

# SHIRE OF KOJONUP



## Special Council Agenda

*28 January 2015*

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

In accordance with *Section 5.5 of the Local Government Act 1995*, NOTICE is given that a Special Meeting of the Council will be held in Council Chambers, Administration Building, Albany Highway, Kojonup on Thursday, 28 January 2016 commencing at 10:00am.

**THE PURPOSE OF THE MEETING IS TO:**

- Consider the House Tender's for the Chief Executive Officer's Executive Residence; and
- Consider the Development Application (Kate Mason) for Building a Warehouse on the Corner of Pensioner and Blackwood Roads, Kojonup.

Qualified Persons Advice, etc.

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

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

Your attendance is respectfully requested.

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

**RICK MITCHELL-COLLINS**  
**CHIEF EXECUTIVE OFFICER**

*22* January 2016

**SHIRE OF KOJONUP****AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 28 JANUARY 2016****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE &amp; APOLOGIES</b>	<b>3</b>
<b>3</b>	<b>PUBLIC QUESTION TIME</b>	<b>4</b>
<b>4</b>	<b>DECLARATIONS OF INTEREST</b>	<b>4</b>
<b>5</b>	<b>ITEMS</b>	<b>5</b>
5.1	SUBMISSIONS RECEIVED ON DEVELOPMENT APPLICATION FOR WAREHOUSE/STORAGE SHED AND EGG PACKING/STORAGE SHED LOTS 13, 14 & 15 CNR BLACKWOOD/PENSIONER ROADS, KOJONUP	5
<b>6</b>	<b>CONFIDENTIAL REPORTS</b>	<b>20</b>
6.1	DESIGN & CONSTRUCTION OF NEW EXECUTIVE RESIDENCE, LOTON CLOSE	20
<b>7</b>	<b>CLOSURE</b>	<b>22</b>
<b>8</b>	<b>ATTACHMENTS (SEPARATE)</b>	<b>22</b>

## A G E N D A

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

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

#### Disclaimer

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

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

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

### **2 ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Ian Pedler	
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	
Cr Judith Warland	
Cr Graeme Hobbs	
Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory Services
Mr Craig McVee	Manager of Works & Services
Mr Phil Shephard	Town Planner
Mrs Michelle Dennis	Development Services Coordinator
Miss Miranda Wallace	Executive Assistant

#### **APOLOGIES**

**3 PUBLIC QUESTION TIME**

**4 DECLARATIONS OF INTEREST**

## 5 **ITEMS**

### 5.1 SUBMISSIONS RECEIVED ON DEVELOPMENT APPLICATION FOR WAREHOUSE/STORAGE SHED AND EGG PACKING/STORAGE SHED LOTS 13, 14 & 15 CNR BLACKWOOD/PENSIONER ROADS, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
DATE: Tuesday, 19 January 2016  
FILE NO: A7732  
ATTACHMENT: **5.1.1 Plans and Application Letter**  
**5.1.2 Submissions**

#### **DECLARATION OF INTEREST**

Nil.

#### **SUMMARY**

To consider the submissions received and determine the application.

The recommendation is to approve the proposal subject to conditions to address the noise concerns raised in the submission.

#### **BACKGROUND**

The proposal was considered by the Council at its 14 December 2015 meeting (Item 12.5 Council Decision 200/15) resolved as follows:

*That Council, by absolute majority, delegate to the CEO the power to determine the planning application for the proposed Rural Industry to operate a warehouse/office and egg grading/packing/storage shed on No 88 Pensioner Road, Kojonup following the advertising period including the placement of conditions and/or advice on the approval in consultation with the Town Planner. Should any submissions be received that the CEO feels cannot be adequately dealt with by the placement of a condition/advice or that would warrant staff recommending the application be refused, the application will be referred to the 16 February 2016 meeting for determination.*

#### **COMMENT**

##### Proposal

The proposal is to gain planning/building approval for Lot 15:

- A 24m x 15m (5m high walls) warehouse shed building (cool room, egg grading machine, storage, egg packing etc.);
- An adjoining relocated 12m x 8m transportable office building (offices, lunch room/boardroom etc.);
- A retaining wall 500mm – 1,200mm high along northern side of the shed building; and
- Loading ramp/area, truck and vehicle parking area and new access points to/from Blackwood and Pensioner Roads.

The buildings will be constructed of steel and clad with ‘pale eucalypt’ coloured metal sheeting. The applicants advise they also own the adjoining properties (Lots 13 & 14 Pensioner Road) and the plans show these will be used to gain access to the loading area proposed at the rear of the shed and a parking area for workers on Lot 13.

The applicant advises the hours of operating plant and equipment (excepting cool room) is 6:00am-7:00pm Monday to Friday and 8:00am-5:00pm Saturday/Sunday.

The lots total 3,225m<sup>2</sup> in area. The lots have access to reticulated water and telecommunications and electricity supplies. No sewer is available to the lots. Blackwood and Pensioner Roads area sealed with kerbing and some stormwater infrastructure available.



*Lots 13, 14 & 15 (no's 84-88) cnr. Blackwood & Pensioner Roads, Kojonup (bordered in red) (Image Google Earth)*



*Street View of Lot 15 (No. 88) cnr. Blackwood & Pensioner Roads, Kojonup looking West (Image Google Earth)*



*Street View of Lot 15 (No. 88) cnr. Blackwood & Pensioner Roads, Kojonup looking North  
(Image Google Earth)*



*Street View of Lot 14 (No. 86) Pensioner Road, Kojonup looking West (Image Google Earth)*



*Street View of Lot 13 (No. 84) Pensioner Road, Kojonup looking west showing treed area along adjoining residential property (Image Google earth)*

#### Zoning and Land Use/Development

The land (Lots 13, 14 & 15) are zoned Industrial under the Shire’s Town Planning Scheme No. 3 (TPS3). The proposed activities are consistent with the land use definition of rural industry which is defined in TPS3 as follows:

*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;*

This land use is an “SA” advertised discretionary use in the Industrial zone which means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.2.

TPS3 (Clause 5.4 Development Table) requires any development that is permitted under the Scheme shall conform to the requirements for that use as specified in Table II - Development Table. There are specific requirements for Industry: Rural uses and Clause 5.4.1 advises where requirements for a particular use are not set out, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council or where such provisions are inappropriate, to such requirements as the Council shall determine.

The proposal has been assessed against the requirements for an Industry: General use as follows:

USE	CONTROLS					
	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Side			
<i>industry-general</i>	7.5	7.5	*	*	15	<i>1 per 2 employees</i>

\* means as determined by the Shire



### Setbacks

The proposal shows a front setback to the office from Pensioner Road of some 15m and a rear setback of approximately 5m to the adjoining industrial lot to the West. The side setback to Blackwood Road from the shed will be approximately 7.5m and the side setback from the shed to the adjoining residential lot is approximately 50m. These setbacks are considered adequate for reasons outlined in this report.

### Plot Ratio

The plot ratio will be approximately 0.14 or 14% of the lots total area.

### Landscaping

No landscaping has been proposed in the application. Some landscaping on the site is required to meet the requirements of the Scheme and this is discussed elsewhere in this report.

### Car Parking

Car parking for workers and visitors to the site have been shown and there are adequate areas available onsite to cater for any increase in employee numbers. The location of the workers parking area is discussed elsewhere in this report.

### Submissions

The application was referred directly to nearby/adjoining landowners within a 200m radius from the subject properties. Council received 2 submissions from the advertising and referral of the application to nearby/adjoining landowners which are summarised as follows:

- 1 submission from a nearby landowner supports the proposal to assist in providing additional employment in Kojonup and encourages the Shire to assist the proponents.
- 1 submission from an adjoining landowner opposes the proposal and believes the proposal which will operate 7-days a week, is creating an industrial use, that is not compatible with the area and its use for housing and school and recreation activities. The submission also cites personal health reasons for opposing the proposal and includes a number of questions that they request the Council respond to.

The submission supporting the proposal does not require any further comment.

The submission opposing the proposal requires a response from Council to the matters raised. In response to the general points raised, the land in question is zoned for industrial use and has been since at least 1998 and it was always anticipated by Council that it would be developed for some form of storage/warehouse activity. The proposal does not include the use of any large trucks or vehicles (2015 Hino 6 pallet refrigerated truck and 2008 Ford Transit delivery van) in the operations and the new access points will not conflict with any entry points to the school or oval complex. Council believes that the development of the lots is not expected to create conflict with vehicles and pedestrians using the area.

In response to the specific questions raised, the following responses are provided:

*How loud will the machinery be – will you test for noise pollution?*

The application does not contain any details regarding expected noise generation levels.

The applicant advises the hours of operating plant and equipment (excepting cool room) is 6:00am-7:00pm Monday to Friday and 8:00am-5:00pm Saturday/Sunday. During this time,

noise would be expected to be generated during operations through the use of machinery including electric motors, conveyor belts, cool room motors and refrigerated van motors, loading/unloading and parking activities, etc.

The majority of these activities will occur inside the shed which will provide some noise insulation to the adjoining property, which is approximately 50m from the shed wall. The loading ramp and door (4.7m high x 4m wide) is proposed to be located facing the adjoining property and this has potential to create traffic noise and the escape of packing activity noise from the shed. This door is expected to only be opened during loading/unloading activities and closed at all other times and the frequency of this is expected to be 1 or 2 times per day. This could be confirmed with the applicants if required by Council. If the frequency was far greater, the relocation of the loading facility to the South side of the shed would be an option to remove the potential for noise impacts to be generated to the adjoining residential zoned land.

The proposal must meet the assigned noise levels under the *Environmental Protection (Noise) Regulations 1997* during both construction and operations. The Regulations are administered by the Department of Environmental Regulation and the Shire would provide comment and advice should a noise complaint eventuate.

*How are they going to store the oats and limit dust from the oats?*

The application does not contain any details regarding the storage and sale of oats and if this is to occur it is expected to be an incidental use to the main egg packing activities. As with the egg packing operations, it is expected that this will occur inside the shed and this will limit the potential for dust to escape.

*Will the oats come in bulk form or pre-packaged?*

This question is considered outside of the scope of the Council to respond to and is for the proponent to determine.

*Will there be a problem with rodents such as rats and mice and snakes?*

The proposed activities relating to the storage of oats would ordinarily incorporate baiting if required and it is not expected that the operations would generate any additional pest problems in the area.

*Will the chiller trucks be connected to power overnight as this makes noise?*

The application does not contain any details regarding the parking of the delivery vehicles or whether they will operate their refrigeration motors overnight. The storage of the eggs is expected to largely take place within the internal cool room with the eggs being transferred to the trucks for delivery offsite. It would follow that the refrigeration motors on the trucks would only be operating during the loading process and would not be required overnight when there were no eggs in the trucks. This could be confirmed with the applicants if required by Council. As with the loading facility and noise generation, if the refrigeration motors on the trucks were required to be used, this could also be relocated to the South side of the shed which would assist remove the potential for noise impacts to be generated.

In conclusion the submission opposing the proposal raises a valid concern regarding potential noise impacts from the development. Whilst the application does not contain any details regarding expected noise generation levels, the information that is available does not show any large machinery or vehicles being used in the operations that would be expected to produce excessive noise with the activity largely confined to the shed. As suggested, the

parking of the workers' vehicles and delivery vehicles on the South side of the shed would remove the most likely noise impacts into the adjoining residential land. This would also enable the existing small treed area along the Northern part of Lot 13 to remain and act as a visual screen to the development and activities.

#### Engineering Advice

Staff sought comment from Paul Robertson (Consulting Engineer) on the proposed access points to Blackwood and Pensioner Road and the following advice was received:

- The access points should be positioned as far from the intersection as practical.
- The accesses should be sealed to protect the edge of the road seal.
- If a gate is proposed it should be positioned so that the normal vehicle accessing the driveway is not stopped on the roadway to open the gate.
- The minimum width of the crossover at the lot boundary should be 5.5m (maximum 7.5m).
- The developer should provide storm-water storage and attenuated discharge from the roof and paved areas to achieve a 5 year design discharge rate to pre-development discharge rates.

Main Roads WA (Great Southern Region) also has some controls on access points on Blackwood Road. Given these are existing lots and each lot is entitled to an access, staff have not referred the application to them for comment. This could be undertaken if required by Council.

#### *Town Planning Scheme 3 Considerations*

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Clause 67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from those listed. Those relevant matters are discussed in the table below:

<b>Matter to be Considered</b>	<b>Response</b>
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	<p>The objectives for the TPS3 (Clause 1.6) are:</p> <p><i>The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment.</i></p> <p>Whilst the concerns expressed in the submission opposing the proposal are acknowledged, the activity proposed is consistent with the industrial zoning of the lots and is not of a scale that the Council expects will generate unacceptable adverse impacts on the surrounding lots or area.</p> <p>The Council considers the proposal is consistent with the intent of the Scheme to control development within the Shire and ensure they have minimal impacts on the environment and residents.</p>

<b>Matter to be Considered</b>	<b>Response</b>
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The Council considers the proposal is consistent with the orderly and proper planning of the area and use of the land.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	<p>The Council considers the proposal is compatible with its industrial setting. Whilst the shed will be much taller (5m) than the surrounding residential developments (3m), the front office building is also 3m tall and will soften the industrial appearance of the shed from the roads.</p> <p>The shed and office building will be constructed using matching colorbond metal sheeting in a green tone/colour, which in Council's opinion will provide a less contrasting finish than if the proponents were to use zincalume as with other industrial sheds in Kojonup. The shed will be located a minimum of 50m from the adjoining residential developments and Council accepts this is an adequate setback to those developments.</p>
(n) the amenity of the locality including the following - (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	<p>The Council does not expect the proposal will adversely affect the amenity or character of the local area and can be operated by the proponents without generating unacceptable impacts onto the adjoining residential land to the North.</p> <p>The development has the potential to create additional local employment opportunities in Kojonup and Council would see this as having a positive social impact in the district and Great Southern region.</p>
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The Council does not expect the development to result in any adverse impacts on the natural environment. The lots have access to the Water Corporation reticulated water supply.

<b>Matter to be Considered</b>	<b>Response</b>
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	<p>The scheme requires developments within the industrial areas include landscaping along the front and sides of the lots.</p> <p>In this instance, landscaping should include:</p> <ul style="list-style-type: none"> <li>• The existing small treed area along the Northern part of Lot 13 being retained to assist providing a visual screen to the new shed, etc.</li> <li>• Some landscaping beds with possibly some shade trees along the lot frontages of Blackwood and Pensioner Roads.</li> </ul>
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The Council considers the land is suitable for the development.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The Council considers the land is suitable for the development without creating any adverse risk to human health or safety.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	<p>The Council considers the proposed accesses onto Blackwood and Pensioner Roads are adequate for the proposal. The Shire's Consulting Engineer has provided some recommendations for the construction of the new access points.</p> <p>The Council considers there are adequate areas available within the lots for all loading/unloading, manoeuvring and parking of vehicles/trucks etc.</p>
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The Council considers that the proposal will not generate any significant change or increase in additional traffic in the area and the existing road system is adequate to cater for the proposal.
(u) the availability and adequacy for the development of the following - (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);	All general refuse shall be disposed of to the satisfaction of the Shire of Kojonup within the existing refuse tip.

<b>Matter to be Considered</b>	<b>Response</b>
(v) access by older people and people with disability;	
(w) the history of the site where the development is to be located;	The site has been vacant for many years.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The Council is positive about the proposal as it has the potential to create additional full-time jobs and this would be expected to have a positive social impact on the Kojonup community.
(y) any submissions received on the application;	The submissions are addressed in the report.

### Alternate Options

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

1 *Not approve the application*

The Council can choose to refuse the application, giving reason why it was refused.

2 *Approve the application*

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

3 *Defer the proposal*

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

This decision represents a discretionary decision made by Council and the applicant has a right to appeal the decision and/or any condition in accordance with the *Planning and Development Act 2005*. Appeals must be lodged within 28 days of the receiving the decision from the Council.

### **CONSULTATION**

The application was advertised for comment in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requirements for a period of not less than 14 days (22 December 2015 – 7 January 2016).

### **STATUTORY REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

The applicant is required to pay a planning application fee of \$576.00 as set out in the adopted 2015/2016 Schedule of Fees and Charges.

Should the applicant appeal the decision of Council to the State Administrative Tribunal there would be costs for defending the appeal. Those costs are not able to be determined at this time.

**STRATEGIC/CORPORATE IMPLICATIONS**Community Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building Prosperity
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- E2.1 – Building local economic capacity to generate wealth and provide a variety of employment opportunities.
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations.

**RISK MANAGEMENT IMPLICATIONS**

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

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the application	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources.

**ASSET MANAGEMENT IMPLICATIONS**

Nil applicable.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council acknowledge the submissions received and grants development approval for the proposed Industry: Rural use/development to construct and operate a warehouse/office and egg grading/packing/storage shed on Lots 13, 14 & 15 cnr. Blackwood and Pensioner Roads, Kojonup subject to the following conditions:**

- 1) The development to be in accordance with the attached stamped approved plans and where marked in red, unless a variation has been approved by the Chief Executive Officer;**
- 2) The shed to be clad in ‘pale eucalypt’ coloured metal sheeting to match the office building;**
- 3) All storm-water runoff from the roof and paved areas being retained and/or disposed of onsite unless approved for discharge into the Shire’s storm-water system;**
- 4) The existing treed area along the Northern part of Lot 13 to be retained as a visual buffer between the development and the adjoining residential land;**
- 5) The front setback areas on Lot 15 along Blackwood and Pensioner Roads to be landscaped including landscaping beds (1m wide) and shade trees to the satisfaction of the Shire of Kojonup;**
- 6) The new access points and crossovers to be positioned, designed and constructed to the satisfaction of the Shire of Kojonup;**
- 7) The parking of workers’ vehicles shall take place on the South side of the building (on Lot 15) to remove this noise impact into the adjoining land;**
- 8) Any external machinery such as for refrigeration or air conditioning shall be located on the South side of the building to minimise potential noise impacts into the adjoining land. This condition includes any vehicles were the refrigeration motor will be operated outside of the normal business hours nominated in the application;**
- 9) The loading and unloading of all commodities/goods to and from the premises shall be carried out entirely within the site. Unless loading/unloading from the shed, the loading door is to remain closed to minimise potential noise impacts into the adjoining land; and**
- 10) Any external lights are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.**

*Advice Notes:*

- a) The construction of the retaining wall, office and shed requires a separate Building Permit to be obtained from the Shire of Kojonup prior to any works commencing.*
- b) All onsite sewerage systems will require approval from the Department of Health and/or Shire of Kojonup.*

**COUNCIL DECISION**

/15 Moved Cr , seconded Cr

CARRIED/LOST /



## **CGS Engineers**

ABN 46 830 660 329  
29-31 Bilston St., KOJONUP WA 6395  
PO Box 220, KOJONUP WA 6395  
kevin@cgsengineers.com.au

Phone: 08 9831 1426  
08 9831 0370  
Fax: 08 9831 0035

CEO Shire of Kojonup.

**Re: Egg Processing Facility Cnr of Blackwood & Pensioner Rd Kojonup.**

We wish to advise that we are in 100% support of the proposal.  
We think it is fantastic to see industrial development in the town and employment positions created.  
We sincerely hope that the Kojonup Shire shows the same level of support and provides all the assistance it is able to ensure the success of the project.

We wish Rhyce & Kate all the best for the ongoing expansion of their business.

Please contact us if you wish to discuss further.

Regards

Kevin & Mick Crane.

Two handwritten signatures in black ink. The first signature is a stylized 'KC' and the second is a more elaborate signature, likely 'Mick Crane'.

7 January 2016

Michael Romic and Cherilye Michael

82 Pensioner Road

KOJONUP WA 6395

Chief Executive Officer

Shire of Kojonup

PO Box 163

KOJONUP WA 6395

Dear Sir,

RE: Commercial Use on Lots 14 and 15 Cnr Blackwood and Pensioner Roads, Kojonup.

Thank you for your letter dated 22 December 2015 which I received during the Christmas break.

I oppose the operations and size expansion of the mentioned business that wants to use the above property.

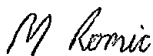
The location of any business near residential and rate payer's homes and nearby school and sports facilities would need further consideration to the type of industry that should be promoted for these lots.

To have operations that would go for 7 days a week would not be reasonable to any home dwelling and the idea to expand the business mentioned in your letter would change a light industry business to a heavier industrial business would intrude on the right to private enjoyment of my home, for the school children to go to school and use the sports facilities for netball and the like.

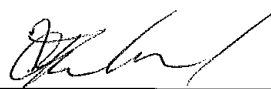
I believe the above property is on prime real estate being on high ground, near a school and sporting facilities and I purchased this residential property with this in mind.

I would like the Shire Council to re-think this proposal to consider all persons and children affected by such a proposal, mentioned in your letter.

Yours sincerely,



Michael Romic



Cherilye Michael

Annexure A

Specific Questions I would like answered to the commercial business being located near residential dwellings-

How loud will the machinery be -- will you test for noise pollution

How are they going to store the oats and limit dust from the oats

Will the oats come in bulk form or pre-packaged

Will there be a problem with rodents such as rats and mice and snakes

Will the chiller trucks be connect to power overnight as this makes noise

On a personal note of health conditions

Cherilyne suffers from asthma

Michael suffers from emphysema

## **6 CONFIDENTIAL REPORTS**

### **6.1 DESIGN & CONSTRUCTION OF NEW EXECUTIVE RESIDENCE, LOTON CLOSE**

**AUTHOR:** Michelle Dennis – Development Services Coordinator  
**DATE:** Tuesday, 19 January 2016  
**FILE NO:** FM.TND.3 / A11940  
**ATTACHMENT:** 6.1 Confidential Report & Attachments

#### **DECLARATION OF INTEREST**

The Chief Executive Officer has previously declared an interest regarding this item.

#### **SUMMARY**

To seek Council's endorsement of an offer for the design and construction of a new executive residence at Loton Close.

#### **STATUTORY REQUIREMENTS**

*Section 5.23(2) of the Local Government Act 1995* permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret; or
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
  - (ii) endanger the security of the local government's property; or
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting, and the reason for the decision to be recorded in the minutes.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the meeting be closed to the public in accordance with *Section 5.23 (2) of the Local Government Act 1995* to discuss:**

- (a) A contract entered into, or which may be entered into, by the Local Government which relates to a matter to be discussed at the meeting.**

**COUNCIL DECISION**

/16 Moved Cr

, seconded Cr

CARRIED/LOST

/

**7**      **CLOSURE**

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

**8**      **ATTACHMENTS (SEPARATE)**

Item 5.1.1      Plans and Application Letter

Item 6.1            Confidential Report & Attachments