

Advice Notes:

- 1) **Any new or altered vehicle crossovers shall be located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.**

COUNCIL DECISION

/11 **MOVED Cr**

seconded Cr

CARRIED/LOST

/

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 BUSH FIRE ASSOCIATION – APPOINTMENT OF OFFICER'S 2011/12**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Tuesday 12 June 2011
 FILE NO: ES.REG.1
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To endorse the appointment of statutory and representative positions for the Shire of Kojonup and Kojonup Bush Fire Association for 2011/12.

BACKGROUND

Each year the Shire of Kojonup appoints persons to undertake statutory and representative roles to perform the obligations under the Bush Fires Act 1954. Nominations are forwarded from the individual Brigades and Bush Fire Advisory Committee.

COMMENT

To allow the time to print the Fire Break Order the CEO exercised delegation number FIRE 004 which allows:

"The Chief Executive Officer is delegated authority to appoint persons to the position of Fire Control Officer, including dual Fire Control Officers with adjoining local governments as provided for under Section 38 of the Bush Fires Act 1954. "

The following persons have been appointed by the CEO under the above delegation for the 2011/12 year:

Mr B Cussons	FCO Boilup Brigade
Mr G Gale	FCO Boscabel Brigade
Mr G Marsh	FCO Changerup Brigade
Mr N O'Halloran	FCO Cherry Tree Pool Brigade
Mr J Young	FCO Jingalup Brigade
Mr G Bilney	FCO Kojonup Brigade
Mr M Bilney	FCO Lumeah Brigade
Mr T Gorter	FCO Mobrurup Brigade
Mr R Banks	FCO Muradup Brigade
Mr W Parker	FCO Orchid Valley Brigade
Mr B Webb	FCO Qualeup Brigade
Mr M Gibbs	FCO Ryan's Brook Brigade
Mr B Francis	FCO Muradup Town site
Mr J Lewis	FCO Kojonup Town site

The appointments are subject to undertaking the appropriate FCO training. The next training session is to be advised. Any conditions, restrictions, or directions placed on FCOs who are standing again from last year will be continued.

CONSULTATION

Consultation has occurred with the Brigades following call for nominations and consideration at individual Brigade AGM's. The Association AGM and Bush Fire Advisory Committee also endorsed the FCO appointments.

STATUTORY ENVIRONMENT

Section 33 of the Bushfires Act 1954 relates to Fire Break Orders
 Section 38 of the Bushfires Act 1954 relates to FCO appointment

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

1. That Mr Ned Radford be appointed as Chief Fire Control Officer for the Shire of Kojonup for 2011/12 financial year.
2. That Mr Digby Stretch be appointed as Deputy Chief Fire Control Officer for the Shire of Kojonup for 2011/12 financial year.
3. That Mr Michael Baxter and Mr Tony Fisher be appointed as Senior Fire Control Officers for the Shire of Kojonup for 2011/12 financial year.
4. That the Chief Fire Control Officer and the Deputy Chief Fire Control Officer be appointed as Fire Weather Officer and Deputy Fire Weather Officer, respectively, for the Shire of Kojonup for 2011/12 financial year.
5. That the Chief Fire Control Officer, the Deputy Chief Fire Control Officer and the two Senior Fire Control Officers be appointed as the Officers authorised to impose Harvest and Movement of Vehicles Ban Officers for the Shire of Kojonup for 2011/12 financial year.
6. That the Chief Fire Control Officer and the Deputy Chief Fire Control Officer be appointed as authorised officers to issue permits to burn for the collection of Clover Burr in the Shire of Kojonup for 2011/12 financial year.
7. That Council endorses the appointed Fire Control Officers, as members of the Bush Fire Advisory Committee.
8. That Council notes the appointment of Mr N O'Halloran as President of the Association and Presiding Member of the Bush Fire Advisory Committee.
9. That Council notes the appointment of Mrs D Berryman as Honorary Secretary for the Association.

COUNCIL DECISION

/11

MOVED Cr

seconded Cr

CARRIED/LOST

/

13.2 FIREBREAK ORDER

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: Tuesday 12 June 2010
FILE NO: LE.NOT.2
ATTACHMENT: 13.2 - Fire Break Order 2011/2012

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the Firebreak order for 2011/2012.

BACKGROUND

Council issue a Firebreak order each year, under section 33 of the Bushfires Act 1954. The order requires certain things to be done with respect to fire hazard reduction/ fire prevention on land. The order is distributed with the rates notice and any other publication conducted as required by the Act.

COMMENT

The format of the Fire Break Order will be in the same format as last year that can be kept on the fridge for easy reference. The attached document will only show content, the final format will be a folded, flip chart type document approximately 10cm X 20cm with a magnet on the back page. The red dotted line on the A4 attachments indicates the fold.

Apart from an updated listing of positions the only change to the Fire Break Order is flagging that burning in the town sites will not be allowed in the prohibited and restrictive periods in the first 4 months of the New Year.

Adoption of the Fire Break Order at this meeting will allow time for printing of the notices in time for inclusion with Councils annual Rate Notice mail out scheduled for July 2011.

CONSULTATION

The Fire Break Order is a working document that has evolved with consultation with the Bush Fire Advisory Committee over the last 6 years.

STATUTORY ENVIRONMENT

Section 33 of the Bushfires Act 1954 relates to Fire Break Orders

POLICY IMPLICATIONS

There are no known Shire of Kojonup policy implications.

FINANCIAL IMPLICATIONS

The printing costs will be included in the 2011/12 budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That Council adopts the Firebreak order for 2011/2012 as attached to this agenda.

COUNCIL DECISION

/11

MOVED Cr

seconded Cr

CARRIED/LOST

/

14 **COMMITTEES OF COUNCIL**

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

16 **NEW BUSINESS**

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

17 **CONFIDENTIAL REPORTS**

18 **NEXT MEETING**

Tuesday, 19th July 2011 commencing at 3:00pm.

19 **CLOSURE**

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

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

- | | |
|-----------|--|
| Item 10.1 | Monthly Statement of Financial Activity 1 st July 2010 to 31 st May 2011 |
| Item 10.2 | Monthly Payment Listing 1 st May 2011 to 31 st May 2011 |
| Item 12.1 | Proposed Amalgamation Plan - Lots 23 & 136 cnr. Blackwood Road & Haggerty Street, Muradup |
| Item 12.2 | Boundary Realignment Plan - Locations 1213 & 2103 Lowden Road, Kojonup |
| Item 13.2 | Fire Break Order 2011/2012 |