

# SHIRE OF KOJONUP



## Council Minutes

***15<sup>th</sup> November 2011***

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## SHIRE OF KOJONUP MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

*Disclaimer*

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

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

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

### 2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Ian Pedler	
Cr Frank Pritchard	
Cr Greg Marsh	
Cr Rosemary Hewson	
Cr Michael Baulch	

*Note: Declaration of Office from Cr Michael Baulch was received in the prescribed form on 7 November 2011.*

Jill Mathwin	Councillor elect
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services ( <i>Entered at 3:05pm</i> )
Mrs Heather Marland	Senior Finance Officer

### **APOLOGIES**

#### 2.1 SWEARING IN OF NEW COUNCILLORS

The Shire President called upon the newly elected Councillor Jill Mathwin to make the declaration in the prescribed manner before Mr Stephen Gash, Chief Executive Officer before commencing duties as a Councillor.

Councillor Elect Jill Mathwin made the declaration in the prescribed manner before Mr Stephen Gash, Chief Executive Officer.

The Shire President asked all present to join in Congratulations.

Mr Stephen Gash, Chief Executive Officer congratulated the newly elected Councillor Jill Mathwin and wished her well for the duration of her four year term in office.

## 2.2 REVIEW OF COMMITTEES

AUTHOR: Chief Executive Officer, Stephen Gash  
DATE: Friday, 11 November 2011  
FILE NO:

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To review the Councillor representation on committees.

### **BACKGROUND**

All appointments to committees, whether the person is an elected member, employee or community member were reviewed and endorsed at the Council meeting held 18<sup>th</sup> October 2011. As part of the same Council Resolution (90/11) Council decided that these be reviewed at the close of the Extraordinary Election scheduled for 17<sup>th</sup> December 2011.

Nomination for the Extraordinary Election closed on 10<sup>th</sup> November 2011 with Cr Jill Mathwin being declared elected unopposed therefore it is now appropriate to review all appointments to committees.

### **COMMENT**

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate or to add diversity to existing groups to ensure the appropriate mix of skills are present.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

The Act does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the new Act is built is for better decision-making and more efficient and effective local government. (Ref: Section 1.3 (2)). Consequently, there is nothing that precludes Council from appointing one or two deputies for each Committee.

### **Committee Composition**

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

### **CONSULTATION**

No consultation has occurred.

### **STATUTORY REQUIREMENTS**

The election / appointment of members to Committees and their operation is set out in Sections 5.8 to 5.25 inclusive plus the Local Government (Administration) Regulations, 1995.

Council may by **absolute majority** establish Committees comprising of 3 or more persons, be it members, employees and/ or other persons to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A committee is to have as its members, persons appointed by **absolute majority** by the Council. Ref. Section 5.10 of the Act.

### **POLICY IMPLICATIONS**

There are no known policy implications.

### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications as long as an appropriate hand over is conducted for any change in membership.

**OFFICER RECOMMENDATION**

**VOTING REQUIREMENTS – ABSOLUTE MAJORITY**

**OFFICER RECOMMENDATION**

That pursuant to Section 5.10 of the Local Government Act, 1995 Council review all committees. Nominations are to be called for the relevant Committees and any election to be decided by secret ballot.

2.2.1 AUDIT COMMITTEE

Previous members:

The entire Council plus Mr David Prasser-Jones (Independent community member).

NEWLY ELECTED MEMBERS

2.2.2 BUSHFIRE ADVISORY COMMITTEE

Previous member and deputy member: Cr Marsh (Member), Cr Benn (Deputy)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.3 SPRINGHAVEN ADVISORY COMMITTEE

Previous members and deputy member:

Cr Hewson and Marsh (Members)  
Cr Benn (Deputy)

NEWLY ELECTED MEMBERS

Members  
Deputy

2.2.4 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE

Previous members and deputy member: Cr Benn (Member), Cr Pedler (Deputy)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.5 SPORTING PRECINCT REDEVELOPMENT COMMITTEE

Previous members and deputy member: Cr Marsh and Trethowan (Members)

NEWLY ELECTED MEMBERS

Members  
Deputy

2.2.6 Other Committees as determined by Council

APPOINTMENT OF DELEGATES TO OTHER LOCAL AND REGIONAL ORGANISATIONS

2.2.7 GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION

Previous delegates and deputies: Cr Trethowan (Member), Cr Benn and Cr Pritchard (Deputies)

NEWLY ELECTED MEMBERS

Members  
Deputy

2.2.8 GREAT SOUTHERN REGIONAL ROAD GROUP and TIRES

Previous delegate and deputy: Cr Trethowan (Member) Cr Pedler (Deputies)

NEWLY ELECTED MEMBERS

Member  
Deputies

2.2.9 KOJONUP HOMES FOR THE AGED COMMITTEE

Previous delegate and deputy: Cr Hewson (Member)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.10 KOJONUP TOURIST ASSOCIATION

Previous delegate and deputy: Cr Pedler (Member), Cr Pritchard (Deputy)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.11 KOJONUP HISTORICAL SOCIETY

Previous delegate and deputy: Cr Pritchard (Member), Cr Hewson (Deputy)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.12 KOJONUP TELECENTRE ADVISORY COMMITTEE

Previous delegate and deputy: Cr Pedler (Member)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.13 SCHOOL BUS ADVISORY COMMITTEE

Previous delegate and deputy: Cr Marsh (Member), Cr Trethowan (Deputy)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.14 REGIONAL RECREATION ADVISORY GROUP

Previous delegate and deputy: Cr Trethowan (Member)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.15 SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)

Previous delegate and deputy: Cr Trethowan (Member)

NEWLY ELECTED MEMBERS

Member  
Deputy

2.2.16 MURADUP MEMORIAL PRECINCT COMMITTEE

Previous delegate: Cr Marsh (Member)

NEWLY ELECTED MEMBERS

Member

**COUNCIL DECISION - (ABSOLUTE MAJORITY REQUIRED)**

**95/11 MOVED Cr Benn seconded Cr Hewson that pursuant to Section 5.10 of the Local Government Act, 1995 Council review all committees and that the following appointments of Councillors to committees be endorsed.**

**2.2.1 AUDIT COMMITTEE**

**NEWLY ELECTED MEMBERS - The entire Council plus Mr David Prasser-Jones (Independent community member).**

**2.2.2 BUSHFIRE ADVISORY COMMITTEE**

**NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Marsh</b>
<b>Deputy</b>	<b>Cr Benn</b>

**2.2.3 SPRINGHAVEN ADVISORY COMMITTEE**

**NEWLY ELECTED MEMBERS**

<b>Members</b>	<b>Cr Hewson, Marsh and Mathwin</b>
<b>Deputy</b>	<b>Cr Benn</b>

**2.2.4 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE**

**NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Benn</b>
<b>Deputy</b>	<b>Cr Baulch</b>

**2.2.5 SPORTING PRECINCT REDEVELOPMENT COMMITTEE****NEWLY ELECTED MEMBERS**

<b>Members</b>	<b>Cr Marsh, Trethowan and Baulch</b>
<b>Deputy</b>	<b>Cr Mathwin</b>

**2.2.6 Other Committees as determined by Council**

Nil

**APPOINTMENT OF DELEGATES TO OTHER LOCAL AND REGIONAL ORGANISATIONS****2.2.7 GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION****NEWLY ELECTED MEMBERS**

<b>Members</b>	<b>Cr Trethowan and Benn</b>
<b>Deputy</b>	<b>Cr Pritchard and Mathwin</b>

**2.2.8 GREAT SOUTHERN REGIONAL ROAD GROUP and TIRES****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Trethowan</b>
<b>Deputies</b>	<b>Cr Pedler and Baulch</b>

**2.2.9 KOJONUP HOMES FOR THE AGED COMMITTEE****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Hewson</b>
<b>Deputy</b>	<b>Cr Mathwin</b>

**2.2.10 KOJONUP TOURIST ASSOCIATION****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Pedler</b>
<b>Deputy</b>	<b>Cr Pritchard</b>

**2.2.11 KOJONUP HISTORICAL SOCIETY****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Pritchard</b>
<b>Deputy</b>	<b>Cr Hewson</b>

**2.2.12 KOJONUP TELECENTRE ADVISORY COMMITTEE****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Pedler</b>
<b>Deputy</b>	<b>Cr Baulch</b>



**2.2.13 SCHOOL BUS ADVISORY COMMITTEE****NEWLY ELECTED MEMBERS**

Member	Cr Hewson
Deputy	Cr Trethowan

**2.2.14 REGIONAL RECREATION ADVISORY GROUP****NEWLY ELECTED MEMBERS**

Member	Cr Trethowan
Deputy	Cr Mathwin

**2.2.15 SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)****NEWLY ELECTED MEMBERS**

Member	Cr Trethowan and Mathwin
Deputy	Cr Benn

**2.2.16 MURADUP MEMORIAL PRECINCT COMMITTEE****NEWLY ELECTED MEMBERS**

Member	Cr Marsh
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**CARRIED BY ABSOLUTE MAJORITY 8/0**

**COUNCIL DECISION - (ABSOLUTE MAJORITY REQUIRED)**

**96/11 MOVED Cr Mathwin seconded Cr Hewson that under the Local Government Act, Council call for members of the Community to be members of the required Committees as listed in Item 2.2.1 to Item 2.2.16 in this Agenda**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**3 PUBLIC QUESTION TIME**

Nil

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

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

**97/11 MOVED Cr Benn seconded Cr Pedler that Cr Pritchard be granted Leave of Absence for the Special Council meeting to be held on 23<sup>rd</sup> November 2011.**

**CARRIED 7/1**

**6 CONFIRMATION OF MINUTES**ORDINARY MEETING 18<sup>th</sup> October 2011

Corrections:

**COUNCIL DECISION**

**98/11 MOVED Cr Pedler seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 18<sup>th</sup> October 2011 be confirmed as a true record.**

**CARRIED****8/0****7 ANNOUNCEMENTS by the Presiding Member without discussion**

The Shire President welcomed back Councillors Baulch and Mathwin.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

An Interest in Common was noted with respect to Item 12.2 OPEN BULKHEADS Pt Lot 3194 COLLIE- CHANGERUP ROAD, KOJONUP – Applicant CBH.

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Friday, 11 November 2011  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 31<sup>st</sup> October 2011

**DECLARATION OF INTEREST**

Nil

**SUMMARY**To accept the Monthly Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 31<sup>st</sup> October 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 1<sup>st</sup> July 2005.**COMMENTS**The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 31<sup>st</sup> October 2011 show a solid position with 82.78% of rates collected to 31<sup>st</sup> October 2011 and a total amount of cash holdings of \$3,467,989 of which \$2,051,110 is held in fully cash backed Reserves.The Annual Financial Statements for the year ended 30<sup>th</sup> June 2011 have been completed and forwarded to Council's auditors; the actual onsite Audit was completed Friday 4<sup>th</sup> November 2011 and it is possible that the final Audit Report will be available in the week commencing 14<sup>th</sup> November 2011.

Depreciation has not been updated in the attached Statements of Financial Activity, pending receipt of the final Audit Report for the Financial Year ended 30<sup>th</sup> June 2011.

#### **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 of Financial Activity for the period of 1<sup>st</sup> July 2011 to 31<sup>st</sup> October 2011, as attached, be accepted.

#### **COUNCIL DECISION**

**99/11 MOVED Cr Marsh seconded Cr Mathwin that the Monthly Statement of Financial Activity for the period of 1<sup>st</sup> July 2011 to 31<sup>st</sup> October 2011, as attached, be accepted.**

**CARRIED**

**8/0**

#### 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Friday, 11 November 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 1<sup>st</sup> October 2011 to 31<sup>st</sup> October 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 01/10/2011 to 31/10/2011 comprising of Municipal Cheques 11944 to 11981, EFT's 7768 to 7886 and Internal Payment Vouchers 2846 to 2875 totalling \$1,030,328.67 and as attached to this agenda, be received.

**COUNCIL DECISION**

**100/11 MOVED Cr Baulch seconded Cr Pritchard that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/10/2011 to 31/10/2011 comprising of Municipal Cheques 11944 to 11981, EFT's 7768 to 7886 and Internal Payment Vouchers 2846 to 2875 totalling \$1,030,328.67 and as attached to this agenda, be received.**

**CARRIED**

**8/0**

*The Chief Executive Officer thanked Mrs Heather Marland (Senior Finance Officer) for the work and commitment with respect to the Enterprise Bargaining Agreement (EBA) process and Staff Liaison.*

*3:45pm Mrs Heather Marland left the Chamber.*

**11 ENGINEERING & WORKS REPORTS**

Nil

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 WA PLANNING COMMISSION - DEVELOPMENT ASSESSMENT PANEL NOMINATION.**

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: 10 November 2011  
 FILE: LP.PLN.13  
 ATTACHMENTS: Nil

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider the fourth nomination from Kojonup for the Development Assessment Panels (DAP).

The previous recommendation in the relevant Planning Bulletin called for Council to nominate 2 Councillors and 2 Alternate members to be the Shire of Kojonup representatives for appointment by the Minister onto the Great Southern Joint DAP.

**BACKGROUND**

The State Government has been pursuing amendments to the planning system to improve its efficiency. The proposed amendments have been the subject of previous consideration by the Shire in particular the implementation of Development Assessment Panels (DAP's). The Shire did not support their introduction.

DAP's become operational on the 1 July 2011. The Shire is located in the Great Southern Joint Development Assessment Panel which consists of the following local governments:

- City of Albany
- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Denmark
- Shire of Gnowangerup
- Shire of Jerramungup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Plantagenet
- Shire of Woodanilling

On the 19<sup>th</sup> April 2011 the Council resolved

*42/11 MOVED Cr Benn seconded Cr Hewson that Council;*

- 1. Notes the information contained within Planning Bulletin 106/2011.*
- 2. Nominates Councillors Mathwin and Pedler as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors Trethowan and Pritchard as alternate members and submit these to the Minister for Planning for approval.*

With the ordinary Council elections local governments are given a chance to nominate representatives following changes to elected members. Cr Mathwin could not nominate for the ordinary election but has subsequently been re-elected at an extraordinary election.

**COMMENT**

The major elements of the *Planning and Development (Development Assessment Panels) Regulations 2011* are as follows:

*Part 1 Preliminary*

This part advises when the regulations commence and define the terms used in the regulations.

*Part 2 Development Applications and Determinations*

This part sets out the types and application/assessment process for applications. The types can be defined as follows:

## Mandatory DAP applications

A development (which is not an excluded application) where the estimated cost of development is \$7m or more.

## Optional DAP applications

A development (which is not an excluded application) where the estimated cost of development is more than \$3m but less than \$7m and which has not been delegated to the DAP by Council. An applicant may also elect to refer an application of this type to the DAP for a determination.

All applications with a value of \$7 million or more are subject to mandatory referral of decision making powers.

It should be noted that irrespective of the estimated cost there are exempted uses that will still only be determined by Council. These uses are:

- The construction of a single dwelling.
- The construction of less than 10 dwellings or multiple dwellings, including aged and/or dependent persons dwellings.
- The construction of carports, patios, outbuildings or incidental development.

Irrespective of the value of the development all applications will need to be lodged with Council and where the application is subject to a DAP decision there is a requirement to notify the DAP secretariat of the application.

#### *Part 3 Delegation to DAP's*

This part enables Council to delegate to a DAP to determine an application (see optional DAP applications above).

#### *Part 4 DAP's*

This part sets out the requirements for DAP membership (both local government and specialist members) and their appointment by the Minister etc. It also contains details on meetings and DAP member conduct.

The Joint DAP will consist of 5 members with one presiding member, two specialist members and 2 local government members. The local government's membership will depend on the location of the development applications being determined at the time.

If the Council fails to nominate 2 representatives, the Minister will have the power to appoint 2 members to the DAP to represent the interests of the local community. These alternative representatives must be eligible to vote in elections for that local area and have relevant knowledge or experience that, in the opinion of the Minister, will enable them to represent the interests of their local community.

The period of appointment for DAP members is 2 years. At the expiration of two years, the Council will be required to nominate 2 local government members as well as 2 alternate members. The same individuals may be renominated for the position but the regulations require this to be undertaken every 2 years.

Following appointment, all DAP members will be required to undertake training on the Western Australian DAP legal framework and planning decision-making. DAP members cannot sit on a DAP and determine applications until they have attended training. It is understood that a DAP training manual will be provided, which will include the DAP regulations, the Standing Orders, Code of Conduct and DAP member procedures manual. The timing and location of this training for local government members of the DAP has not yet been established.

#### *Part 5 Administration*

This part sets out the administrative process for DAP's including support of DAP's, enforcement provisions, powers of the Minister and reporting requirements for the Department of Planning.

The timing of meetings has not yet been established but indications are that frequency would be determined by the number of applications being referred. Local Government representatives would only need to attend meetings when an application is being considered from the Shire. In the advertising for specialist members it was identified that they may be required to travel on short notice and it is likely that this would also apply to local government members. At this stage the agenda for a DAP meeting is to be made public at least 5 days before the meeting.

It should be noted that the presiding member can consent to the meeting being attended remotely by telephone or other method of instantaneous communication. It is uncertain at this stage if this will apply to the panel members.

*Part 6 Miscellaneous*

This part contains the transitional arrangements and Department for Planning review of fees and regulations (required after 2 years of operation).

There are also 3 schedule to deal with (Schedule 1) applications fees, (Schedule 2) siting fees for DAP members and (Schedule 3) Forms.

Applications to be determined by DAP's will need to pay an additional fee over and above the fee that is currently charged by the Shire for a development application. This fee will be used to cover the costs of administering the new process. If the Council refers an application to a DAP, then the Council will be responsible to pay that fee.

Councillors Mathwin, Pedler, Trethowan, and Pritchard have all undertaken the required training. The two year appointment for Councillors Pedler, Trethowan, and Pritchard remains unchanged, however, Council may wish to consider and advise the allocation of representative versus alternative members as a result of the election.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005 and Regulations*

*Planning and Development (Development Assessment Panels) Regulations 2011*

*Local Planning Scheme No. 3*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The fees required to be paid by an applicant for the DAP process are in addition to the fees currently levied by Council for the consideration of a Development Application.

There may be some financial implication as development fees are set to the figure stipulated in Schedule 1 of the Planning and Development Regulations 2009 there is no room to charge additional costs for the administration of a Development Assessment Panel. Some costs incurred in hosting a DAP meeting may be claimed back by invoicing the Secretariat which should minimise the procedural cost.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS – SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That Council

1. Notes the request for nomination details post 15 October 2011 election.
2. Notes Cr Pedler, Cr Trethowan and Cr Pritchard's current appointments.
3. Nominates Councillor \_\_\_\_\_ as the fourth Shire representative.
4. Submits to the Minister for planning Councillors \_\_\_\_\_ and \_\_\_\_\_ as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors \_\_\_\_\_ and \_\_\_\_\_ as alternate members.

**COUNCIL DECISION**

**101/11 MOVED Cr Benn seconded Cr Hewson that Council**

1. **Notes the request for nomination details post 15 October 2011 election.**

2. Notes Cr Pedler, Cr Trethowan and Cr Pritchard's current appointments.
3. Nominates Councillor Mathwin as the fourth Shire representative.
4. Submits to the Minister for planning Councillors Pedler and Mathwin as the Shire of Kojonup representatives on the Great Southern Joint Development Assessment Panel and Councillors Trethowan and Pritchard as alternate members.

CARRIED

8/0

## 12.2 OPEN BULKHEADS Pt LOT 3194 COLLIE-CHANGERUP ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
 DATE: 10 November 2011  
 FILE: DB.BDA.8  
 APPLICANT: CBH  
 OWNER: BP Rourke  
 LOCATION: Pt Lot 3194 Collie-Changerup Road, Kojonup  
 ATTACHMENTS: 12.2.1 Site Plan and Bulkhead Plan  
 12.2.2 CBH Correspondence 4/11/2011

### DECLARATION OF INTEREST

Nil.

### SUMMARY

To consider the application from CBH to develop a new open bulkhead storage facility as shown on the attached plans.

The recommendation is to approve the proposal subject to conditions.

### BACKGROUND

The property is also the subject of a subdivision application (WAPC File 149210) to create 3 lots, 1 of which would be occupied by the storage facility. The Shire considered the subdivision at its 15 February 2011 meeting and resolved (Resolution 14/11) as follows:

*That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 84 & 85 (Lot 3194) cnr. Collie-Changerup Road/Albany Highway, Kojonup into 3 lots as proposed on WAPC File 142910 and requests the following conditions/advice be placed upon the approval:*

- 1) *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.*

#### *Advice Notes:*

- i) *This support is for the subdivision component only and any proposal to develop a wheat bin on the property will require an application for planning consent and payment of the required application fee to be submitted to Council for consideration.*
- ii) *Council's preference is for the new cadastral boundaries to be consistent with the present zoning boundaries on the land and the developer meet any costs for changes to Zone boundaries if required.*

### COMMENT

The proposal is to develop 2 open bulkhead storage pens (30,000t capacity each with a total capacity 60,000t) on the site as shown on the attached plans. The plans show the bulkheads will be 300m long by 35m wide and a single entry/exit point from the Collie-Changerup Road.



The application has been determined as a Rural Industry under Town Planning Scheme No. 3 which is a 'P' permitted use under the Scheme.

Any development that is permitted by the Scheme is required to conform to the requirements specified in Table II 'Development Table' for that use. There are no particular requirements for a Rural Industry and the Scheme requires that Council determine the particular requirements to apply in this instance, having regard to the requirements for the objectives and predominant uses in the Rural Zone.

The proposal and some relevant development standards are discussed below:

### **Setbacks**

The proposed setbacks shown on the plan are as follows:

Front Setback	15m (minimum) varying to 70m (maximum)
Rear Setback	75m (approx)
Side Setback	170m (approx) to the eastern boundary and 140m (approx) to the western boundary.

These setbacks are considered adequate in this instance. Western Power has advised of their easement requirements for power transmission lines that cross the site along the southern boundary. The position of the open bulkheads and setbacks seem to achieve adequate protection for their purpose.

### **Landscaping**

Given the position of the site, it is recommended that some landscaping be required as follows:

- The site is prominent as an entry point to the town and the frontage along the Collie-Changerup Road should be landscaped to reduce the 'industrial' nature of the activity and reduce wind-borne dust etc.
- The land adjoining the site at the eastern end is zoned Special Rural and this area should also be landscaped to reduce the visual impact of the proposal etc.

Details of the landscaping shall be supplied on a separate landscaping plan and developed upon completion of the works. This includes maintenance requirements.

### **Access/Egress and Road Upgrading**

The proposal was referred to Main Roads WA (MRWA) for comment. They responded that they did not support the proposal proceeding and highlighted a number of traffic concerns including that the proposal would increase the number of large trucks using the highway through town.

MRWA's advice was then referred to CBH for their response. CBH did not share the concerns of MRWA and advised that previous investigations to find a suitable site outside of Kojonup had proved fruitless and those sites that were identified as having potential had been assessed as too costly to proceed (and this was largely due to upgrading costs associated with roads and bridges to meet MRWA standards).

CBH acknowledges that road upgrading will be required if the development proceeds. They are concerned that any upgrading requirements might render the proposal unviable. Whilst their comments are noted, they have chosen to develop at this site and need to accept that road upgrading requirements are a normal requirement for these types of activity where it will lead to a change in the type and/or quantity of vehicles using the site and associated roads that necessitates the upgrading.

The upgrading will be necessary to both the Collie-Changerup Road and Albany Highway pavements and intersection treatment given the location of the site at the bottom of the hill. It may also require a reassessment of the current speed limits in the locality.

The upgrading requirements shall be placed as a condition of approval and shall involve liaison with MRWA to determine the final requirements. The activity should not commence operations until these works have been completed.

### **Parking**

It is recommended that a condition of approval requires that all vehicle parking (including trucks) associated with the activity shall be contained on-site.

**Stormwater Drainage**

There are no details provided regarding stormwater drainage from the site. It is recommended that a condition of approval requires the proponents prepare a drainage management plan showing how stormwater runoff will be collected and disposed of on-site.

**Impacts**

There are no details provided regarding impacts on adjoining neighbours from the use such as noise or dust. It is recommended that a condition of approval requires the proponents prepare a simple site management plan showing how these impacts will be addressed and managed over time.

**Future Uses**

There are no details provided regarding other future uses or other works at the site such as sampling huts, grain elevators, weighbridge etc that ordinarily support CBH facilities.

It is recommended that a condition of approval advises that any alterations or additions to the site will require a separate application for planning consent.

**Conclusions**

The proposal is considered consistent with the zoning of the land and approval is recommended subject to conditions to impose relevant development standards.

In considering the proposal, the general options available to Council are:

- a) Defer the application and seek additional information from the applicant or other stakeholder (if considered necessary);
- b) Decide to give public notice and seek comment on the proposal;
- c) Refuse the application and give reasons; or
- d) Approve the application, with or without conditions.

**CONSULTATION**

The proposal was referred to Main Roads WA, Department of Planning and Western Power for comment.

**STATUTORY ENVIRONMENT**

The application has been determined as a Rural Industry under Town Planning Scheme No. 3. The term is defined in the Scheme as:

*Industry: Rural means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.*

Rural Industry is a 'P' permitted use in the Rural zone within Table 1 – Zoning Table which means the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

As stated above, any development that is permitted is required to conform to the requirements for that use specified in Table II 'Development Table'. There are no particular requirements for a Rural Industry in the Table and the Scheme requires that Council determine the particular requirements to apply in this instance, having regard to the requirements for the objectives and predominant uses in the Rural Zone.

In accordance with clause 5.1 of TPS3, the proposal is not exempt from approval and planning consent is required to be granted by Council.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The applicants have paid the required application fee set out in the Council's 2011/2012 Schedule of Fees and Charges.

Should the applicant challenge the decision (or a condition) through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

That Council grant Planning Approval for the Rural Industry on Pt Lot 3194 Collie- Changerup Road, Kojonup subject to the following conditions:

- 1) This approval is for the development of 2@30,000t open bulkhead storage pens only as shown on Drawings (No 2011-557-0061 Rev A & STD-034-0010 Revn 10).
- 2) The proponents to prepare and implement a Drainage Management Plan to ensure that all stormwater and runoff is retained and disposed of on-site to the satisfaction of the Shire of Kojonup.
- 3) The proponents to prepare and implement a Landscaping Plan to landscape the Collie-Changerup Road frontage area and that area next to the adjoining Special Rural zone to the satisfaction of the Shire of Kojonup. The Landscaping Plan shall be submitted for approval by the Chief Executive Officer before any landscaping commences.
- 4) The proponents to prepare and implement a Site Management Plan to address the potential for noise and dust impacts onto surrounding properties to the satisfaction of the Shire of Kojonup.
- 5) The proponents to upgrade Collie-Changerup Road and Albany Highway pavements/intersection to the satisfaction of the Shire of Kojonup in consultation with Main Roads WA.
- 6) The final position of the entry/exit point onto Collie-Changerup Road shall be determined in consultation with the Shire of Kojonup.
- 7) The entry/exit point, crossover/driveway and all vehicle manoeuvring/parking area shall be sealed, drained and line marked to the satisfaction of the Shire of Kojonup.
- 8) All vehicle parking associated with the use of the site shall be provided on-site.

#### **Advice Notes:**

- i) All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the activity may commence operations.
- ii) There are no details provided regarding other potential future uses or other works at the site such as sampling huts, grain elevators, weighbridge etc that ordinarily support CBH facilities. As such, any alterations or additions to the site will require a separate application for planning consent. In assessing any proposals, the Council will pay particular regard to the impacts of any additional truck traffic through town resulting from the proposal.

### **COUNCIL DECISION**

- /11      MOVED Cr Mathwin seconded Cr Pritchard that Council grant Planning Approval for the Rural Industry on Pt Lot 3194 Collie- Changerup Road, Kojonup subject to the following conditions:**
- 1)      This approval is for the development of 2@30,000t open bulkhead storage pens only as shown on Drawings (No 2011-557-0061 Rev A & STD-034-0010 Revn 10).**
  - 2)      The proponents to prepare and implement a Drainage Management Plan to ensure that all stormwater and runoff is retained and disposed of on-site to the satisfaction of the Shire of Kojonup.**
  - 3)      The proponents to prepare and implement a Landscaping Plan to landscape the Collie-Changerup Road frontage area and that area next to the adjoining Special Rural zone to the satisfaction of the Shire of Kojonup. The Landscaping Plan shall be submitted for approval by the Chief Executive Officer before any landscaping commences.**
  - 4)      The proponents to prepare and implement a Site Management Plan to address the potential for noise and dust impacts onto surrounding properties to the satisfaction of the Shire of Kojonup.**

- 5) The proponents to upgrade Collie-Changerup Road and Albany Highway pavements/intersection to the satisfaction of the Shire of Kojonup in consultation with Main Roads WA.
- 6) The final position of the entry/exit point onto Collie-Changerup Road shall be determined in consultation with the Shire of Kojonup.
- 7) The entry/exit point, crossover/driveway and all vehicle manoeuvring/parking area shall be sealed, drained and line marked to the satisfaction of the Shire of Kojonup.
- 8) All vehicle parking associated with the use of the site shall be provided on-site.

**Advice Notes:**

- i) All the above conditions need to be completed to the satisfaction of the Shire of Kojonup before the activity may commence operations.
- ii) There are no details provided regarding other potential future uses or other works at the site such as sampling huts, grain elevators, weighbridge etc that ordinarily support CBH facilities. As such, any alterations or additions to the site will require a separate application for planning consent.
- iii) In assessing any proposals, the Council will pay particular regard to the impacts of any additional truck traffic through town resulting from the proposal.

**CARRIED/LOST****/**

4:20pm Meeting Adjourned to enable contact with Town Planner Phil Shephard.

4:28pm – Meeting Reconvened

Cr Mathwin & Cr Pritchard then withdrew the motion.

**COUNCIL DECISION**

**102/11 MOVED** Cr Hewson seconded Cr Mathwin that Council Defer the application and seek additional information from the applicant.

**CARRIED****8/0**

### 12.3 VERANDAH ADDITION Pt LOCATION 3 ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
 DATE: 10 November 2011  
 FILE: DB.BDA.4  
 APPLICANT: PC Zadow  
 OWNER: PC Zadow  
 LOCATION: Pt Location 3 Albany Highway, Kojonup  
 ATTACHMENTS: 12.3.1 Site Plan, Elevation Plan and Floor Plan  
 12.3.2 MHI Listing

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider an application to develop a verandah addition to the existing dwelling which is contained on the Shire of Kojonup Municipal Heritage Inventory due to its local cultural heritage value.

The recommendation is to approve the proposal subject to conditions.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to develop a new verandah steps and ramp addition to the rear of the existing dwelling on the attached plans.

The dwelling is contained on the Shire's Municipal Heritage Inventory (MHI) as Place No. 5 'Bilney's House'. The dwelling has been listed due to its architectural significance as a Federation style building and is described as mostly intact and contains reference to the verandah and its decorated timber frieze and balustrade.

The proposed additions have been designed to be compatible and sympathetic to the original design of the dwelling and will be located at the rear of the dwelling, so will not alter the existing streetscape or appearance for the dwelling from Albany Highway.

The proposed additions are considered consistent with the purpose and intent of the heritage provisions within the Scheme.

To ensure the MHI is kept current, it is recommended that the Shire update the record for Place No. 5 by including the details of the additions accordingly.

In considering the proposal, the general options available to Council are:

- a) Defer the application and seek additional information from the applicant (if considered necessary);
- b) Refuse the application and give reasons; or
- c) Approve the application, with or without conditions.

**CONSULTATION**

The proposal has been referred to Heritage Council of WA Regional Heritage Advisor for comment. Any advice received will be included within the formal approval when issued.

**STATUTORY ENVIRONMENT**

The proposal affects a place contained on the Shire's Municipal Heritage Inventory.

Town Planning Scheme No. 3 requires that any alteration to such a place requires planning consent to be issued by the Council.

The land is zoned Special Rural and the additions comply with the required setbacks for the zone.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The applicants have paid the required application fee set out in the Council's 2011/2012 Schedule of Fees and Charges.

Should the applicant challenge the decision (or a condition) through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

That Council grant Planning Approval for the Single House (Verandah, Steps and Ramp Additions) on Pt Location 3 Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be completed in accordance with the stamped approved plans and where marked in red.
- 2) The proponent to provide photographs of the additions when completed to enable the updating of the MHI record.

**COUNCIL DECISION**

**103/11 MOVED** Cr Mathwin seconded Cr Benn that Council grant Planning Approval for the Single House (Verandah, Steps and Ramp Additions) on Pt Location 3 Albany Highway, Kojonup subject to the following conditions:

- 1) The development to be completed in accordance with the stamped approved plans and where marked in red.
- 2) The proponent to provide photographs of the additions when completed to enable the updating of the MHI record.

CARRIED

8/0

**13 CORPORATE & COMMUNITY SERVICES REPORTS**

Nil

**14 COMMITTEES OF COUNCIL**

Nil

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

Nil

**16 NEW BUSINESS**

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

Nil

**17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**Wednesday, 23<sup>rd</sup> November 2011 commencing 10:00am - Special Council MeetingTuesday, 13<sup>th</sup> December 2011 commencing at 3:00pm – Ordinary Council Meeting**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:38pm.

**20 APPENDICES AND TABLED DOCUMENTS****21 ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2011 to 31 <sup>st</sup> October 2011
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> October 2011 to 31 <sup>st</sup> October 2011
Item 12.2.1	Site Plan and Bulkhead Plan
Item 12.2.2	CBH Correspondence 4/11/2011
Item 12.3.1	Site Plan, Elevation Plan and Floor Plan
Item 12.3.2	MHI Listing

\_\_\_\_\_  
Presiding Member\_\_\_\_\_  
Date