

# SHIRE OF KOJONUP



## Council Minutes

***21<sup>st</sup> September 2010***

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 21<sup>st</sup> September 2010****TABLE OF CONTENTS**

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**SHIRE OF KOJONUP  
MINUTES**

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:04pm 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 Jill Mathwin  
Cr Jane Trethowan  
Cr Ian Pedler  
Cr Frank Pritchard  
Cr John Benn  
Cr Michael Baulch  
Cr Greg Marsh

Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mrs Heather Marland	Senior Finance Officer
Miss Cindy Westbrook	Executive Assistant

**APOLOGIES**

Cr Rosemary Hewson                      Granted Leave of Absence at Meeting 17 August 2010

**3 PUBLIC QUESTION TIME**

Nil

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

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL DECISION**

**70/10    MOVED Cr Trethowan seconded Cr Pritchard that Cr Baulch be granted Leave of Absence for the Council meeting to be held on 19<sup>th</sup> October 2010.**

**CARRIED            7/0**

**6 CONFIRMATION OF MINUTES**ORDINARY MEETING 17<sup>th</sup> August 2010

Corrections: Nil

**COUNCIL DECISION**

**71/10 MOVED Cr Pritchard seconded Cr Marsh that the Minutes of the Ordinary Meeting of Council held on 17<sup>th</sup> August 2010 be confirmed as a true record.**

**CARRIED 7/0**

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

On Wednesday 1<sup>st</sup> of September 2010 Cr Mathwin, Cr Marsh, Cr Hewson & Cr Baulch attended the Regional Development Australia Regional Planning Workshop held in the Lesser Hall, Kojonup.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

Nil

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Friday, September 10, 2010  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 31<sup>st</sup> July 2010  
 10.1.2 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 31<sup>st</sup> August 2010

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 31<sup>st</sup> July 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> August 2010.

**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's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 31<sup>st</sup> July 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> August 2010 both show a solid position with 72.53% of rates collected and a total amount of cash holdings of \$4,444,858.67 of which \$2,081,607.74 is held in fully cash backed Reserves as at 31<sup>st</sup> August 2010.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 31<sup>st</sup> July 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> August 2010 , as attached, be accepted.

**COUNCIL DECISION**

**72/10 MOVED Cr Pedler seconded Cr Marsh that the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 31<sup>st</sup> July 2010 and 1<sup>st</sup> July 2010 to 31<sup>st</sup> August 2010 , as attached, be accepted.**

**CARRIED 7/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Wednesday, September 15, 2010  
 FILE NO: FM.AUT.1  
 ATTACHMENT: 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive a list of payments made since the last similar list was received.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be “presented” whenever payments have been made under a delegated authority. (Reference Delegation #18).

**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 the Payment Listing from 01/08/2010 to 31/08/2010 comprising of Municipal Cheques 11251 to 11319, EFT's 5937 to 6057 and Internal Payment Vouchers 2355 to 2390 totaling \$903,650.82 and as attached to this agenda, be received.

**COUNCIL DECISION**

**73/10 MOVED Cr Trethowan seconded Cr Marsh that the Payment Listing from 01/08/2010 to 31/08/2010 comprising of Municipal Cheques 11251 to 11319, EFT's 5937 to 6057 and Internal Payment Vouchers 2355 to 2390 totaling \$903,650.82 and as attached to this agenda, be received.**

**CARRIED**

**7/0**

## 10.3 ACCOUNTING WORK – INTERIM AUDIT

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Friday, 10 September 2010  
 FILE NO: FM.AUD.2  
 ATTACHMENT: 10.3 Interim Audit Management Letter Year Ended 30<sup>th</sup> June 2010

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council's Auditors recently completed the Interim Audit, and a copy of their report is an attachment to this report.

**BACKGROUND**

Auditors carry out two (2) audits per year, the first, Interim Audit, being part of the way during the year. The final audit is completed following the closure of the financial year, when the accounts have been closed off and completed.

**COMMENT**

The following systems were reviewed during the Interim Audit; bank reconciliations, payments, revenue, payroll, works costing, debtors, creditors and rates subsidiary ledgers.

The report on the results of the Interim Audit for the 2009/10 raises one issue with respect to the payments system in that one invoice did not have the required purchase order attached. The auditors commented that this “appears to be an isolated omission”.

The invoice in question was for the amount of \$6,503.17 and for purchase of parts for the Caterpillar IT28G Loader. The invoice was verified and certified for payment.

**CONSULTATION**

No consultation is required, however a copy of this report will be sent to all members of Council's Audit Committee.

**STATUTORY ENVIRONMENT**

There are no specific statutory requirements relating to Interim Audits.

**POLICY IMPLICATIONS**

There are no known policy implications by the adoption of this report. Council has previously adopted a policy that all of these types of reports and letters are to be reported to Council.

**FINANCIAL IMPLICATIONS**

There are no financial implications emanating from this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications resulting from this report.

**OFFICER RECOMMENDATION**

That the Interim Audit Report for the year ended 30<sup>th</sup> June 2010 be received and noted.

**COUNCIL DECISION**

**74/10 MOVED Cr Marsh seconded Cr Pedler that the Interim Audit Report for the year ended 30<sup>th</sup> June 2010 be received and noted.**

**CARRIED**

**7/0**

3:28pm Mrs Heather Marland left the Chamber.

**11 ENGINEERING & WORKS REPORTS**

Nil

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 SUBDIVISION APPLICATION No. 142705 – LOT 5 WESTCOURT ROAD, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
 DATE: 25 August 2010  
 FILE NO: LP.SUB.1  
 APPLICANT: RPS Environment and Planning Pty Ltd  
 OWNER: AL Hassell  
 ATTACHMENTS: 12.1 Plan of Subdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to subdivide the above rural property into 3 lots as shown on the plan of subdivision.

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

**BACKGROUND**

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

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

#### **COMMENT**

The applicant's have advised that the purpose of the subdivision is to undertake a rural subdivision and creation of a homestead lot.

The proposed subdivision will create 3 lots as follows:

- Lot 501 (301.49ha) with a 20m wide access leg to be developed off the Blackwood Road (in the vicinity of Denny Road).
- Lot 502 (175.54ha) with access available off Westcourt Road or from Blackwood Road.
- Lot 503 (19.72ha) containing the existing farm dwelling and water supply dam with access off Westcourt Road via battleaxe leg (which follows the existing driveway).

The proposed rural lots (301ha and 175 ha) are consistent with existing rural lot sizes in the area.

The proposed smaller homestead lot (19.7ha) is governed by the requirements of the WA Planning Commission's DC Policy No.3.4 'Subdivision of Rural Land' as follows:

#### *4.9 Homestead Lots*

*Homestead lots may be created to enable an existing house on a farm to continue to be occupied provided that:*

- (a) The land is in the Wheatbelt agricultural policy area (refer to appendix 3);*
- (b) The population in the locality is declining or relatively static;*
- (c) The homestead lot has an area between 1 and 4 ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;*
- (d) There is an adequate water supply for domestic, land management and fire management purposes;*
- (e) The homestead lot fronts a constructed public road;*
- (f) The homestead lot contains an existing residence; and*
- (g) A homestead lot has not been excised from the farm in the past.*

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

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

The proposed subdivision is considered consistent with the requirements of the WAPC and the Shire for rural subdivisions.

This land has been considered within the preparation of the new Local Planning Strategy for possible future rural small holding purposes (20ha lots). The proposed subdivision does not adversely affect or prevent this objective from being delivered into the future, should the land be included within a final adopted Strategy.

There are conditions that should be placed upon any subdivision approval to address matters including road upgrading/, access/egress, future land uses, development controls etc. In addition, it is recommended that Council seek the annexation of that small portion of the land located north of the Blackwood Road for inclusion within the adjoining Reserve 7862.

#### **CONSULTATION**

There has been no consultation on this matter.

#### **STATUTORY ENVIRONMENT**

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

The objectives for the Rural zone are as follows:

- (a) The zone shall consist of predominantly rural uses.



- (b) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.
- (c) To protect the land from closer development which would detract from the rural character and amenity of the area.
- (d) To prevent any development which may affect the viability of a holding.
- (e) To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.

The proposed subdivision is considered consistent with these objectives.

#### **POLICY IMPLICATIONS**

The proposal complies with Town Planning Scheme Policy No. 11 'Applications for Subdivision'.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications relating to the proposal.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 5 Westcourt Road, Kojonup into three (3) lots as proposed on WAPC File 142705 and request the following conditions be placed upon the approval:

1. Proposed Lots 501 and 502 being provided with a vehicle crossover and driveway located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.
2. The upgrading of the Blackwood Road/Boyup Brook-Kojonup Road and intersection with Denny Road to the specifications and satisfaction of the Shire of Kojonup in consultation with Main Roads WA.
3. That portion of land (approximately 0.18ha) north of the Blackwood Road/Boyup Brook-Kojonup Road being transferred as a Crown Reserve, free of cost and unencumbered into existing Reserve 7862.

Advice Notes:

- i) The Shire of Kojonup advise that upgrading of the Blackwood Road/Boyup Brook-Kojonup Road and intersection with Denny Road is to be negotiated between the parties and the Shire will assist and contribute to the upgrading costs.

#### **COUNCIL DECISION**

**75/10 MOVED** Cr Trethowan seconded Cr Benn that Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 5 Westcourt Road, Kojonup into three (3) lots as proposed on WAPC File 142705 and request the following conditions be placed upon the approval:

1. **Proposed Lots 501 and 502 being provided with a vehicle crossover and driveway located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.**
2. **The upgrading of the Blackwood Road/Boyup Brook-Kojonup Road and intersection with Denny Road to the specifications and satisfaction of the Shire of Kojonup in consultation with Main Roads WA.**
3. **That portion of land (approximately 0.18ha) north of the Blackwood Road/Boyup Brook-Kojonup Road being transferred as a Crown Reserve, free of cost and unencumbered into existing Reserve 7862.**

**Advice Notes:**

- ii) **The Shire of Kojonup advise that upgrading of the Blackwood Road/Boyup Brook-Kojonup Road and intersection with Denny Road is to be negotiated between the parties and the Shire may assist and contribute to the upgrading costs.**

**CARRIED****7/0**

## 12.2 SUBDIVISION APPLICATION No. 142683 – No. 9-11 (LOT 96) GEORGE STREET, KOJONUP.

AUTHOR: Phil Shephard – Town Planner  
 DATE: 2 September 2010  
 FILE NO: LP.SUB.1  
 APPLICANT: RAS Machin Licensed Surveyor  
 OWNER: SM Cavanagh  
 ATTACHMENTS: 12.2 - Plan of Subdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to subdivide the above property into 2 lots as shown on the plan of subdivision.

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

**BACKGROUND**

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

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

**COMMENT**

The applicants have advised that the purpose of the subdivision is to subdivide the present 1,879m<sup>2</sup> along the present fence line to create 2 new lots of 1,026m<sup>2</sup> and 853m<sup>2</sup> as shown on the plan of subdivision. The lot has access to George Street (sealed, kerbed & drained) and the rear ROW (unsealed, unkerbed & limited drainage).

Lot A (1,026m<sup>2</sup>) will be vacant (2 outbuildings to be demolished) and has a 3m-wide drainage easement along the western boundary. Lot B (853m<sup>2</sup>) contains the existing dwelling and outbuildings (1 outbuilding to be demolished).

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

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

The lot size and setbacks comply with the Shire's Policy requirements and deep sewer connection is available to the property which removes the need for the use of an on-site effluent disposal system.

The subject land is within the Residential zone under Town Planning Scheme No. 3 and has a density code of R20. The R-Codes (Table 1 – General Site Requirements) sets the following standards for land within the code:

R-Code	Dwelling Type	Min. Site Area per Dwelling (m <sup>2</sup> )	Min. Frontage (m)	Open Space			Minimum Setbacks (m)		
				Min. Total (% of site)	Min. Communal (m <sup>2</sup> )	Min. Outdoor Living (m <sup>2</sup> )	Primary Street	Secondary Street	Other/Rear
R20	single house or grouped dwelling	Min 440 Av 500	10	50	-	30	6	1.5	*

\* See Tables 2a and 2b and Design Element 6.3

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

The site was inspected on 25 August 2010 with the CEO and the following matters were discussed:

- The existing front screen fence on Lot A should be removed to facilitate an open streetscape consistent with others in the street and improve surveillance of the street.
- Any new crossover on to Lot A needs to be located to avoid the existing drainage pit on George Street.
- Whilst Lot B has existing access through a gateway onto the rear ROW, any new access from Lot A onto the ROW should require the approval of the Shire and this may be subject to them upgrading the lane accordingly.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

The land is zoned Residential with a density coding of R20 under Town Planning Scheme No. 3.

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

- (a) The zone shall be predominantly residential.
- (b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- (c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area.

The proposed lots comply with the statutory requirements for the R20 code.

#### **POLICY IMPLICATIONS**

The proposal complies with Town Planning Scheme Policy No. 11 'Applications for Subdivision'.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications relating to the proposal.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of No. 9-11 (Lot 96) George Street Kojonup into two (2) lots as proposed on WAPC File 142683 and request the following conditions be placed upon the approval:

1. Any new or altered vehicle crossovers shall be located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.
2. All lots to be provided with an adequate stormwater drainage system and if necessary drainage easements and/or reserves to convey stormwater from the lots to the roadside drainage system

and the maintenance of natural drainage paths to the satisfaction of the Shire of Kojonup at the subdividers cost.

3. All lots to be connected to the Water Corporation reticulated water supply and deep sewer networks and any redundant on-site effluent disposal system to be decommissioned to the satisfaction of the Shire of Kojonup Environmental Health Officer.
4. The front screen fence being removed from the frontage of Lot A.
5. Any new access from Lot A onto the ROW shall require the approval of the Shire and this may be subject to upgrading the lane accordingly.
6. All buildings and any effluent disposal systems to be setback from the new boundaries as required under the relevant legislation.

Advice Note:

- a) The outbuildings proposed to be demolished require the issuing of a Demolition Permit by the Shire of Kojonup prior to the works commencing.

**COUNCIL DECISION**

**76/10 MOVED Cr Pritchard seconded Cr Pedler that Council advise the Western Australian Planning Commission that it supports the proposed subdivision of No. 9-11 (Lot 96) George Street Kojonup into two (2) lots as proposed on WAPC File 142683 and request the following conditions be placed upon the approval:**

1. Any new or altered vehicle crossovers shall be located, designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.
2. All lots to be provided with an adequate stormwater drainage system and if necessary drainage easements and/or reserves to convey stormwater from the lots to the roadside drainage system and the maintenance of natural drainage paths to the satisfaction of the Shire of Kojonup at the subdividers cost.
3. All lots to be connected to the Water Corporation reticulated water supply and deep sewer networks and any redundant on-site effluent disposal system to be decommissioned to the satisfaction of the Shire of Kojonup Environmental Health Officer.
4. The front screen fence being removed from the frontage of Lot A.
5. Any new access from Lot A onto the ROW shall require the approval of the Shire and this may be subject to upgrading the lane accordingly.
6. All buildings and any effluent disposal systems to be setback from the new boundaries as required under the relevant legislation.

Advice Note:

- a) The outbuildings proposed to be demolished require the issuing of a Demolition Permit by the Shire of Kojonup prior to the works commencing.

**CARRIED**

**7/0**

12.3 APPLICATION FOR PLANNING CONSENT FOR AQUACULTURE AT LOCATION 8705 HUBBE ROAD, JINGALUP.

AUTHOR: Phil Shephard – Town Planner  
 DATE: 15 September 2010  
 FILE NO: DB.BDA.8  
 APPLICANT: JM Young  
 OWNER: JM & CA Young  
 ATTACHMENTS: 12.3 Application for Planning Consent

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

An Application for Planning Consent has been received for consideration to develop aquaculture for the purpose of breeding and selling yabbies on the above property.

It is recommended that the application be approved.

**BACKGROUND**

The applicant proposes to use existing dams for the breeding of the yabbies in conjunction with new tank facilities to be developed in an existing rural outbuilding.

The Department of Fisheries control the conduct of aquaculture and as part of this process, require the applicant obtain approval from the Shire of Kojonup under the planning scheme, prior to granting them a licence to operate.

**COMMENT**

The subject lot is zoned rural and is approximately 64 hectares in area. The lot has been used in the past as part of a traditional rural enterprise including cropping and grazing. The surrounding land uses are also rural. Given the nature of the activity uses dam catchments that would be treated with herbicide/pesticides as part of traditional rural pursuits, the applicant will need to conduct the aquaculture to ensure that it does not adversely affect those existing rural pursuits and practices by placing restrictions upon their continued operations.

The applicant has advised that the water source will be supplied from on-site dams (not a stream or creek etc.) which may reduce its impact on surrounding properties.

The application does not appear to conflict with the objectives or intentions for the rural zone. Given the nature of the activity, it is considered appropriate that certain conditions be placed upon any approval to reflect these concerns (Note: This is similar to the previous approval granted by Council for marron farming on Location 5127 Pollard Road, Kojonup in July, 2006 for C Corentin).

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

The aquaculture activity conforms to the interpretation of Intensive Agriculture which is defined in Town Planning Scheme No. 3 as:

*Intensive Agriculture – means the use of land for the purpose of trade, commercial reward or gain, including such buildings and earthworks, normally associated with the following:*

- (a) *The production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts.*
- (b) *The establishment and operation of plant and fruit nurseries.*
- (c) *The development of land for irrigated fodder production and irrigated pasture (including turf farms).*
- (d) *The development of land for the keeping, rearing or fattening of pigs, poultry, (for either eggs or meat production), rabbits (for either meat or fur production), and other livestock in feedlots.*
- (e) *Dairy milking sheds.*
- (f) *The development of land for the keeping, rearing or fattening of other livestock above those rates recommended by Agriculture WA for the applicable pasture type in consultation with the surrounding farmers.*
- (g) *Aquaculture. Aquaculture means any fish farming operation for which a fish farm licence issued pursuant to the provisions of Part V of the Fisheries Act 1905 (as amended) and the Fisheries Regulations 1983 (as amended) is required.*

Intensive Agriculture is an "AA" land use under Town Planning Scheme No. 3 which means: "AA" means that the Council may, at its discretion, permit the use.

The objectives for the rural zone under Town Planning Scheme No. 3 are as follows:

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

- (a) *The zone shall consist of predominantly rural uses.*
- (b) *To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.*
- (c) *To protect the land from closer development which would detract from the rural character and amenity of the area.*
- (d) *To prevent any development which may affect the viability of a holding.*
- (e) *To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed & Breakfast Accommodation' and 'Chalet' facilities.*

Given the discretionary permissibility available, the options available to the Council in considering the application include:

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

As stated above, the applicant is also required to obtain a separate licence from the Department of Fisheries in addition to obtaining planning consent from the Shire. The Department of Fisheries controls aquaculture in the State through licensing and conditions. These conditions may include species, volumes, equipment, water sources and waste control.

#### **POLICY IMPLICATIONS**

There are no known policy implications.

#### **FINANCIAL IMPLICATIONS**

The applicant is required to pay to a planning application fee of \$135 as set out in the 2010/11 Fees and Charges.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

#### **VOTING REQUIREMENTS – SIMPLE MAJORITY**

#### **OFFICER RECOMMENDATION**

That Council grant Planning Consent for the Intensive Agriculture (Aquaculture) activities on Location 8705 Hubbe Road, Jingalup subject to the following conditions:

- 1) No activity is permitted until the applicant has received the necessary aquaculture licence from the Department of Fisheries.
- 2) This approval restricts the aquaculture activity to yabby farming and processing only.
- 3) The applicant is to provide a suitable written acknowledgement that they are aware and accept the existence of traditional/normal rural pursuits and farming activities occur on surrounding and nearby rural properties and they will ensure that all aquaculture activities are conducted such that they will not adversely affect or restrict any traditional/normal rural pursuits and farming activities on these properties to the satisfaction of the Chief Executive Officer.
- 4) Should the aquaculture activities create, in Council's opinion, a nuisance or restriction to the existence or operations of traditional/normal rural pursuits and farming activities on surrounding or nearby properties, Council may vary or revoke this approval accordingly to protect those activities and their continued operation.

#### **COUNCIL DECISION**

**77/10 MOVED Cr Trethowan seconded Cr Benn that Council grant Planning Consent for the Intensive Agriculture (Aquaculture) activities on Location 8705 Hubbe Road, Jingalup subject to the following conditions:**

- 1) No activity is permitted until the applicant has received the necessary aquaculture licence from the Department of Fisheries.**
- 2) This approval restricts the aquaculture activity to yabby farming and processing only.**

- 3) The applicant is to provide a suitable written acknowledgement that they are aware and accept the existence of traditional/normal rural pursuits and farming activities occur on surrounding and nearby rural properties and they will ensure that all aquaculture activities are conducted such that they will not adversely affect or restrict any traditional/normal rural pursuits and farming activities on these properties to the satisfaction of the Chief Executive Officer.
- 4) Should the aquaculture activities create, in Council's opinion, a nuisance or restriction to the existence or operations of traditional/normal rural pursuits and farming activities on surrounding or nearby properties, Council may vary or revoke this approval accordingly to protect those activities and their continued operation.

CARRIED

7/0

#### 12.4 OVERSIZED OUTBUILDING APPLICATION – LOT 60 FORREST ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
 DATE: 16 September 2010  
 FILE: DB.BDA.4  
 OWNER: SK Gash  
 LOCATION: Lot 60 Forrest Road, Kojonup  
 ATTACHMENTS: 12.4 Application & Site Plan - Lot 60 Forrest Road, Kojonup

#### DECLARATION OF INTEREST

The applicant is the Chief Executive Officer of the Shire, who has a financial interest but is on leave and will not be in attendance at the meeting.

#### SUMMARY

To consider the application to construct an oversize outbuilding on Lot 60 Forrest Road, Kojonup as shown on the attached plans.

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

#### BACKGROUND

Nil.

#### COMMENT

The proposal is to construct a 7m x 14m (98m<sup>2</sup> floor area) outbuilding on the above property to be setback 15m from the adjoining property boundary. The applicant has advised the reasons for the oversize outbuilding is to store a "... trailers, tractor, miscellaneous equipment and workshop for semi-rural property ...".

The property has a proposed new dwelling marked on the site plan and it is a requirement of the Town Planning Scheme Policy No 9 that sheds are not permitted on semi rural block in the Kojonup Shire "unless a habitable residence is (or is to be) constructed on that block". The applicant advises that plans for building licence approval for the dwelling will be submitted with the building licence application for the sheds and carport.

In addition to the oversized shed above, the applicant is seeking approval, to erect an additional garage (63m<sup>2</sup>) and carport (42m<sup>2</sup>) as per the site plan for the storage of cars. The proposed site for the outbuildings is shown in the attached plan.

The proposed site for the outbuilding has been inspected and complies with the required 15m setbacks for the special rural zone. The lot is substantially larger (5.7 ha) than a traditional sized residential lot (between 600 – 1,000m<sup>2</sup>) and the outbuilding will not be out of keeping with similar proposals developed on other special rural lots in Kojonup.

Including the existing outbuilding, the total area of outbuildings on the site equates to approximately 0.35% of the lot area and the additional outbuilding area is not opposed in this instance.

The location of the outbuildings has been proposed to comply with Council's minimum set back requirements from boundaries, a minimum 6m set back from the power line, as required by Western Power, and to account for any limitations of the site due to slope, drainage, or underlying rock. The location has also been proposed to maximise privacy of the applicant and neighbours.

The plans applicant advises that the proposed outbuildings will have the walls and roof clad with unspecified coloured colorbond metal sheeting, but will have regard to the colour selected for the proposed dwelling and the amenity of the semi-rural setting.

### **CONSULTATION**

Comment was sought from adjoining/nearby affected landowners who have all signed the site plan that they have no objections.

### **STATUTORY ENVIRONMENT**

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

Clause 5.12.3 of the Scheme states:

*"No dwelling or other structure shall be permitted within 15m of a lot boundary unless the Council considers that a lesser setback will not adversely affect the amenity of the area and the neighbouring properties."*

The proposed location of the outbuilding complies with the setback requirements under the Scheme.

### **POLICY IMPLICATIONS**

The Shire has an adopted Town Planning Scheme Policy No. 9 'Sheds on Residential and Special Rural Zoned Land' that is also used to assess applications for outbuildings within these zones.

The Policy 9 requires (in summary) that:

- Sheds will not be approved on vacant lots.
- If no dwelling exists, the applicant must submit plans for the dwelling at the time of applying for the shed and the dwelling must be commenced within 12 months and completed within 24 months of the approval.
- The maximum floor area in residential areas shall be 65m<sup>2</sup>.
- The Building Surveyor can approve a maximum floor area of 65m<sup>2</sup> in special rural zones, with any application for a larger shed to be referred to Council.
- The owner shall remove any approved shed if the conditions of approval are not met.

As the outbuilding is larger than 65m<sup>2</sup>, the application is required to be referred to Council.

In considering the weight to be applied to the Policy requirements, Council is reminded that clause 7.6.4 of the Scheme states that the adopted town planning scheme policies:

*"Shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision."*

This means that the Council must consider what the policy is trying to achieve in regard to any application but are not bound by it. The Council can, in considering any application, place any conditions it sees fit on the approval in order to achieve the desired outcome.

### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

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

### **OFFICER RECOMMENDATION**

That Council grant Planning Consent for the oversize Outbuilding on Lot 60 Forrest Road, Kojonup subject to the following conditions:



- a) The floor area of the larger outbuilding shall not exceed 98m<sup>2</sup>,
- b) That an additional garage not exceed 65 m<sup>2</sup>
- c) That the area of the carport not exceed 45 m<sup>2</sup>
- d) That the location of the shed be at least 15 metres from the any adjoining boundary
- e) The outbuilding walls to be clad in material with colours to match the proposed dwelling and to the satisfaction of the Planning Officer.
- f) The outbuildings shall not be used as habitable dwellings.
- g) In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.
- h) The applicant submitting plans for the construction of the dwelling within 12 months of this approval and agreement to complete the dwelling within 24 months of this approval.

#### **COUNCIL DECISION**

**78/10 MOVED Cr Trethowan seconded Cr Marsh that Council grant Planning Consent for the oversize Outbuilding on Lot 60 Forrest Road, Kojonup subject to the following conditions:**

- a) **The floor area of the larger outbuilding shall not exceed 98m<sup>2</sup>,**
- b) **That an additional garage not exceed 65 m<sup>2</sup>**
- c) **That the area of the carport not exceed 45 m<sup>2</sup>**
- d) **That the location of the shed be at least 15 metres from the any adjoining boundary**
- e) **The outbuilding walls to be clad in material with colours to match the proposed dwelling and to the satisfaction of the Planning Officer.**
- f) **The outbuildings shall not be used as habitable dwellings.**
- g) **In the event of the non-compliance of the above conditions, the shed be ordered to be demolished under the provisions of the Planning and Development Act 2005.**
- h) **The applicant submitting plans for the construction of the dwelling within 12 months of this approval and agreement to complete the dwelling within 24 months of this approval.**

**CARRIED**

**7/0**

### **13 CORPORATE & COMMUNITY SERVICES REPORTS**

#### **13.1 INFORMATION STATEMENT**

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: Wednesday, September 15, 2010  
 FILE NO: IM.FOI.4  
 ATTACHMENT: 13.1 Information Statement 2010/11

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To adopt the Shire of Kojonup's Information Statement for 2010/11.

#### **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.  
 The operation of FOI in the agency.

**COMMENT**

The Shire of Kojonup's Information Statement 2010/11 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 Shire advised in its annual return that its information statement would be reviewed in September and forwarded to the Commissioner by 30 September 2010.

The previous version was adopted 15 September 2009 – Council Decision 96/09.

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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 Record Keeping Plan.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Aligns with strategic objective 1.1.6 to "Improve recordkeeping practices".

**VOTING REQUIREMENTS** – Simple Majority

**OFFICER RECOMMENDATION**

That Council adopts the Information Statement 2010/11 as attached to the agenda

**COUNCIL DECISION**

**79/10 MOVED Cr Trethowan seconded Cr Pritchard that Council adopts the Information Statement 2010/11 as attached to the agenda**

**CARRIED**

**7/0**

## 13.2 DELEGATIONS REGISTER REVIEW

AUTHOR: Stephen Gash – Chief Executive Officer  
 DATE: Wednesday, September 15, 2010  
 FILE NO: PE.AUT.1  
 ATTACHMENT: 13.2 Delegations Register

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to review the Delegations Register.

**BACKGROUND**

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

Section 5.42, Local Government Act 1995 provides for the delegation of some powers and duties to CEO as follows:

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.  
\*Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

**COMMENTS**

The Delegations Register is required to be periodically reviewed and the Register, which was last reviewed and approved by resolution 97/09 on 15 September 2009, the reviewed Delegations Register is attached to the agenda.

At the previous review the delegations were adopted with an expiry date of 30 September 2010. The Town Planning delegations adopted by Council resolutions 56/09 and 89/09 in May and August 2009, have been added to the general delegations register and are part of this review.

The expiry of the proposed delegations is nominated as 30 September 2011.

**CONSULTATION**

Nil required

**STATUTORY ENVIRONMENT**

The Local Government Act 1995, sections 5.42, 5.43, 5.44, 5.45 and 5.46 and Regulation 19 of the of the Local Government (Administration) Regulations.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Aligns with the strategic objective of ensuring governance and capability.

**VOTING REQUIREMENTS – ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

That the Delegations Register, as attached to the agenda, be adopted to expire 30 September 2011.

That the Shire President be authorised to sign the instruments of delegation.

**COUNCIL DECISION**

**80/10 MOVED Cr Trethowan seconded Cr Pritchard that the Delegations Register, as attached to the agenda, be adopted to expire 30 September 2011.**

**That the Shire President be authorised to sign the instruments of delegation.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

**13.3 TRANSFER OF CWA HALL BUILDING**

**AUTHOR:** Stephen Gash – Chief Executive Officer  
**DATE:** Wednesday, September 15, 2010  
**FILE NO:** A6445  
**Attachment:** 13.3 Correspondence from CWA

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a request from the Country Women's Association of WA to accept ownership of the CWA Hall.

**BACKGROUND**

After formal approach from the Kojonup CWA, the State Branch of the CWA have requested the Shire of Kojonup consider taking over the ownership and management of the CWA Hall for the benefit of the Kojonup community. The correspondence is attached.

**COMMENT**

The Council met with representatives of the Kojonup CWA on 17 August 2010 to discuss the proposal and advised that further information on the building condition would be sought prior to formal consideration by Council.

A building inspection identified that the building is structurally sound and in good condition for its age (approximately 55 years). Building maintenance / renewal required includes replacement of roof / gutters, and ceiling within the next 5 years. The indicative cost required for future maintenance budgets will be \$20,000 within the next 5 years, and \$20,000 to \$30,000 between 5 and 10 years time. This would require an average additional transfer to the building maintenance reserve of \$4,000 per annum to account for the CWA Hall.

The maintenance above also considers the building in its existing state and does not account for upgrade to the sewer or upgrade to meet the public buildings regulations if it was to be used as a "public" hall. However the building would add value as community / meeting rooms etc if the Senior School did not extend the lease. We are confident that other future uses would also emerge.

At this stage we do not see any barriers regarding the transfer of the crown grant, but given the maintenance expense, and the desire from the CWA for the hall to benefit the Kojonup community, officers would be recommending a nominal purchase price from the CWA.

**CONSULTATION**

Kojonup CWA representatives presented the proposal to Council.  
Mr Michael Prandi assisted the building maintenance review.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The proposed sale price is suggested at \$1. The Shire would then pay for all transfer / conveyancing costs and an ongoing maintenance liability of \$5,000 per annum.

**STRATEGIC IMPLICATIONS**

The proposal is impacted by the asset management strategies which guide Council on fit for purpose buildings and whole of life costs.

**VOTING REQUIREMENTS** – Absolute Majority

**OFFICER RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer to finalise the transfer / sale of the CWA Hall to the Shire of Kojonup for the sum of \$1, and to give any required notice under the Local Government Act 1995.
2. Authorise the Shire President and Chief Executive Officer to affix the common seal on any transfer / sale documentation or certificates of title.
3. Authorise the Chief Executive Officer to commence initial negotiations for the continued use of the premises.

**COUNCIL DECISION**

**81/10 MOVED Cr Benn seconded Cr Marsh that Council:**

1. Authorise the Chief Executive Officer to finalise the transfer / sale of the CWA Hall to the Shire of Kojonup for the sum of \$1, and to give any required notice under the Local Government Act 1995.
2. Authorise the Shire President and Chief Executive Officer to affix the common seal on any transfer / sale documentation or certificates of title.
3. Authorise the Chief Executive Officer to commence initial negotiations for the continued use of the premises.

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

**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

*4:11pm Miss Cindy Westbrook & Mr Mort Wignall left the Chamber.*

**17 CONFIDENTIAL REPORTS****17.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW AND EMPLOYMENT CONTRACT**

Confidential item attached under separate cover to consider the CEO's annual performance review and employment contract.

**COUNCIL DECISION**

**82/10** MOVED Cr Benn seconded Cr Pritchard that the meeting be closed to the public in accordance with section 5.23 (2)(a) as the item related to a matter affecting an employee.

**CARRIED 7/0**

**COUNCIL DECISION**

**83/10** MOVED Cr Marsh seconded Cr Pritchard that the meeting be adjourned to allow the Manager of Corporate Services to research information with relation to the item being discuss as requested by Council.

**CARRIED 7/0**

*The Shire President then recommenced the meeting proceeded with the meeting.*

**COUNCIL DECISION**

**84/10** MOVED Cr Marsh seconded Cr Baulch that the meeting be opened to the public.

**CARRIED 7/0**

*The Shire President then read aloud the following Council Decisions.*

**COUNCIL DECISION**

**85/10** MOVED Cr Trethowan seconded Cr Pritchard that Council:

1. Accept the Chief Executive Officer Performance Review for 2009/2010
2. Note the overall performance rating of the Chief Executive Officer as competent to exceeding requirements
3. Adopt the key performance indicator schedule for the Chief Executive Officer for 2010/11

**CARRIED 7/0**

**COUNCIL DECISION**

**86/10** MOVED Cr Baulch seconded Cr Marsh that Council, in accordance with the provisions of Section 5.39 of the Local Government Act 1995, offer a new employment contract to the incumbent Chief Executive Officer for a period of five (5) years commencing 1 October 2010 and expiring 2015.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**COUNCIL DECISION**

**87/10** MOVED Cr Trethowan seconded Cr Baulch that Council endorse the Consultants report and authorize the increases and deletions to the new CEO Contract and increase to the cash component of 5% of existing cash salary.

**CARRIED 7/0**

**COUNCIL DECISION**

**88/10 MOVED Cr Trethowan seconded Cr Marsh that Council authorise the Shire President to place the common seal on the contract of employment documenting the agreed conditions.**

**CARRIED****7/0****18 NEXT MEETING**

Tuesday, 19<sup>th</sup> October 2010 commencing at 3:00pm.

**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:45pm.

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

Item 10.1.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 31 <sup>st</sup> July 2010
Item 10.1.2	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 31 <sup>st</sup> August 2010
Item 10.2	Monthly Payment Listing 1 August 2010 to 31 August 2010
Item 10.3	Interim Audit Management Letter Year Ended 30 <sup>th</sup> June 2010
Item 12.1	Plan of Subdivision – Lot 5 Westcourt Road, Kojonup
Item 12.2	Plan of Subdivision – Lot 96 George Street, Kojonup
Item 12.3	Application for Planning Consent – John Young
Item 12.4	Application for Planning Consent – Stephen Gash
Item 13.1	Information Statement 2010/11
Item 13.2	Delegations Register
Item 13.3	Correspondence from CWA
Item 17.1	Confidential Report – CEO Performance Review & Employment Contract

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

\_\_\_\_\_  
Date