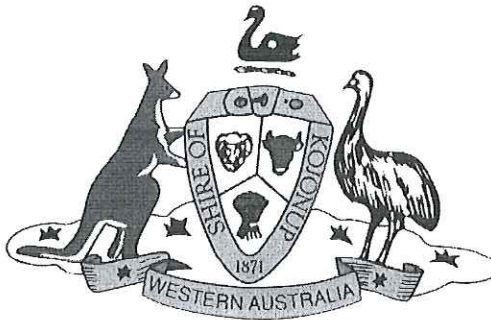


# SHIRE OF KOJONUP



## Council Agenda

*23<sup>rd</sup> July 2013*

**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 23<sup>rd</sup> July 2013 commencing at 3:00pm.

Your attendance is respectfully requested.

  
.....  
**KIM DOLZADELLI**  
**ACTING CHIEF EXECUTIVE OFFICER**

*17* July 2013

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 23<sup>rd</sup> July 2013****TABLE OF CONTENTS**

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## 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 & LEAVE OF ABSENCE**

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Ian Pedler	
Cr Michael Baulch	
Cr Jill Mathwin	
Cr Rosemary Hewson	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Mr Craig McVee	Manager of Engineering & Works
Mrs Lynne McIntosh	Manager of Springhaven
Mrs Heather Marland	Senior Finance Officer
Miss Sophie Knight	Policy, Planning and Governance Officer

#### **APOLOGIES**

Cr Frank Pritchard	Granted Leave of Absence at Meeting 18 June 2013
Cr Greg Marsh	Granted Leave of Absence at Meeting 18 June 2013

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

Nil

### 4 **PUBLIC QUESTION TIME**

5      **APPLICATIONS FOR LEAVE OF ABSENCE**

6      **CONFIRMATION OF MINUTES**

ORDINARY MEETING 18<sup>th</sup> June 2013

COUNCIL DECISION

/13      Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that the Minutes of the Ordinary Meeting of Council held on 18<sup>th</sup> June 2013 be confirmed as a true record.

CARRIED/LOST      /

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

**8      PETITIONS, DEPUTATIONS & PRESENTATIONS**

**9      DECLARATIONS OF INTEREST**

**10      CORPORATE SERVICES REPORTS****10.1    FINANCIAL MANAGEMENT – MATERIAL VARIANCES**

AUTHOR:                    Kim Dolzadelli - Manager Corporate Services  
DATE:                        Wednesday, July 17, 2013  
FILE NO:                    FM.POL.1  
ATTACHMENT:            Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances for the 2013/14 financial year.

**BACKGROUND**

Financial Management Regulation 34 (5) states:

“Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.”

The material variance is calculated by comparing budget estimates to the end of the month to actual amounts of expenditure, revenue and income to the end of the month to which the statement relates.

A further requirement is that a detailed budget review must be carried out at the close of the half - year.

Last year Council adopted a “Material” Variance figure of either \$1,000 or 8%, whichever is the greater, for each individual account. It is a requirement for Council to formally adopt its desired level of variance each year.

**COMMENT**

It is proposed that Council adopt a “Material” Variance figure of either \$1,500 or 8%, whichever is the greater, for each individual account for the 2013/14 financial year.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 contains provisions setting out the basic information, which must now be included in the monthly reports to Council.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority



**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:** Kim Dolzadelli – Manager of Corporate Services  
**DATE:** Wednesday, 17 July 2013  
**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> June 2013 to 30<sup>th</sup> June 2013.

**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 2.5 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 1/6/2013 to 30/6/2013 comprising of Municipal Cheques 12736 to 12781, EFT's 10359 to 10525 and Internal Payment Vouchers 4391 to 4419 totalling \$874,312.73 and as attached to this agenda, be received.



/13 Moved Cr, seconded Cr

CARRIED/LOST /

**10.3 PRESIDENT AND COUNCILLOR ALLOWANCES REVIEW**

AUTHOR: Sophie Knight – Policy, Planning and Governance Officer  
DATE: 17<sup>th</sup> July 2013  
FILE NO: GO.CLR.3  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The responsibility for determining the allowances that can be paid to Local Government Elected Members has been transferred to the Salaries and Allowances Tribunal (SAT) and the tribunal has released its first determination to apply from 1 July, 2013. In accordance with that determination, the Council is required to make decisions relating to fixing allowances within a range determined by the SAT.

All Councillors are entitled to a fee for attending Council and Committee meetings and a range of other reimbursements, while the President and Deputy President are also eligible for an allowance for the performance of those duties.

**BACKGROUND**

The Salaries and Allowances Tribunal has completed its review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia.

The existing allowances for Local Government Elected Members were established in 1996 through the *Local Government (Administration) Regulations 1996*, with small increases in 1999 and 2005. The maximum entitlement for meeting attendance fees for a Councillor who was not also a Mayor or President was \$7,000 per annum. No increase has occurred since that time.

The local government industry has consistently advocated for a review of these allowances on the basis of recognition of the role performed by elected members. This responsibility was eventually given to the SAT and its first Elected Council Member determination was issued on 19 June 2013.

**COMMENT**

The Salaries and Allowances Tribunal has made an independent determination regarding Fees, Allowances and Expenses for all local government elected members. The SAT has brought levels into line with other States and also with fees paid to Government Board and Committee members in Western Australia.

The SAT noted that it was vital that local governments attract capable and committed elected Council members to provide leadership, expertise and good government at a community level. The tribunal concluded that the previous fees and allowances did not take into account the significant weight of responsibilities shouldered by elected council members.

In establishing the new framework for the payment of fees, allowances and expenses, the SAT adopted a banding model to differentiate between the responsibilities carried by Presidents, Deputies and Councillors throughout the State. There are four bands and Kojonup has been identified as Band Three.

Other minor changes made by SAT's were to combine the existing communications allowance and IT allowance into one Information and Communications Technology Allowance of and also to increase the childcare reimbursement from \$20 per hour to \$25 per hour.

**CONSULTATION**

The SAT reached its determination on fees, allowances and expenses for elected members following an extensive process of consultation with the industry that has included placing local governments into bands, with different entitlements in each band.

Council considered the SAT determination at its Draft Budget briefing session held 9<sup>th</sup> July 2013.

**STATUTORY REQUIREMENTS**

Division 8 of Part 5 of the *Local Government Act 1995* establishes the entitlement of elected members to receive allowances and to be reimbursed for costs incurred in the performance of their duties. The actual allowances, or range of allowances, is established by the SAT in the *Local Government Elected Council Members Determination No. 1 of 2013*.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The total annual cost of this proposal is \$137,433 an increase of \$78,858 to the previous year; the amount is included in the Draft Annual Financial Budget for the 2013/14 financial year as being presented in Item 10.4 in this Agenda.

**STRATEGIC IMPLICATIONS**

The Shire of Kojonup recently adopted a new Community Strategic Plan with community objectives including “Being Well Governed”. One of the key ways for this to occur is to provide better (financial) recognition of the extensive responsibilities performed by elected members to enable a broad range of community members to consider this important role. The State Government therefore put in place the requirement for SAT to determine the allowances for elected members.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICERS RECOMMENDATION**

**That Council adopts the following President, Deputy President and Councilor Fees and Allowances for the 2013/2014 financial year:**

<b>Annual Attendance Fee</b>	<b>\$</b>
<b>President</b>	<b>18,000</b>
<b>Councillors</b>	<b>11,625</b>
<b>Local Government Allowance</b>	
<b>President</b>	<b>13,646</b>
<b>Deputy President</b>	<b>3,412</b>
<b>Communication/ICT Allowance</b>	
<b>Per Member</b>	<b>2,625</b>

**COUNCIL DECISION**

/13 Moved Cr

, seconded Cr

CARRIED/LOST

/

**10.4 FINANCIAL MANAGEMENT – 2013/2014 BUDGET ADOPTION**

AUTHOR: Mr Kim Dolzadelli – Manager of Corporate Services  
DATE: Wednesday, July 17, 2013  
FILE NO: FM.BUD.2  
ATTACHMENT: 10.4 Shire of Kojonup 2013/2014 Draft Annual Financial Budget

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider and adopt Council's 2013/2014 Budget and to set the rates, minimums, discounts and fees and charges.

**BACKGROUND**

The Local Government Act, 1995, requires each Local Government to prepare a budget for its municipal fund for each financial year. The form, manner and content of the budget are prescribed in the Act and the Financial Management Regulations.

Council must adopt its budget by an Absolute Majority no later than 31<sup>st</sup> August in the budget year unless the Minister for Local Government has granted an extension.

**COMMENT**

Council has met previously in workshop forums to consider a draft budget, which has formed the basis of the final document. The draft annual budget for 2013/14 has been prepared in accordance with the Local Government Act 1995 and is attached for consideration and final adoption.

Balances shown in this draft annual budget as 2012/13 Actual are as forecast at the time of budget preparation and are subject to final adjustments.

The proposed increase in 2013/14 rates is 3.9%. Shire of Kojonup rates revenue for 2013/14 has been based on total property values as at 30<sup>th</sup> June 2013 with an increase of 3.9% applied.

All Unimproved Values have been revalued by the Valuer Generals Office in accordance with relevant statutory legislation. There was no significant change in total Unimproved Valuation for the Shire.

Although rates in the dollar have been altered accordingly; the impact on individual properties will vary based on the degree to which the new value of the property moves against the average for the Shire.

**CONSULTATION**

Council has been consulted during budget workshops to assess the priorities of proposed capital works, plant replacement, abnormal operating items, community grant process, reserve transfers and rate increase levels.

**STATUTORY ENVIRONMENT**

Section 6.2 Local Government Act 1995

Regulations 22-33 Local Government (Financial Management Regulations) 1996

Section 6.2(1) of the Local Government Act 1995 requires that prior to 31<sup>st</sup> August 2013, Council adopt a budget for its municipal fund for the year ending 30<sup>th</sup> June 2014.

The annual budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;

- b) detailed information relating to the rates and service charges which will apply to land within the district including:
  - i. the amount it is estimated will be yielded by the general rate; and
  - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and such other matters as are prescribed.

#### **POLICY IMPLICATIONS**

Applicable policies have been considered in the preparation of the Budget.

#### **FINANCIAL IMPLICATIONS**

The Budget is the instrument by which Council sets the financial priorities and is the basis of all financial decisions made by Council and Officers during the budget year.

#### **STRATEGIC IMPLICATIONS**

The Budget is the key annual financial document that provides the resources for achieving Council objectives.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **OFFICER RECOMMENDATION**

- 1 That the proposed budget as attached (or as amended, by Council where deemed appropriate) be adopted for the 2013/2014 year and the levels of income and expenditures be authorised.
- 2 That the following rate levels be adopted for the 2013/2014 year:
  - a) For all rateable properties where Gross Rental Valuations are applied a rate of 14.2610 cents in the dollar with a Minimum Rate of \$625 to apply.
  - b) For all rateable properties where Unimproved Valuations are applied, a rate of 0.8212 cents in the dollar with a Minimum Rate of \$625 to apply.
- 3 That where payments are received after the due date, penalty interest at a rate of eleven (11%) per centum per annum, to be calculated on a daily basis will be imposed on all outstanding Rates and Service Charges.

Pensioners who are registered in accordance with the Rates Rebates and Deferrals Act 1993 are exempt from this provision.
- 4 That for those ratepayers who pay all their rates and charges and arrears in full within 14 days (9<sup>th</sup> August 2013) of the date of rate notice issue (26<sup>th</sup> July 2013) they be offered a discount of 2.5% on the amount of their current rate charge for the 2013/2014 year.

- 5 That the following Rates Installment payment Options be adopted:**
- Option 1      Payment in full**
- Total amount of rates and charges included on the rate notice to be paid in full by 30<sup>th</sup> August 2013.**
- Full payments received on or before 9<sup>th</sup> August 2013 are eligible for a discount of 2.5% on the amount of their current rate charge for the 2013/2014 year.**
- Option 2      Payments to be made by two (2) installments as will be detailed on the Rates Notices with the following dates:**
- |                           |                                    |
|---------------------------|------------------------------------|
| <b>First Installment</b>  | <b>30<sup>th</sup> August 2013</b> |
| <b>Second Installment</b> | <b>6<sup>th</sup> January 2014</b> |
- Option 3      Payments to be made by four (4) installments, as will be detailed on the Rate Notices with the following dates:**
- |                           |                                     |
|---------------------------|-------------------------------------|
| <b>First Installment</b>  | <b>30<sup>th</sup> August 2013</b>  |
| <b>Second Installment</b> | <b>29<sup>th</sup> October 2013</b> |
| <b>Third Installment</b>  | <b>6<sup>th</sup> January 2014</b>  |
| <b>Fourth Installment</b> | <b>7<sup>th</sup> March 2014</b>    |
- 6 That where payments are made by installment, an administration charge of \$9 for each installment after the first installment shall apply. Interest on installments shall be 5.5% p.a calculated daily from the date the first installment is due to the date of each subsequent installment is due.**
- 7 That the following Rubbish/Recycling charges be imposed for the 2013/2014 year:**
- a) For 240 litre bin collection, Rubbish weekly and Recycling fortnightly a charge of \$315 per combined service per annum. In the case that the ratepayer is a registered eligible Pensioner, as determined by the Rates Rebates and Deferments Act 1993, the charge will be \$275,**
  - b) For an additional Fortnightly Recycling Service a charge of \$140 be charged, and**
  - c) For an additional Weekly Rubbish Service a charge of \$175 be charged.**
- 8 That the transfers/movements to and from Reserve Accounts as detailed in Note 6 of the budget document and in accordance with Council's adopted policies, be authorised, and**
- 9 That the Fees and Charges as listed in Appendix G of the budget document, be imposed for the 2013/2014 year.**

**COUNCIL DECISION**

/13      Moved Cr

, seconded Cr

CARRIED/LOST

/

**11     WORKS & ENGINEERING REPORTS**

Nil

**12     COMMUNITY & REGULATORY SERVICES REPORTS****12.1   APPLICATION TO KEEP A ROOSTER IN THE TOWNSITE**

AUTHOR:                Mort Wignall, Manager Regulatory & Community Services  
DATE:                    21.06.2013  
FILE No:                LE. REG.1  
ATTACHMENT:        12.1 Correspondence from Debbie Norrish and letters of support from adjoining neighbours

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

That Council consider an application from Debbie Norrish seeking approval to keep a rooster at her residential address, number 27 Gordon Street, Kojonup.

**BACKGROUND**

As a result of a recent article published in the Kojonup News relating to the keeping of roosters within the townsite, Debbie Norrish has written to Council advising she keeps a rooster at her residential address and is seeking the approval of Council to do so.

**COMMENT**

Council's Health Local Laws 2000 relating to Roosters, enables Council to consider the keeping of a rooster within the townsite subject to the following:

- Council may grant approval with or without conditions.
- A person who has been granted approval may keep the rooster on the premises only while they are the occupier of the premises.
- Council may revoke an approval if the rooster is causing a nuisance or is injurious, offensive or dangerous to health.

**CONSULTATION**

Debbie Norrish has provided letters of support from neighbours, advising they have no objection to her keeping a rooster at her residential premises.

**STATUTORY ENVIRONMENT**

Shire of Kojonup Health Local Laws 2000

**FINANCIAL IMPLICATIONS**

Nil

**STATUTORY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**That Council approve an application from Debbie Norrish to keep a rooster on her residential property number 27 Gordon Street, Kojonup, subject to the following conditions:**

- ## COUNCIL DECISION

CARRIED/LOST /



6 JUN 2013

ECR12682

SHIRE OF KOJONUP

LE REG 1

FILE	CC	CC or HC	NEA	JACS	CCP
RGR	SEC	WIA	CLPO	FB	
NRSM	SPM	PLAH			

Debbie Norrish

27 Gordon St

Kojonup

6395

To Whom It May Concern,

In regard to the keeping of Roosters in the Kojonup News. I have a rooster, and made contact with both my neighbours, regarding the keeping of him. Enclosed are my letters of support. I have neighbours on the east and west side of me and my property backs onto the creek, a vacant block of land on the south side.

Kind Regards

DBN

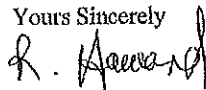
Debbie Norrish

R HOWARD  
29 Gordon Street  
KOJONUP WA 6395  
20/02/2013

TO WHOM IT MAY CONCERN

My Name is Ross Howard of 29 Gordon Street Kojonup, I am a neighbour, on the Western side, of Debbie Norrish.  
Her keeping of a Rooster causes me no concern whatsoever. I do not consider it's crowing to be excessive, in fact I enjoy hearing it.

Yours Sincerely



Ross Howard

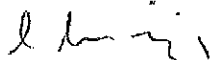
Luke Schinzig  
25 Gordon St  
Kojonup  
6395

To Whom It May Concern

Hi my name is Luke Schinzig I live on the eastern side of Debbie Norrish at 25 Gordon Street. Deb asked me to write a letter of Support for her, regarding the keeping of her rooster. I am happy to do a support letter. The rooster crowing in the morning does not concern me.

Yours Sincerely

Luke Schinzig



12.2 AMALGAMATION/RESUBDIVISION APPLICATION 148066 – LOTS 2, 3, 11, 12, 22, 24, 25, 26, 126, 127 & CLOSED ROAD, ALBANY HIGHWAY/JONES ROAD/ELVERD & HONNER STREETS, KOJONUP.

AUTHOR: Phil Shephard - Town Planner  
DATE: 1 July 2013  
FILE NO: LP.SUB.1  
APPLICANT: RAS Machin Licensed Surveyor  
OWNER: Various  
ATTACHMENTS: 12.2 Plan of Amalgamation/Resubdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to resubdivide the above 10 lots and parts of closed road into 4 lots as shown on the attached plan. The subject land involves the Kojonup Co-operative buildings and parking area and adjoining shops and the Kojonup Women's Club buildings fronting Albany Highway.

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 42 days for comments (closing on 18 July 2013) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

**COMMENT**

The landowners have stated the purpose of the subdivision is 'commercial and residential'.

The subject land is contained in 2 zones under Town Planning Scheme No. 3 being:

- Lots 2, 3, 11, 12, 22, 24, 25, 26 fronting Albany Highway, Jones Road & Honner Street and closed road areas including the co-op, shops and Kojonup Women's Club zoned Commercial; and
- Lots 126 & 127 Elverd Street zoned Residential.

The use of the land will remain as is and is adequately serviced with infrastructure including electricity, sewer, water, telecommunications, roads etc available to support the amalgamation. There is no proposal to change the present use of the areas and it will consolidate the lots consistent with the present developments and buildings. The inclusion of the closed road areas (which are Crown Land) has been supported by the Department of Regional Development and Lands.

Some of the proposed boundaries will cross existing zoning boundaries, which is not generally supported. Given the Shire is preparing a new Local Planning Scheme it is recommended that the zoning boundaries be modified at that time. The uses would need to remain consistent with the present zonings until any change has been effected either through the new scheme or a scheme amendment to the present scheme.

Given the existence and importance of the stormwater drainage path through parts of the property, it is recommended that the Council request the creation of a reserve to protect and secure its use for drainage under the *Planning and Development Act 2005*.

The Kojonup Women's Club (Lot 2) is contained on the Shire's Municipal Heritage Inventory (Place No 55) for its aesthetic, historical and social significance to the community as the original Roads Board Office and since 1954 the Women's Club. The proposed resubdivision will increase the lot size from 382m<sup>2</sup> to 415m<sup>2</sup> and is not expected to affect the heritage values of the building. The new lot details shall be updated in the Heritage Inventory when the resubdivision is completed.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

The subject land is contained in the Commercial and Residential Zones under Town Planning Scheme No 3.

#### **POLICY IMPLICATIONS**

The Shire's Town Planning Scheme Policy No. 11 'Applications for Subdivision' provides for the following requirements for amalgamations:

- The amenity of the area is not adversely affected.

The proposed resubdivision is not expected to change the existing amenity of the area.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

#### **OFFICER RECOMMENDATION**

**That Council advise the Western Australian Planning Commission that it supports the proposed resubdivision of Lots 2, 3, 11, 12, 22, 24, 25, 26, 126, 127 & Closed Road, Albany Highway/Jones Road/Elverd & Honner Streets, Kojonup into 4 lots as proposed on WAPC File 148066 and requests the following conditions/advice be placed upon the approval:**

- 1 The existing drainage system crossing the lots to be shown as a reserve on the diagram or plan of survey (deposited plan) as reserve for drainage and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.**
- 2 Any upgrading of the roads and/or new crossovers to the properties will be the responsibility of the landowner to construct to the Shire's specifications and any upgrading of the Albany Highway will need to be undertaken to the satisfaction of the Main Roads WA.**
- 3 The existing lots that are the subject of this application being amalgamated on the diagram or plan of survey (deposited plan).**

#### ***Advice Notes:***

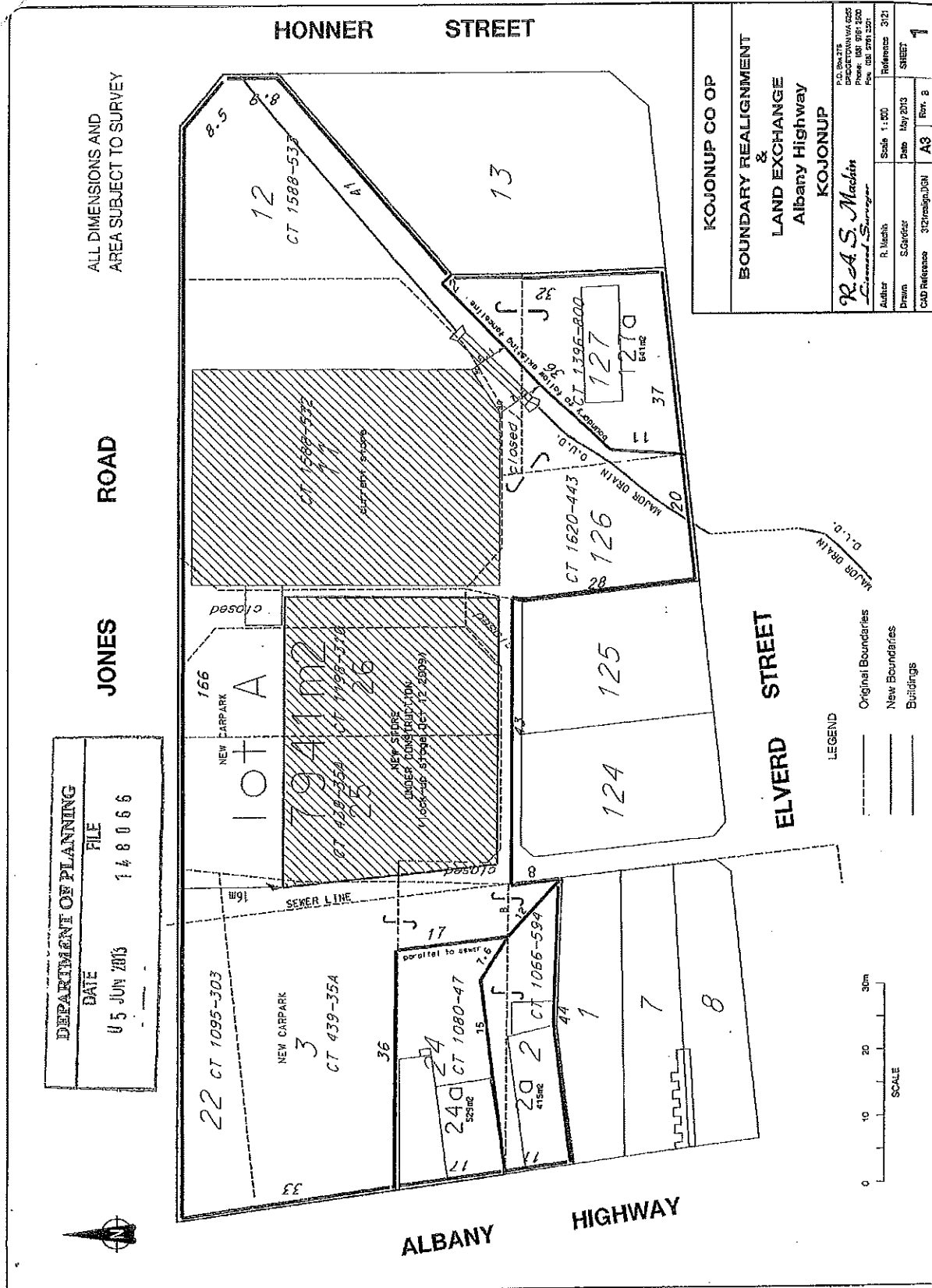
- i) Some of the proposed boundaries will cross zoning boundaries under the existing Town Planning Scheme No. 3 and these will be modified through the preparation of the new Local Planning Scheme to be consistent with the new cadastral boundaries on the land.*

## COUNCIL DECISION

/13 Moved Cr , seconded Cr

CARRIED/LOST

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LOT #	C / T	AREA m2	OWNER	ACTION	NEW LOT	AREA
22	1095 - 303	478	koj Co Op	amalgamate into LOT A	LOT A	7941
3	439 - 35A	1184	koj Co Op	amalgamate into LOT A		
11	1588 - 532	2178	koj Co Op	amalgamate into LOT A		
12	1588 - 533	1054	koj Co Op	amalgamate into LOT A		
25	439 - 35A	966	koj Co Op	amalgamate into LOT A		
26	1198 - 310	981	koj Co Op	amalgamate into LOT A		
126	1620 - 443	606	koj Co Op	amalgamate into LOT A		
closed roads		230		amalgamate; approval rec'd from State Land Services		
2	1066 - 594	382	Koj Womens Club	realign bdy, land swap to provide access to lot A	2A	415
24	1080 - 47	759	koj Co Op	excise rear strip into Lot A	24A	529
127	1396 - 800	678	Kerry Ann GROSE	realign bdy, land swap to existing fence line	127A	641
TOTAL		9526m2			TOTAL	9526m2

ALL DIMENSIONS AND  
AREA SUBJECT TO SURVEY

EXISTING LOTS 10  
PROPOSED LOTS 4  
INDEX PLAN: B126 /10.7

LAND USAGE  
commercial town lots  
SHIRE OF KOJONUP

SERVICES				
ROAD NAME	Albany Highway	Jones Rd	Homer St	Elward St
ROAD SURFACE	SEALED	SEALED	SEALED	SEALED
DRIVE WAY	NIL	SEALED	NIL	SEALED
FOOT PATH	SEALED	SEALED	NIL	SEALED
KERBING	YES	YES	YES	YES
STORM WATER	YES	YES	YES	YES
POWER	AERIAL	AERIAL	AERIAL	AERIAL
TELSTRA	YES	YES	YES	YES
WATER	YES	YES	YES	YES
SEWER	YES	YES	YES	YES

KOJONUP CO OP

BOUNDARY REALIGNMENT  
&  
LAND EXCHANGE  
Albany Highway  
KOJONUP

R.A.S. Machin Licensed Surveyor		Scale 1:500	Reference 271
Author R. Machin	Date May 2013	SHEET	
Client S. Grose	DTI Insp. DON	A3	Rev. B
CAD Reference			2



12.3 INITIATE TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 10 TO MODIFY LOT 3 (NO. 32) SPRING STREET, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
DATE: 17 July 2013  
FILE NO: LP.PLN.17  
ATTACHMENT: No

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider the proposal to reclassify the above property from the Recreation Local Scheme Reserve to Public Purposes Local Scheme Reserve to facilitate the development of a future medical centre on the site.

The recommendation is to initiate the scheme amendment and prepare a scheme amendment document.

**BACKGROUND**

It is understood that the Council, in conjunction with the Advisory Committee, have settled on the site for a new medical centre on Spring Street adjacent to the existing hospital etc.

The land is presently contained within the Recreation Reserve under Town Planning Scheme No. 3 and the intention is to modify this to Public Purposes to better reflect the intention to construct a medical centre on the site.



LOT 3 (NO. 32) SPRING STREET, KOJONUP (image taken from Synergy Database)

**COMMENTS**

Should the proposal be supported by Council, staff will commence preparation of the necessary scheme amendment document to define the rationale and justification for the change to the reservation.

Council is now required to initiate the scheme amendment in accordance with the *Planning and Development Act 2005* and undertake consultation process as defined in the *Town Planning Regulations 1967*.

### **CONSULTATION**

The amendment will initially be referred to the EPA for assessment. Upon completion of the EPA assessment (and subject to a positive response), the Amendment will need to be advertised for 42 days.

Advertising will include: advertisement in local newspapers, sign on site, letters to adjoining/nearby landowners, referral to relevant Government agencies and a notice on Council's notice board.

Upon completion of the advertising period, Council is required to consider any submissions received and determine whether to seek final approval to the amendment by the WA Planning Commission/Minister.

### **STATUTORY ENVIRONMENT**

- *Planning & Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act. The Lot 3 is reserved for Recreation.
- *Town Planning Regulations 1967* - The Regulations set the procedure for amending a town planning scheme.
- Land is zoned part Commercial and part Residential.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Advertising and amendments costs are covered within the Shire's adopted budget.

### **STRATEGIC IMPLICATIONS**

The completion of the amendment would facilitate the development of a medical centre on the site.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

- 1 That Council pursuant to section 75 of the *Planning and Development Act 2005* hereby resolves to initiate Amendment No. 10 to the Shire of Kojonup Town Planning Scheme No. 3 to amend the scheme as follows:
  - a) Remove Lot 3 (No. 32) Spring Street, Kojonup from the Recreation Reserve and include it within the Public Purposes Reserve.
  - b) Amend the face of the Scheme Map accordingly.
- 2 Staff to prepare a scheme amendment document to facilitate the change in reserve purpose.

### **COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST /

12.4 PLANNING APPLICATION FOR MASSAGE THERAPY PRACTICE LOT 14 SOLDIER ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
DATE: 17 July 2013  
FILE: DB.BDA.8  
OWNER: R McKenzie & DJ Lee  
LOCATION: Lot 14 Soldier Road, Kojonup  
ATTACHMENTS: No

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider an application to utilise part of the existing dwelling on the above property as consulting rooms to undertake a massage therapy practice.

The recommendation is to undertake consultation on the proposal in accordance with the town planning scheme requirements and then consider any submissions received.

**BACKGROUND**

Nil.

**COMMENT**

The proposal is to an application to utilise part of the existing dwelling on the above property as consulting rooms.

The applicant is a qualified and experienced medical practitioner. The service will be both mobile (visiting clients in their own homes) and provided within a dedicated therapy room with adjoining reception/waiting room/toilet. The applicant is aware of universal access requirements and these will be improved were required. The practice will operate 7 days a week 11 hours a day (0800 – 1900) by appointment only. The maximum patient visitation is expected to be 11 – 15 per day based on individual treatments taking approximately ½ - 1 hour. The property is large and has an adequate and suitable area available for vehicle parking for patients. No advertising signs are requested by the applicant and patients will be provided with directions to the property when booking appointments.

The proposal has been initially approved as a home occupation although in considering the long-term potential of the proposal, it is recommended that the application be considered as consulting rooms and Council proceed to advertise the proposal in accordance with the Scheme requirements.

The Scheme includes land use classes for medical centre and medical clinic. The proposal does not comply with these as it is for a single operator (medical clinic requires a minimum of 2 medical practitioners) and does not seek to reclassify the entire building away from a single house (as required in the definition of medical centre).

The Model Scheme Text contained within the *Town Planning Regulations 1967* includes a definition for consulting rooms as follows:

***consulting rooms***

*means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;*

This definition is more suitable to the proposal and its intentions than medical centre or medical clinic as described above. To consider the proposal as consulting rooms requires several steps to be undertaken by Council in considering whether to grant approval/refusal to the application as set out in the Statutory Environment section below.

## CONSULTATION

Should Council agree for the proposal to be advertised, the following consultations are recommended:

- The proposal is referred to adjoining landowners for comment.
- The proposal is advertised within the Great Southern Herald and Kojonup News for comment.

## STATUTORY ENVIRONMENT

*Planning and Development Act 2005* – The Shire of Kojonup Town Planning Scheme No. 3 is an operative planning scheme under the Act. The land is zoned Residential under Town Planning Scheme No. 3 and the objectives (clause 3.2.1) for the residential zones are as follows:

- (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.*

As advised above, the Model Scheme Text contained within the *Town Planning Regulations 1967* includes a definition for consulting rooms as follows:

***consulting rooms***

*means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;*

This definition is more suitable to the proposal and its intentions than medical centre or medical clinic as described above. To consider the proposal as consulting rooms requires several steps to be undertaken by Council in considering whether to grant approval/refusal to the application as follows:

Clause 3.3.5 'Zoning Table' of the Scheme states:

- 3.3.5 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may:*
- (a) *Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
  - (b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an Application for Planning Consent.*

The proposal for the consulting rooms does not compromise the objectives for the residential zone and it is recommended the proposal be advertised for public comment in accordance with Clause 6.2 prior to the application being determined.

Clause 6.2.3 'Advertising of Applications' of the Scheme states:

- 6.2.3 *Where the Council is required or decides to give notice of an Application for Planning Consent the Council shall cause one or more of the following to be carried out:*
- (a) *Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within 21-days of the service of such notice;*
  - (b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within 21-days from the publication thereof;*
  - (c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21-days from the date of publication of the notice referred to in paragraph (b) of the clause.*

- 6.2.4 *The notice referred to in clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.*
- 6.2.5 *After the expiration of 21-days from the serving of notice of the proposed development, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

Clause 6.3 ‘Determination of Applications’ of the Scheme states:

- 6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*
- 6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grants its approval unconditionally or subject to such conditions as it thinks fit.*

The options available to Council in considering the application can be summarised as follows:

- a) Defer the application and seek additional information from the applicants;
- b) Determine the application is not consistent with the residential zone and refuse the proposal (giving reasons); or
- c) Determine by absolute majority that the proposal may be consistent with the residential zone and give public notice and seek comment on the proposal;

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The proponents are required to pay the application fee as required under the Shire of Kojonup 2012/2013 Budget ‘Schedule of Fees and Charges’. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

All advertising costs will be recouped from the applicants.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **OFFICERS RECOMMENDATION**

**That Council determine the proposed Consulting Rooms (Massage Therapy Practice) may be consistent with the objectives for the residential zone and advertise the proposal in accordance with clause 6.2 of the Scheme as follows:**

- (a) **The proposal is referred to adjoining landowners for comment.**
- (b) **The proposal is advertised within the Great Southern Herald and Kojonup News.**

#### **COUNCIL DECISION**

/13 Moved Cr , seconded Cr

CARRIED/LOST

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**13     EXECUTIVE & GOVERNANCE REPORTS****13.1   COUNCILLORS FEES & REIMBURSEMENTS POLICY REVIEW**

AUTHOR:                Sophie Knight – Policy, Planning and Governance Officer  
DATE:                    11<sup>th</sup> July 2013  
FILE NO:                CM.POL.2  
ATTACHMENT:        13.1     Policy 3.10     Councillors Fees & Reimbursements

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The Salaries and Allowances Tribunal (SAT) has completed its review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia.

The determination which will operate from 1 July 2013 establishes a scale of payments and provisions for reimbursement of expenses in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

This is the first independent determination of fees, allowances and expenses which were set in 1996 and last adjusted in 2005. It brings levels of remuneration for elected council members into line with other States and also with the fees paid to Government Board and Committee members in Western Australia.

**BACKGROUND**

After extensive consultation the Tribunal concluded that the 1996 framework of fees, allowances and expenses did not take into account the significant weight of responsibilities shouldered by elected council members, particularly in the large and most populated local governments.

In establishing a new framework for the payment of fees, allowances and expenses, the Tribunal has adopted a banding model to differentiate between the responsibilities carried by Councillors, Mayors, Presidents and their deputies in local governments throughout the State. Provision has been made for reimbursement of expenses properly incurred in enabling elected council members to properly fulfill their duties.

**COMMENT**

In reviewing this Policy it is envisaged that the proposed changes will provide Council guidance with respect to the setting of fees and allowances in future years.

The main change to the Policy is the setting of fees and allowances at an amount equal to 75% of the maximum amount as prescribed by SAT.

**CONSULTATION**

Council considered the SAT determination at its Draft Budget briefing session held 9<sup>th</sup> July 2013.

**STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

3.10     Councillors Fees & Reimbursements

The total annual cost fees and allowances calculated in accordance with this policy for the 2013/2014 financial year is \$137,433 an increase of \$78,858 to the previous year.

## Nil

### Simple Majority

**That Policy 3.10 “Councillors Fees & Reimbursements” as attached be adopted.**

/13      Moved Cr      , seconded Cr

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### 3.10 COUNCILLORS FEES & REIMBURSEMENTS

Adopted or Reviewed by Council:	19/02/13	Council Minute Reference:	23/13
Reviewer:	Manager of Corporate Services		
Local Law:			
Procedure:			
Delegation:			

#### OBJECTIVE

To define elected member fees and allowances as determined by the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the *Salaries and Allowances Act 1975*.

To encourage elected members use of Council vehicles, where possible, for Council business.

#### POLICY

##### FEES AND ALLOWANCES

Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the *Local Government Act 1995* and *Salaries and Allowances Act 1975*.

##### REIMBURSEMENT OF EXPENSES

- a) Conferences:  
Council will pay for reasonable expenses incurred (including out of pocket expenses) in relation to nomination, travel and accommodation of any Councillor that is authorised by Council to attend a conference relating to Council Business. The President and Chief Executive Officer of the Shire shall approve the amount of expenses to be incurred.
- b) Travel:  
Council will reimburse Councillors travelling expenses when attending Council Meetings, Committee Meetings, Advisory Committees and Council authorised meetings. Travel with the Shire President or Council Officer is encouraged where this is convenient and effective. If this is not convenient or effective the Councillor may claim the appropriate mileage allowance. Reimbursement will be at the current rate per kilometre for a specified engine size set in the Local Government Industry Award on presentation of a completed log book.
- c) Out of Pocket Expenses:  
Reasonable out of pocket expenses will be reimbursed on presentation of a receipt to the Manager of Corporate Services Department.

##### ADMINISTRATION

- Councillors attending official Council meetings as an observer authorised by the Presiding Member or the Council in general will be entitled to travel reimbursement.
- Councillors may elect not to receive meeting fees and other allowances.
- Councillor fees and allowances payments shall be paid on a bi-annual basis, in arrears, in December and June.
- Payment of travel reimbursements and Out of Pocket expenses shall be made on application to the Manager of Corporate Services.
- Councillors attending Council related meetings in a private capacity are not entitled to travel reimbursement.
- Only one amount can be claimed for annual attendance fees, i.e. two positions cannot be added so as to get a higher figure.





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

**16     NEW BUSINESS**  
(of an urgent nature, introduced by a decision of the meeting).

**17     CONFIDENTIAL REPORTS**

**18     NEXT MEETING**

Tuesday, 20<sup>th</sup> August 2013 commencing at 3:00pm.

**19     CLOSURE**

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

**20     ATTACHMENTS (SEPARATE)**

Item 10.2             Monthly Payment Listing

Item 10.4             Shire of Kojonup 2013/2014 Draft Annual Financial Budget

Item 14.1             Unconfirmed Medical/Health Centre Advisory Committee Minutes – Friday  
5<sup>th</sup> July 2013