

# SHIRE OF KOJONUP



## Council Minutes

*18<sup>th</sup> August 2015*

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 18<sup>th</sup> August 2015****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE &amp; APOLOGIES</b>	<b>3</b>
<b>3</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>4</b>	<b>PUBLIC QUESTION TIME</b>	<b>4</b>
<b>5</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>4</b>
<b>6</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>4</b>
<b>7</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>8</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>4</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>4</b>
<b>10</b>	<b>CORPORATE SERVICES REPORTS</b>	<b>5</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	5
10.2	MONTHLY PAYMENTS LISTING	7
10.3	SUNDRY DEBTOR CONSIDERATION FOR WRITE OFF	9
10.4	FREEDOM OF INFORMATION - INFORMATION STATEMENT 2015/2016	11
10.5	RECORDKEEPING PLAN	13
<b>11</b>	<b>WORKS &amp; SERVICES REPORTS</b>	<b>15</b>
11.1	ALBANY HIGHWAY (KOJONUP MAIN STREET) – SPEED ZONES	15
11.2	SUPPLY OF VIBRATING ROLLER	17
<b>12</b>	<b>REGULATORY SERVICES REPORTS</b>	<b>19</b>
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	19
12.2	PLANNING CONSENT FOR ALTERATIONS TO SHOWGROUNDS BAR AREA	25
12.3	RETROSPECTIVE PLANNING CONSENT FOR HOME OCCUPATION (THERAPEUTIC MASSAGE CLINIC) 83 ALBANY HIGHWAY, KOJONUP	33
<b>13</b>	<b>EXECUTIVE &amp; GOVERNANCE REPORTS</b>	<b>42</b>
<b>14</b>	<b>AGED CARE SERVICES REPORTS</b>	<b>42</b>
<b>15</b>	<b>COMMUNITY DEVELOPMENT &amp; TOURISM REPORTS</b>	<b>43</b>
15.1	HIDDEN TREASURES OF THE GREAT SOUTHERN - KOJONUP DELEGATES 2015/2016	43
<b>16</b>	<b>COMMITTEES OF COUNCIL</b>	<b>45</b>
16.1	AUDIT COMMITTEE	45
<b>17</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>46</b>
<b>18</b>	<b>NEW BUSINESS</b>	<b>46</b>
<b>19</b>	<b>CONFIDENTIAL REPORTS</b>	<b>46</b>
<b>20</b>	<b>NEXT MEETING</b>	<b>46</b>
<b>21</b>	<b>CLOSURE</b>	<b>46</b>
<b>22</b>	<b>ATTACHMENTS (SEPARATE)</b>	<b>46</b>

## MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

*Disclaimer*

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

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

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

### 2 ATTENDANCE & APOLOGIES

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
Miss Dominique Hodge	Records Officer
Mrs Michelle Dennis	Development Services Coordinator
Mr Phil Shephard	Town Planner
Mr Robert Cowie	Administration/Regulatory Officer

#### **APOLOGIES**

Nil

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES**

ORDINARY MEETING 21<sup>st</sup> July 2015

**COUNCIL DECISION**

**123/15 Moved Cr Benn, seconded Cr Mathwin that the Minutes of the Ordinary Meeting of Council held on 21<sup>st</sup> July 2015 be confirmed as a true record.**

**CARRIED 8/0**

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

Nil

**9 DECLARATIONS OF INTEREST**

Cr Pedler declared an interest in Item 12.3 as he has a proximity interest as he lives next door to the property.

**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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**124/15 Moved Cr Pritchard, seconded Cr Benn that the monthly financial statements for the period 1 July 2015 to 31 July 2015, as attached, be noted.**

**CARRIED 8/0**

## 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 1<sup>st</sup> July 2015 – 31<sup>st</sup> 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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**125/15 Moved Cr Mathwin, seconded Cr Radford 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.**

**CARRIED 8/0**



## 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.

<b>Date of Invoice</b>	<b>Debtor</b>	<b>Amount</b>	<b>Description</b>
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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**126/15 Moved Cr Sexton, seconded Cr Radford that Council approves the write off of the following Debtor accounts totalling \$2,765.98.**

<b>Date of Invoice</b>	<b>Debtor</b>	<b>Amount</b>	<b>Description</b>
<b>25 March 2013 onwards</b>	<b>73426 – J Sokolowski</b>	<b>\$2,615.98</b>	<b>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.</b>
<b>13 January 2014</b>	<b>72379 – J Watene</b>	<b>\$150.00</b>	<b>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.</b>

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**127/15 Moved Cr Sexton, seconded Cr Benn that the 2015/2016 information statement, as attached, be adopted and published in accordance with the *Freedom of Information Act 1992*.**

**CARRIED 8/0**

## 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**

**128/15 Moved Cr Mathwin, seconded Cr Pritchard that Council receive the Shire of Kojonup Recordkeeping Plan 2015 as attached, subject to the following changes:**

- **On Page 7 - Point 2.1.1 Records Management System - Second paragraph reads “The Shire of Kojonup is not looking to change.....” should be changed to “The Shire of Kojonup is not considering to change.....”; and**
- **On Page 12 – Point 4.1.5 Quantity of Records – after each set of numerals the word “linear” should be added.**

**CARRIED 8/0**

**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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**129/15 Moved Cr Trethowan, seconded Cr Benn 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).**

**CARRIED 8/0**



## 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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**130/15 Moved Cr Radford, seconded Cr Sexton the Council accepts the quotation provided by Westrac for the supply of Caterpillar CS76 Roller at \$129,250.**

*3:16pm Records Officer left the Chamber.*

*3:18pm Records Officer re-entered the Chamber.*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**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](#)  
[12.1.3 Email from the Kojonup Co-operative Ltd dated 14 August 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 Jendrzczak, 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

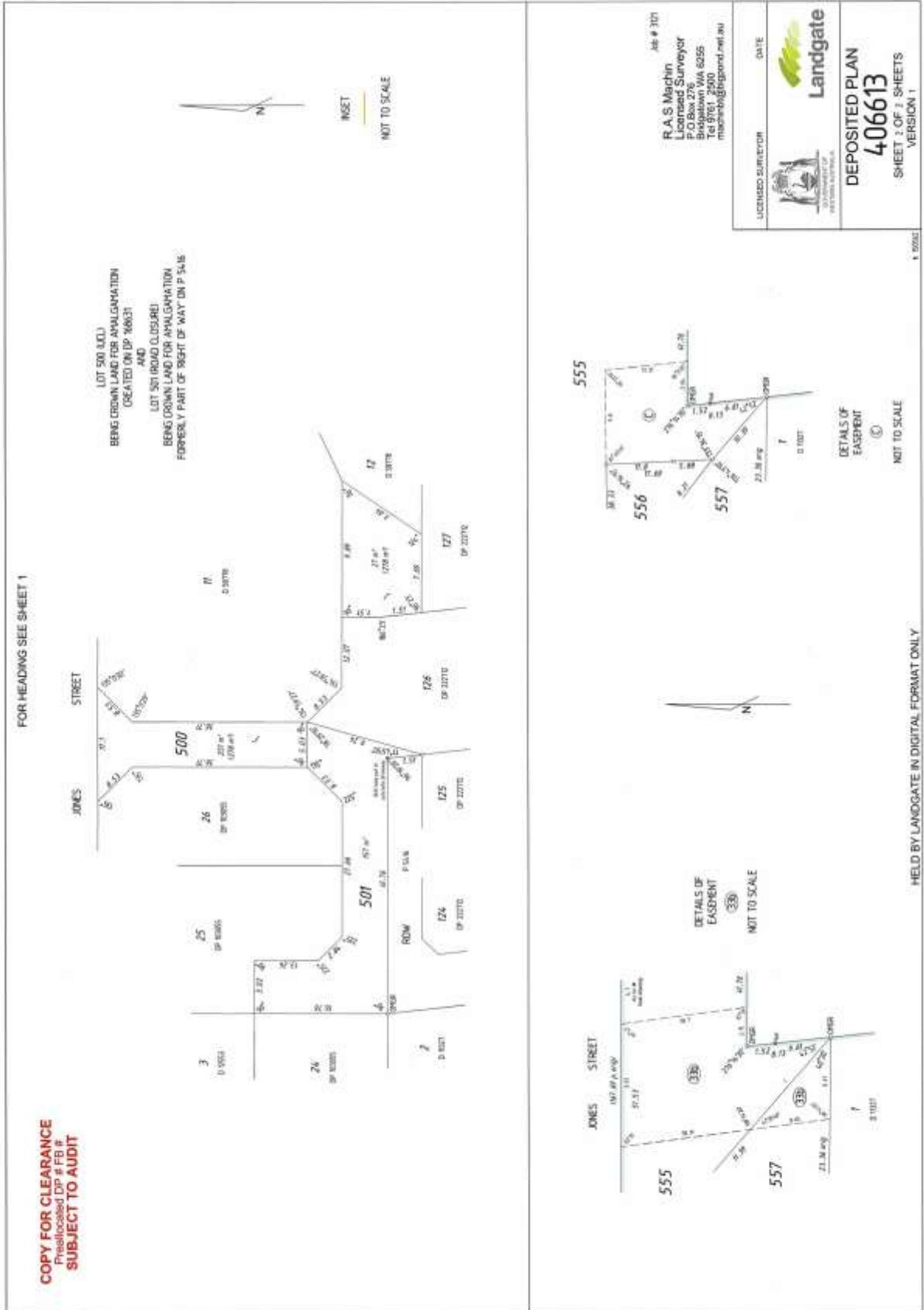
*The Development Services Coordinator tabled a three page email dated 14 August 2015 from the Kojonup Co-operative Ltd which is attached to these minutes.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**131/15 Moved Cr Pedler, seconded Cr Benn that Council support the applicant’s request for an easement over the land the subject of WA Planning Commission subdivision reference 148066 as presented.**

**CARRIED 8/0**





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 45m<sup>2</sup> 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:

<b>Matter to be Considered</b>	<b>Response</b>
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:

<b>Being Well Governed</b>	
<b>Shire's Commitment</b>	<b>Timeframe</b>
<b>Undertake</b> 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:

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
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

#### **COUNCIL DECISION / OFFICER RECOMMENDATION**

**132/15 Moved Cr Sexton, seconded Cr Radford that Council:**

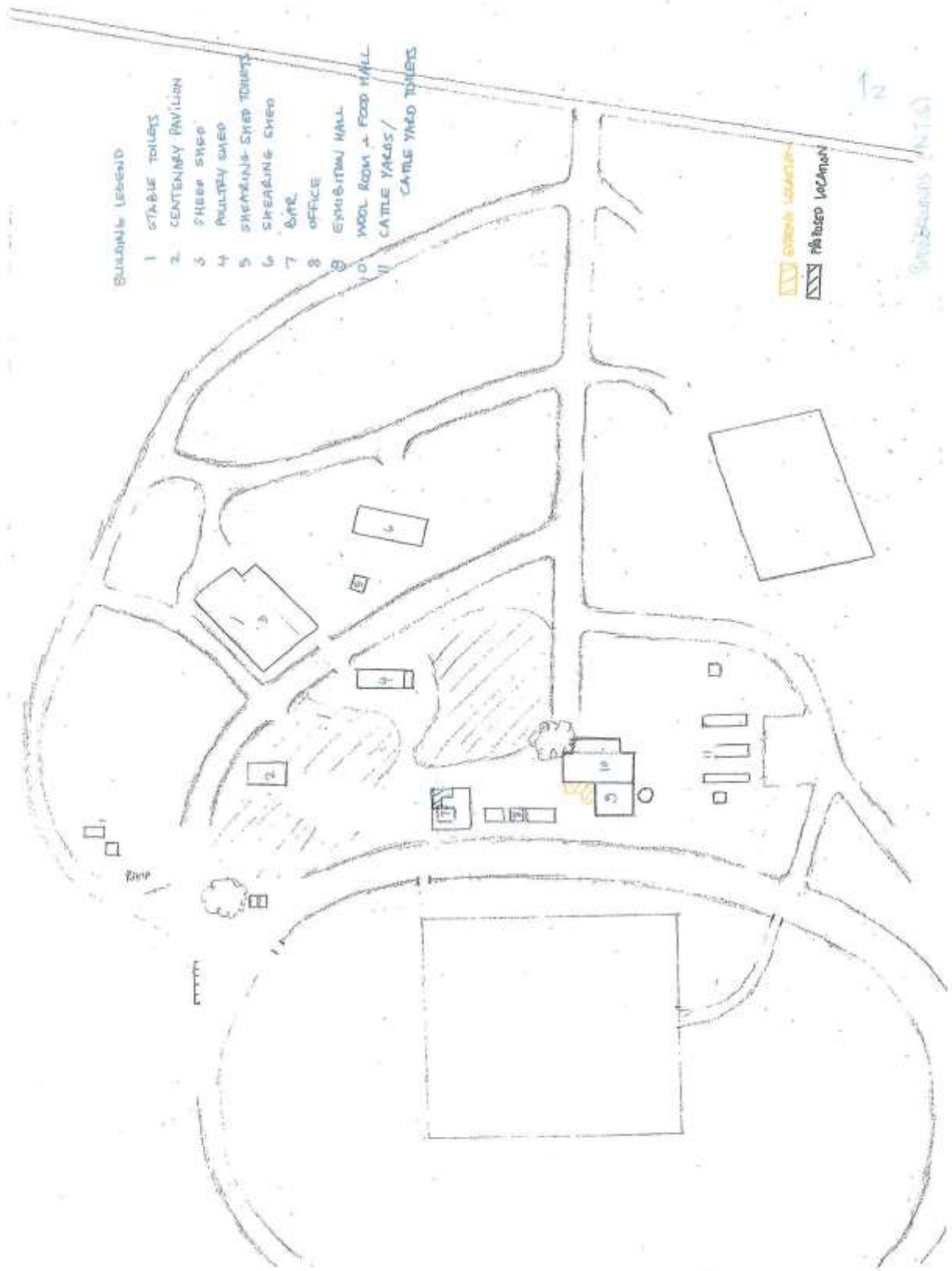
- 1) **Grant planning consent for the proposed alterations to the Showgrounds bar building on Lot 37 Blackwood Road, Kojonup subject to the following conditions:**
  - a) **The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief 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.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**



Kojonup Pastoral and Agricultural Society  
 PO Box 104  
 Kojonup WA 6395

28<sup>th</sup> July 2015

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

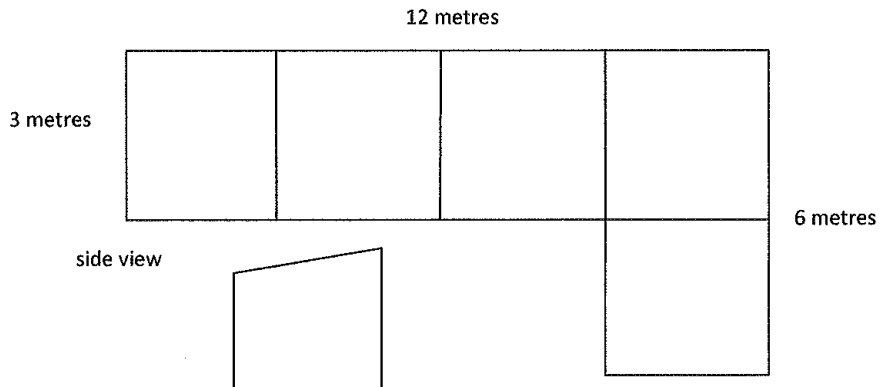
Dear Michelle,

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

To move the metal, square tubing framed structure from outside the 150<sup>th</sup> 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 150<sup>th</sup> 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 0.36m<sup>2</sup> exceeds the exempt standard of 0.2m<sup>2</sup> 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:

<b>Matter to be Considered</b>	<b>Response</b>
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:

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
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.

<b>Risk Description</b>	<b>Risk Likelihood</b>	<b>Risk Consequence</b>	<b>Risk Classification</b>	<b>Risk Treatment</b>
				Grant planning consent subject to conditions

**ASSET MANAGEMENT PLAN IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

*3:23pm Cr Pedler declared an interest and left the Chamber as he has a proximity interest.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**133/15 Moved Cr Sexton, seconded Cr Mathwin 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.**

**CARRIED 7/0**

*3:28pm Cr Pedler re-entered the Chamber.*

14 JUL 2015

ICR20010

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

**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

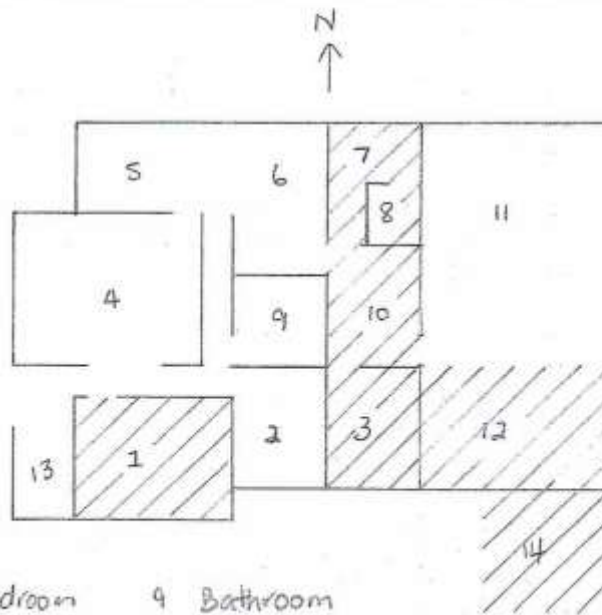


For Appointments  
Phone Kate  
0422 454 930

**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.

Moved Cr Benn that Council:

1. Notify the Hidden Treasures Committee that the Shire of Kojonup delegates effective as from 18 August 2015 are Shire President with Zahra Shirazee – Manager, Community Development & Tourism 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.

Cr Benn withdrew his motion.

**COUNCIL DECISION**

**134/15 Moved Cr Benn, seconded Cr Sexton 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.**

**CARRIED 8/0**

**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**

**135/15 Moved Cr Radford, seconded Cr Pritchard that the attached unconfirmed minutes of the Audit Committee held Tuesday 4<sup>th</sup> August 2015 be received by Council, noting that the Interim Audit Report for 2014/2015 did not raise any matters at all.**

**CARRIED     8/0**

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

Nil

**18 NEW BUSINESS**

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

Nil

**19 CONFIDENTIAL REPORTS**

Nil

**20 NEXT MEETING**

Tuesday, 15<sup>th</sup> 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 3:35pm.

**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 12.1.3 Email from the Kojonup Co-operative Ltd dated 14 August 2015
- Item 16.1 Unconfirmed Audit Committee Minutes – Tuesday 4<sup>th</sup> August 2015

---

Presiding Member

---

Date