

# SHIRE OF KOJONUP



## Council Minutes

*22<sup>nd</sup> July 2014*

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 22<sup>nd</sup> July 2014****TABLE OF CONTENTS**

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## MINUTES

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

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

*Disclaimer*

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

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

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

### 2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Ian Pedler	
Cr Jane Trethowan	
Cr John Benn	
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Craig McVee	Manager of Works & Services
Mr Mort Wignall	Manager of Regulatory & Community Services
Miss Dominique Hodge	Personal Assistant to the CEO
Mr Robert Cowie	Administration/Regulatory Officer

Members of the Public	2
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#### **APOLOGIES**

Cr Robert Sexton	Granted Leave of Absence for July 2014 Ordinary Council Meeting at Meeting 17 June 2014
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### 3 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

### 4 **PUBLIC QUESTION TIME**

Nil

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 17<sup>th</sup> June 2014

**COUNCIL DECISION**

**99/14 Moved Cr Benn, seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 17<sup>th</sup> June 2014 be confirmed as a true record.**

**CARRIED 7/0**

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

Nil

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

9 **DECLARATIONS OF INTEREST**

The Chief Executive Officer declared an interest in Item 10.3 as present occupier of staff housing and contractual arrangements.

Cr Trethowan declared a proximity interest in Item 12.3 & 12.4.

Cr Radford declared an interest in Item 13.3 as he is President of the Kojonup Tourist Railway.

## **10 CORPORATE SERVICES REPORTS**

### **10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Anthony Middleton – Manager of Corporate Services  
DATE: Monday, 14 July 2014  
FILE NO: FM.FNR.2  
**ATTACHMENT: 10.1 Monthly Statement of Financial Activity**

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 30 June 2014.

#### **BACKGROUND**

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

#### **COMMENT**

**Please Note – These financial statements do not represent an audited end of year financial position of the Shire of Kojonup. There remain some balance day adjustments, accruals provisions and other transactions to be completed which will amend the net financial position shown in these statements. The final figures will be shown in the Annual Report of the Shire of Kojonup.**

The attached Statement of Financial Activity for the period 1 July 2013 to 30 June 2014 represents twelve (12) months, or 100% of the year. The following items are worthy of noting:

- Surplus position of \$191,164;
- 94% of budgeted operating revenue has been received and 94% of budgeted operating expenditure has been spent;
- Only 5.8% of total rates collectable are outstanding (this figure includes previous years arrears but excludes deferred rates). Please note that \$76,692 or 2% of these collectable rates are from five (5) properties that the Council is taking recovery action on; and
- Cash holdings of \$2.988m of which \$3.32m is held in cash backed reserve accounts.
- Page 7 of the statements details major variations from year to date (amended) budgets.

#### **CONSULTATION**

Nil.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

#### **STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013-23 Focus Area 1 - Being Well Governed

Draft Corporate Business Plan 2013-17

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

**RISK MANAGEMENT IMPLICATIONS**

A control measure to ensure transparency in financial systems and controls.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**100/14 Moved Cr Trethowan, seconded Cr Mathwin that the monthly financial statements for the period 1<sup>st</sup> July 2013 to 30 June 2014, as attached, be noted.**

**CARRIED**

**7/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Hueppauff – Finance Officer  
DATE: Monday, 14 July 2014  
FILE NO: FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing 1/6/2014 – 30/6/2014

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To receive the list of payments covering the period 1<sup>st</sup> June 2014 to 30<sup>th</sup> June 2014.

### **BACKGROUND**

Not applicable.

### **COMMENT**

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

### **CONSULTATION**

No consultation was required.

### **STATUTORY REQUIREMENTS**

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

### **POLICY IMPLICATIONS**

Council's Policy 2.5 provides authorisations and restrictions relative to purchasing commitments.

### **FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

### **STRATEGIC/CORPORATE IMPLICATIONS**

There are no strategic/corporate implications involved with presentation of the list of payments.

### **RISK MANAGEMENT IMPLICATIONS**

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

### **VOTING REQUIREMENTS**

Simple Majority



**COUNCIL DECISION / OFFICER RECOMMENDATION**

**101/14 Moved Cr Benn, seconded Cr Pedler that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/6/2014 to 30/6/2014 comprising of Municipal Cheques 13139 to 13164, EFT's 12139 to 12303 and Direct Debits 16321.1 to 16415.1 totalling \$816,400.95 and as attached to this agenda, be received.**

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

**10.3 ROYALTIES FOR REGIONS FUNDING 2012-2013**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Thursday, 3 July 2014  
**FILE NO:** GS.PRG.22  
**ATTACHMENT:** 10.3.1 Draft Financial Assistance Agreement (FAA)

**DECLARATION OF INTEREST**

Chief Executive Officer declares an interest in this item as a present occupier of staff housing contractual arrangements.

**SUMMARY**

To obtain Councils endorsement to allocate the 2012/2013 Country Local Government Fund grant to the construction of a new CEO house at Loton Close in accordance with the amended Financial Assistance Agreement.

**BACKGROUND**

In the Council meeting of 16<sup>th</sup> April 2013, 58/13, a decision moved by Cr Pedler, seconded Cr Benn that Council endorse the following recommendation of the Medical/Health Centre Advisory Committee:

Advisory Committee Decision 8/13

1. That the Shire allow Royalties for Regions 2012/13 grant to be retained for the Medical Centre on Walkers Block.
2. That the Shire through the CEO with the assistance of the Medical/Health Centre Advisory Committee actively pursue funding for the Medical Centre.
3. That 34 Katanning Road be referred to as “doctors surgery”, rather than a “Medical Centre”.

**COMMENT**

Recent developments including the bequest by George Church and the decision to upgrade the existing medical centre in Bagg Street, Kojonup incorporating new public toilet, revised carpark layout will extend beyond the timeframes of the agreement. Necessitating the 2012/2013 Royalties for Regions grant funding for the building of a new CEO house which will be completed in the 2014/2015 financial year.

The Financial Assistance Agreement as attached clearly stipulates timeframes required by Council to meet construction acquittals which are not achievable in accordance with Council Decision 58/13.

**CONSULTATION**

Council Briefing Sessions 1<sup>st</sup> July 2014.

**STATUTORY REQUIREMENTS**

There are no statutory requirements applicable to this item.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

By allocating this grant to the CEO’s House Councils resources previously set aside for staff housing can be transferred to the Medical/Civic Centre project.

**STRATEGIC/CORPORATE IMPLICATIONS**

Attract and retain qualified staff as per Workforce Plan.

**RISK MANAGEMENT IMPLICATIONS**

Control measure to ensure legal compliance.

**ASSET MANAGEMENT IMPLICATIONS**

New building to be listed in staff housing register.

**VOTING REQUIREMENTS**

Simple Majority

*3:07pm The Chief Executive Officer declared an interest and left the Chamber.*

**OFFICER RECOMMENDATION**

1. That Council revokes its earlier decision on 16<sup>th</sup> April 2013 to apply 2012/2013 Royalties for Regions grant funding for a Medical Centre on Walkers Block; and
2. The Shire of Kojonup's Forward Capital Works Plan 2010/2011 to 2014/15 be amended to show the 2012/2013 Country Local Government Funding for the construction of a new staff house at Loton Close; and
3. The attached Financial Assistance Agreement be endorsed and the Shire President and Chief Executive Officer be authorised to execute the document and use the Common Seal.

**COUNCIL DECISION****102/14 Moved Cr Mathwin, seconded Cr Pritchard**

1. **That Council revokes its earlier decision on 16<sup>th</sup> April 2013 to apply 2012/2013 Royalties for Regions grant funding for a Medical Centre on Walkers Block; and**
2. **The Shire of Kojonup's Forward Capital Works Plan 2010/2011 to 2014/15 be amended to allocate the 2012/2013 Country Local Government Funding for the construction of a new staff house at Loton Close; and**
3. **The attached Financial Assistance Agreement be endorsed and the Shire President and Chief Executive Officer be authorised to execute the document and use the Common Seal.**

**CARRIED 7/0**

*3:13pm The Chief Executive Officer returned to the Chamber.*

The Shire President advised the Chief Executive Officer of the Council's Decision.

**10.4 BUDGET ADOPTION – 2014/2015 LIST OF FEES AND CHARGES**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Monday, 14 July 2014  
**FILE NO:** FM.FEE.1  
**ATTACHMENT:** 10.4 List of Fees and Charges

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to adopt the list of fees and charges for the 2014/2015 financial year.

**BACKGROUND**

The Council is required to adopt a list of fees and charges annually.

**COMMENT**

The draft list of fees and charges has undergone a review from all staff and also been the subject of a Council briefing session. It is considered by the author that further improvements can be made over the 2014/2015 financial year to improve the readability and usability of our fees and charges, to both staff and facility users. This project will be progressed over the coming twelve months.

**CONSULTATION**

All office staff have been requested to provide input. A review was also conducted at a Council briefing session.

**STATUTORY REQUIREMENTS**

Section 6.15 to 6.19 of the Local Government Act (1995) legislates the imposition of fees and charges for a local government. Section 6.19 of this Act requires a local government to advertise the imposition of fees and charges that are not included in the annual budget. This item is being completed in conjunction with the adoption of the annual budget and therefore advertising is not required.

**POLICY IMPLICATIONS**

There is no Council policy applicable to this item.

**FINANCIAL IMPLICATIONS**

The list of fees and charges, when adopted, sets the level of many revenue items contained within the budget. Significant consideration needs to be given when setting each fee and charge and the effect that it will have on the usage of that facility and the total revenue level obtained.

**STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013-23 Focus Area 1 - Being Well Governed

Draft Corporate Business Plan 2013-17

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

**RISK MANAGEMENT IMPLICATIONS**

A thorough and complete list of fees and charges assists with legislative compliance and ensures the generation of adequate revenue.

**ASSET MANAGEMENT IMPLICATIONS**

An appropriate list of fees and charges can assist to fund the required asset management activities.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That the list of fees and charges contained within the 2014/2015 budget be adopted.

*The Manager of Corporate Services advised the Council that the fee for the Building Services Levy (unauthorised work) should read \$81 and not \$91.*

**COUNCIL DECISION**

**103/14 Moved Cr Pedler, seconded Cr Radford that the list of fees and charges contained within the 2014/2015 budget be adopted, subject to changing the Building Services Levy (unauthorised work) to \$81 as set by legislation.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

REASON FOR CHANGE: Given the above advice from the Manager of Corporates it was appropriate for the Council to change their decision.

**10.5 BUDGET ADOPTION – 2014/2015 PROPERTY RATES**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Monday, 14 July 2014  
**FILE NO:** FM.BUD.2  
**ATTACHMENT:** Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to set the property rates and associated conditions for the 2014/2015 financial year.

**BACKGROUND**

Nil.

**COMMENT**Level of Rates/Calculation

The proposed rate increase in the 2014/15 draft budget is 3.5%. Rates revenue for 2014/15 has been calculated on total property values as at 30 June 2014 with an increase of 3.5% 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. Gross Rental Values are not due for revaluation until 30 June 2015.

Although the rate in the dollar has 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.

It is proposed that the minimum rate of \$625 be maintained from last year.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. The Council has historically offered a discount and it is proposed that a 2.5% discount on property rates paid within 14 days from the date of issue of the rate notice.

Instalments

It is recommended that the Council continue to offer the following three (3) payment options as in previous years.

1. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice. (Full payments received within 14 days are eligible for a discount of 2.5% on the amount of their current rate charge); or
2. To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or
3. To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$9.00 be charged for each instalment reminder issued after the first instalment is paid. This is the same as that charged in 2013/2014.

Interest on Instalments

It is recommended that the maximum allowable interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. Again, this is consistent with the previous year's charge and statutory requirements.

**CONSULTATION**

Setting the rating levels for 2014/2015 has been discussed at Council briefing sessions and senior management team meetings. All other rating parameters and as per previous years.

**STATUTORY REQUIREMENTS**

Section 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations relate to property rating requirements and procedures.

**POLICY IMPLICATIONS**

There is no Council policy applicable to this item.

**FINANCIAL IMPLICATIONS**

The property rates proposed have been established on the basis of delivering a balanced budget.

**STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013-23 Focus Area 1 - Being Well Governed

Draft Corporate Business Plan 2013-17

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

**RISK MANAGEMENT IMPLICATIONS**

A control measure to raise rate revenue to offset budget expenditure as listed in the 2014/2015 budget.

**ASSET MANAGEMENT IMPLICATIONS**

Rating revenue assists to fund the required asset management activities.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**104/14 Moved Cr Mathwin, seconded Cr Benn that:**

**1. That the following rate levels be adopted for the 2014/2015 year:**

- a) For all rateable properties where Gross Rental Valuations are applied a rate of 14.6475 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 0.8535 cents in the dollar with a Minimum Rate of \$625 to apply.

**2. 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 Deferments Act 1993 are exempt from this provision.**

**3. That for those ratepayers who pay all of their rates and charges and arrears in full within 14 days (8 August 2014) of the date of rate notice issue (25 July 2014) they be offered a discount of 2.5% on the amount of their current property rate charge for the 2014/2015 year.**

**4. 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 29 August 2014.**

**Full payments received on or before 8 August 2014 are eligible for a discount of 2.5% on the amount of their current rate charge for the 2014/2015 year.**

**Option 2 Payments to be made by two (2) installments as detailed on the Rates Notices, with the following dates:**

<b>First Installment</b>	<b>29 August 2014</b>
<b>Second Installment</b>	<b>5 January 2015</b>

**Option 3 Payments to be made by four (4) installments, as detailed on the Rate Notices with the following dates:**

<b>First Installment</b>	<b>29 August 2014</b>
<b>Second Installment</b>	<b>30 October 2014</b>
<b>Third Installment</b>	<b>5 January 2015</b>
<b>Fourth Installment</b>	<b>6 March 2015</b>

**5. 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 each subsequent installment is due.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**



**10.6 BUDGET ADOPTION – 2014/2015 ANNUAL BUDGET**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Monday, 14 July 2014  
**FILE NO:** FM.BUD.2  
**ATTACHMENT:** 10.6 2014/2015 Draft Annual Budget

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to adopt the 2014/2015 annual budget, with or without modification.

**BACKGROUND**

The Local Government Act 1995, requires each Local Government to prepare a budget 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 31st August in the budget year unless the Minister for Local Government has granted an extension.

The Council has been working on the components of the 2013/2014 Annual Budget for a number of months now, including the consideration of fees and charges and property rating details. The Council briefing sessions have enabled a detailed analysis of the draft budget by staff and elected members.

The previous items in this agenda have dealt with the major items in the budget and have been adopted individually as required by the Local Government Act. These included the List of Fees & Charges and Property Rates.

**COMMENT**

The Chief Executive Officer has prepared the following introduction to the budget:

*“Having now been in the position of CEO for 12 months I have not only gained a greater appreciation of the challenges and enormous opportunities within the Shire of Kojonup but also the capacity and capability of the Community, Councillors and my Team to turn those challenges into realistic outcomes that are sustainable into the future.*

*The 2014/2015 Budget builds on respecting past decisions but also plans and promotes for today and tomorrow in accordance with the Community Strategic Plan 2013-2023. This has necessitated a complete review of Council systems, processes, procedures, project planning and governance to ensure an integrated approach and understanding of the “core business” of Council.*

*In conjunction with the above review; emphasis continues on the legal compliance of Council, Committees and Work Groups etc. undertaking forward planning through effective governance that provides transparency, accountability and innovation as well as striving for productivity gains and operating efficiencies via a committed, dedicated and capable workforce.*

*The Shire of Kojonup’s capacity to raise revenue from rates becomes increasingly strained especially given recent State and Federal cutbacks as Council is still required to:-*

- *Maintain an extensive road/drainage network that is engineered to cater for harvest trucks and machinery, school buses and general motorists regardless of storm events or prolonged dry seasons. Alternatively Council and the Community must recognise that some roads cannot meet this overall standard but should be maintained at an agreed minimum standard.*
- *Provide essential services such as Springhaven in collaboration with State and Federal Agencies for an ageing population.*
- *Improve the visual amenity and functionality of our townscapes despite static or decreasing population.*

- *Recognise that increasing demands on disposable incomes through increased “Costs of Living” imposes further pressure on the continued viability of businesses and households necessitating prudent financial management and “value’ outcomes.*
- *Understand implications of business closures or residents moving in search of more secure employment create a multiplier effect such as a reduction in the number of children attending school, the number of volunteers able to commit to sporting groups, emergency services and service organisations etc., unemployment increases, all of which are vital to the community’s overall economic health and well-being.*

*The Country Local Government Fund has provided vital funding for rural community infrastructure renewal and unfortunately the program has now ceased however Council will continue to develop sound Master Plans to compete for Royalties for Regions funds at a regional level by clearly demonstrating a legitimate need that is reflected in the Great Southern Economic Blueprint given Kojonup’s strategic location and unrealised growth potential.*

### **Budget 2014/2015**

#### **General Overview**

- *3.5% increase on total rates raised 2013/2014 (CPI factor represents 3.1%);*
- *No new loans proposed. Loan level projected to be \$425,000 at the end June 2015;*
- *Large Capital Program of \$7.18 Million which includes provision for CEO House, 3 Independent Living Units, Day Care Facility, Road Construction, Major Building Maintenance Projects at Memorial Hall, Springhaven, Shire Administration Building and Plant & Equipment upgrades in accordance with 10 year replacement program utilising Government Grants and Reserve Funds;*
- *Future prioritised projects will rely on accessing new grant funding streams and long term planning/savings into reserve accounts; and*
- *FTE workforce 2013/2014 = 53    2014/2015 = 55 + 5 Traineeships.*

#### **Executive Services (CEO – Rick Mitchell-Collins)**

- *Main Street Renewal and Redevelopment Master Plan - \$100,000 allocated to begin implementation during 2014/2015.*
- *Sports Precinct Master Plan consultation process –*
  - *\$100,000 to begin implementation during 2014/2015 and \$50,000 to complete Complex upgrades;*
  - *\$194,396 on improving water re-use and stormwater harvesting infrastructure as part of drought-proof strategy for parks and reserves; and*
  - *\$65,000 to Swimming Pool towards Trainee, contract renewal, capital upgrades, shade sails, seating and playground improvements.*
- *\$877,509 for the extension and renovation of the Bagg Street Doctor’s Surgery incorporating ICT upgrade, consulting rooms, new public toilets, improved car park layout and landscaping of the Civic Centre. Council aims to leverage additional grant funds from the tremendous bequest made by George Church and his family. Concept Design Plans, engineering assessments, statutory compliance etc. to be undertaken in first half of 2014/2015 financial year with major construction planned to commence 2015/2016.*
- *\$858,750 for the construction of 3 Independent Living Units and development of land to enable private investment at Loton Close/Soldier Road.*
- *\$500,000 for construction of CEO staff housing at Loton Close.*
- *\$110,000 towards land purchase strategically aligned with Main Street Master Plan.*
- *\$20,000 to review Municipal Heritage Inventory.*
- *\$30,000 subdivision expenses to secure titles to existing council properties and develop residential land (old drive-in site).*
- *\$20,000 for Events including WWI commemorations.*
- *\$20,000 towards Bush Fire Repeater Station upgrade.*
- *\$50,000 towards Southern Link Voluntary Regional Organisation of Councils (VROC) resource sharing/strategic planning.*

**Aged Care Services (Division Manager – Sue Northover)****Springhaven**

- \$190,000 for renovation and construction of bathroom facilities,
- \$36,000 roof repairs.
- \$22,000 sealing western car park off Soldier Road.
- \$20,000 LED lighting upgrade.
- \$13,500 furniture upgrade and new reception area.
- \$13,000 blinds, floor coverings and air conditioning upgrades.
- \$10,000 Resident room upgrades (5 rooms).

**Works and Services (Division Manager - Craig McVee)**

- \$1.358m road construction projects as follows:
  - \$870,000 major regional roads;
  - \$248,000 gravel re-sheeting;
  - \$180,000 bitumen reseal;
  - \$40,000 kerbing upgrades within the Kojonup town site;
  - \$20,000 town drainage renewal.
- \$880,000 for major plant and passenger vehicle purchases, including \$360,000 for two new rollers, \$55,000 for new truck, \$50,000 for a water tanker and \$15,000 for a broom for the skid steer loader (in accordance with 10 year replacement program).
- \$450,000 for upgrade of Bridge 4926A Boilup Road.
- \$55,000 for footpath improvement program.
- \$20,000 for Kojonup cemetery upgrade.
- \$10,000 for the purchase of a portable site office with toilet for roadwork's sites.

**Corporate Services (Division Manager - Anthony Middleton)**

- \$120,000 to fund a major upgrade to the IT infrastructure network;
- \$60,000 for records archiving across the organisation to bring up to legislative and usable standard;
- Creation of new reserve account titled 'Energy Efficiency' with an allocation of \$30,000, to commence investigations into renewable energy on Council owned buildings to reduce energy costs and assist the environment;
- Additional \$25,000 to valuation expenses to fund GRV revaluation for 2015/2016;
- \$20,000 to implement a user pays system on water stand pipes;
- \$20,000 for a new corporate logo; and
- \$10,000 to implement rural street addressing.

**Regulatory and Community Services (Division Manager – Mort Wignall)**

- \$800,000 to construct a new Day Care Centre for the Kojonup Occasional Care Committee;
- \$30,500 for fencing upgrades at the transfer station and oil separation facilities;
- \$25,000 to demolish the Pistol Club;
- \$15,000 for roof repairs to historical buildings;
- \$10,000 into the Landfill Waste Management Reserve for future works.

**Conclusion**

*The 2014/2015 Budget process included consideration of and implications to the Long Term Financial Plan, Community Strategic Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan, as well as our ability to meet and respond to changes in government funding streams, regulation, cost shifting and the continued political posturing of Country Local Government Reform.*

*I express my sincere gratitude to Councillors who have demonstrated a clear strategic mindset when assessing, reviewing, evaluating and establishing the strategic direction of Council on behalf of the community they represent which is reflected in the quality of decisions made regarding the*

*development of various Master Plans. There is a substantial difference between having “Champagne tastes on a beer budget!” However it should not deter Council, Staff and the Community from aspiring to be the best Shire in the Great Southern!*

*To my staff and management a very special thanks for your commitment to change and continually rising to the challenge of continuous improvement! There is still much to be done but we have commenced our collective journey recognising that “more of the same” is not sustainable.*

*To the community members whom I, Council and staff have been involved with over the past year and the many volunteers who have contributed time and energy supporting various clubs, groups and organisations thank you for your input and feedback and I look forward to continuing our productive association in the year ahead.*

*To the businesses who continue to support our community a big thank you for attending our Business Breakfast Forums and your contribution to the Main Street Master Planning Process.*

*2013/2014 may be considered a year of reflection, consolidation and planning and Council looks forward to delivering a “realistic/targeted and outcome orientated” Budget Program in 2014/2015.*

*I commend this budget to Council for adoption for the 2014/2015 Financial Year.”*

### **CONSULTATION**

The 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 REQUIREMENTS**

Section 6.2 of the Local Government Act 1995 and regulations 22-33 of the Local Government (Financial Management Regulations) 1996 legislate the requirements of the annual budget.

Section 6.2(1) of the Local Government Act 1995 requires that prior to 31 August each year, the Council adopt a budget for its municipal fund for the proceeding financial year.

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**

There is no Council policy applicable to this item.

### **FINANCIAL IMPLICATIONS**

The adopted budget of the Shire sets the financial direction for the proceeding financial year.

**STRATEGIC/CORPORATE IMPLICATIONS**

Community Strategic Plan 2013-23 Focus Area 1 - Being Well Governed

Draft Corporate Business Plan 2013-17

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

**RISK MANAGEMENT IMPLICATIONS**

The 2014/2015 budget makes provision for the completion of a formalised risk management process for the Shire.

**ASSET MANAGEMENT IMPLICATIONS**

The 2014/2015 budget makes provision for numerous new asset purchases, asset renewal and upgrades and major maintenance items for the coming financial year.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**105/14 Moved Cr Trethowan, seconded Cr Pritchard that the 2014/2015 Annual Budget, as attached, be adopted.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

*Cr Mathwin thanked the Chief Executive Officer for the great overview of the budget.*

*The Chief Executive Officer extended thanks to all elected members, the management team and staff and the community for making him feel so welcome in his first year in Kojonup.*

**11     WORKS & SERVICES REPORTS**

Nil

**12 COMMUNITY & REGULATORY SERVICES REPORTS****12.1 DAY CARE FACILITY – ELVERD & HONNER STREETS KOJONUP**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
 DATE: Tuesday, 8 July 2014  
 FILE NO: CS.SVP.2  
 ATTACHMENT: **12.1 Conceptual Plan**

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to seek final approval from Council to proceed with the construction of a purpose built Day Care Centre which is presently licenced to cater for 19 children but could cater for a maximum of 24 children at any one time in the future subject to Licencing provisions.

**BACKGROUND**

Council at the 16 April 2013 Council Meeting passed the following Resolution in relation to the allocation of Country Local Government Funding (CLGF):-

**49/13 Moved Cr Pedler, seconded Cr Mathwin that:**

- 1. The Shire of Kojonup's Forward Capital Works Plan 2010/2011 to 2014/15 be amended to include the following timing of projects for Country Local Government Funding:**

<b>Project Description</b>	<b>2011/2012</b>	<b>2012/2013</b>
<b>Medical Centre</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>RSL Hall Renewal</b>		<input checked="" type="checkbox"/>
<b>Occasional Child Care Centre</b>	<input checked="" type="checkbox"/>	

- 2. The Chief Executive Officer update the Forward Capital Works Plan 2010/2011 to 2014/15 to incorporate the project timing as indicated in point 1 above, showing updated total project costs and funding sources for future Council endorsement; and**
- 3. The Acting Chief Executive Officer seek approval from the Department of Regional Development and Lands to amend the Shire's Country Local Government Fund grants in accordance with this motion.**

Since the April 2013 Council Meeting there has been considerable discussion on the Day Care Centre including Building Footprint, Design, Layout, Car Parking, Play Ground and Pedestrian access.

The project was further compromised by a change in Government at a Federal level and the subsequent withdrawal of \$321,274 in Regional Development Assistance Funding and Child Care Accessibility Funding. Council amended the building footprint to reduce costs however as time progressed it became apparent that the original 30 children design concept required stringent regulatory considerations that were beyond the financial capacity of Council and existing operators.

Council at the 11 February 2014 Council Meeting resolved as follows:-

- 8/14 Moved Cr Trethowan, seconded Cr Pritchard that H + H Architects be requested to undertake the tender process for the construction of both a transportable and traditional construction style at the current site in Elverd Street, to be run in conjunction with Council Decision 7/14.**

**COMMENT**

Following a meeting in Albany on 16 June 2014 with Kerry Hutchinson - Acting Assessment Team Leader, Department of Local Government and Communities Education and Care Regulatory Unit,

Janelle Price – Regional Development Officer, Regional Children’s Services Plan - RDA Great Southern, Carol Thomas – Community Services Officer, Shire President, Chief Executive Officer and Manager of Regulatory & Community Services the proposed building footprint could be further reduced to cater for up to 24 placements and amended design/layout provisions.

The amendments were passed onto H & H Architects who have indicated a Quantity Survey assessment of the building costs to be approximately \$800k instead of \$1.2M as well as potential for Council to redevelop/sell the existing old primary school site for unit or residential purposes once the new Day Care Centre is established.

This information was discussed in detail at the Council Briefing Session held 1 July 2014 including alternate sites, engineering considerations and approval time frames all of which would unnecessarily delay further progress on a project that Council originally approved in April 2013.

Funding applications to LotteryWest \$200k, Great Southern Development Commission \$200k and Regional Development Australia – Great Southern \$200k can be finalised. Country Local Government Fund 2011/2012 allocation will be acquitted in accordance with funding agreement. Future provision can be included in the Sports Precinct Master Plan for a Crèche which will not duplicate Day Care Facilities or services at Elverd/Honner Streets.

Drawings/Plans, engineering/tender documentation and specifications can now be finalised with construction timeline commencement envisaged late 2014.

#### **CONSULTATION**

The Chief Executive Officer has been attending regular meetings of the Kojonup Occasional Care Committee to provide status reports.

Regular Briefing Session updates provided by the Manager of Regulatory & Community Services.

#### **STATUTORY REQUIREMENTS**

Operational Policy Manual for Regulatory Authorities – January 2014 (Australian Children’s Education & Care Quality Authority)

My Time, Our Place – Framework for School Aged Care in Australia 2011

#### **POLICY IMPLICATIONS**

Achieve Council Decision 49/13

#### **FINANCIAL IMPLICATIONS**

Allocations to achieve Day Care Centre project outcomes presently include \$346,598 2011/2012 Country Local Government Fund, \$117,000 from reserve account (unspent Council allocation from 2013/2014), \$200,000 grant from LotteryWest and \$136,402 cash contribution from the 2014/2015 budget.

#### **STRATEGIC/CORPORATE IMPLICATIONS**

##### Draft Corporate Business Plan

Strategy 1.1.2.1 Undertake an asset management planning process to review and rationalise Shire Buildings to maximise their use and value to the community.

#### **RISK MANAGEMENT IMPLICATIONS**

Control measure addressing “sub-standard” premises in a highly regulated environment within the financial capacity of Council and its Long Term Financial Plan.



**ASSET MANAGEMENT IMPLICATIONS**

Asset replacement of an old building with a new purpose built facility which will require future provision for building maintenance and renewal. Balance area will provide potential opportunity to Council to either sell vacant land or develop for housing purposes.

**VOTING REQUIREMENTS**

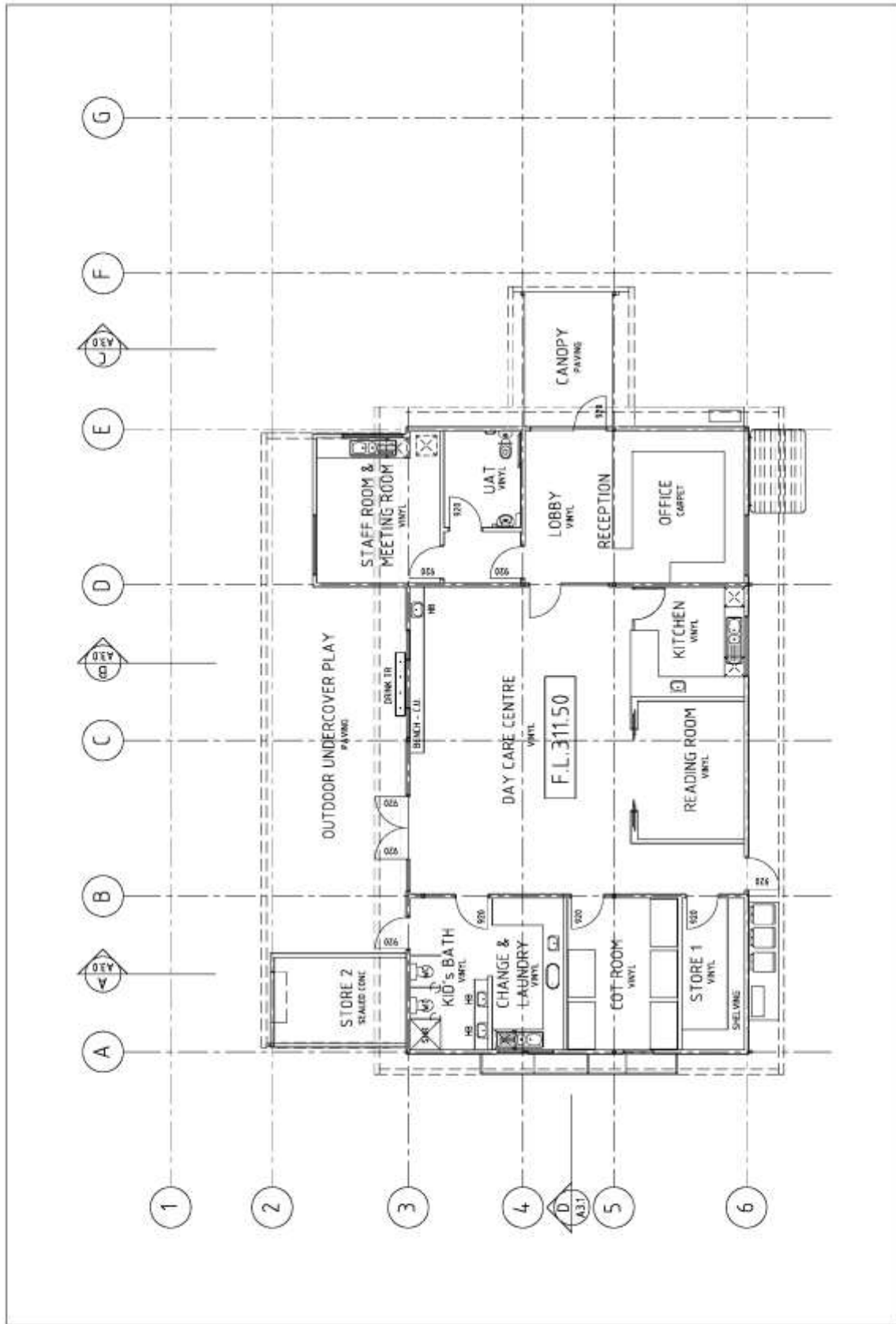
Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**106/14 Moved Cr Trethowan, seconded Cr Pedler that Council in accordance with Decision 49/13:-**

- 1. Proceed with the construction of a maximum 24 child placement Day Care Facility at the corner of Elverd & Honner Streets, Kojonup;**
- 2. Call Tenders in accordance with the provisions of the Local Government Act 1995; and**
- 3. Lodge funding applications with Lottery West, Great Southern Development Commission and Regional Development Australia – Great Southern based on the final plans and documentation.**

**CARRIED 7/0**



12.2 BUSH FIRE ASSOCIATION – APPOINTMENT OF DUAL FIRE OFFICER’S 2014/2015 BUSHFIRE SEASON FOR SHIRES OF BROOMEHILL/TAMBELLUP AND CRANBROOK

AUTHOR: Robert Cowie – Administration/Regulatory Officer  
 DATE: Wednesday, 9 July 2014  
 FILE NO: ES.REG.1  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To endorse the appointment of Dual Fire Control Officers for the Shires of Broomehill/Tambellup and Cranbrook for the 2014/2015 bushfire season.

**BACKGROUND**

Nil

**COMMENT**

Following requests from Joanne Trezona, Chief Executive Officer of Broomehill/Tambellup and Peter Northover, Chief Executive Officer of Cranbrook, I recommend that the following people be appointed as Dual Fire Control Officers within the Shire of Kojonup for their respective brigades for the 2014/2015 bushfire season.

Shire of Cranbrook:

Ian Lawrence	FCO	Tunney Brigade
Grant Egerton-Warburton	FCO	Gordon Brigade

Shire of Broomehill/Tambellup

Andrew Woithe	FCO	Broomehill West Brigade
Nigel Sheriden	FCO	Tambellup West Brigade

**CONSULTATION**

Nil

**STATUTORY REQUIREMENTS**

Section 38 & 40 of the Bush Fires Act 1954

**POLICY IMPLICATIONS**

There are no known Shire of Kojonup policy implications.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC/CORPORATE IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**107/14 Moved Cr Benn, seconded Cr Trethowan that the Council endorse the nominations of the below listed officers to the position of Dual Fire Control Officer for the 2014/2015 bushfire season.**

**Shire of Cranbrook:****Ian Lawrence****FCO****Tunney Brigade****Grant Egerton-Warburton****FCO****Gordon Brigade****Shire of Broomehill/Tambellup:****Andrew Woithe****FCO****Broomehill West Brigade****Nigel Sheriden****FCO****Tambellup West Brigade****CARRIED****7/0**

12.3 PROPOSED AMALGAMATION/RESUBDIVISION LOCATIONS 6834 & 6909 EIGHT MILE ROAD, RYANSBROOK

AUTHOR: Phil Shephard – Town Planner  
DATE: Friday, 27 June 2014  
FILE NO: LP.SUB.1  
ATTACHMENT: 12.3 Application Report and Plan of Subdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to resubdivide the above 2 rural lots as shown on the attached plan of subdivision.

The resubdivision is proposed to realign the boundaries to include some additional cropping/grazing land into the adjoining title as outlined in the application.

**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 23 July 2014) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

**COMMENT**

The land is presently used for general agricultural and tree planting activities and is largely cleared.

The resubdivision will create 2 lots of 371.84ha and 220.51ha respectively.

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

The WAPC's DC2.5 'Subdivision of Rural Land' policy guides their decision-making on applications to subdivide including resubdivisions on rural zoned land to achieve the five key objectives of State Planning Policy 2.5 'Land Use Planning in Rural Areas' as follows:

- a) to protect rural land from incompatible uses by:
  - (i) requiring comprehensive planning for rural areas;
  - (ii) making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
  - (iii) providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in and adjacent to existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts.

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

**Rural Zone (c.3.2.7)**

- 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 resubdivision achieves the requirements of the policies and objectives for the rural zone under Town Planning Scheme No. 3. The proposed resubdivision will not create any additional lots or additional development pressure on the land and will not adversely impact on the future use or viability of the area for other general rural activities.

In considering the proposal, Council has the following options:

- 1) Defer consideration and seek additional advice from the applicants if deemed necessary; or
- 2) Refuse to support the proposal giving reasons; or
- 3) Support the proposal, with or without conditions.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC/CORPORATE IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

*3:21pm Cr Trethowan declared an interest and left the Chamber as she is a neighbour to the applicants.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**108/14 Moved Cr Mathwin, seconded Cr Benn that Council advise the Western Australian Planning Commission that it supports the proposed resubdivision of Locations 6834 and 6909 Eight Mile Road, Ryansbrook as proposed on WAPC File 150152 and requests the following advice note be placed upon the approval:**

- **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.**

**CARRIED**

**6/0**

12 JUN 2014  
ICR16647



SHIRE OF KOJONUP				
FILE#	LP SUB.1			
EC or HC	N/A	MCS	MDCS	
SEQ	WM	CDPO	PII	
SUA	PLAN			

Our Ref : 150152  
 Previous Ref :  
 Your Ref :  
 Enquiries : Kelsie Lewis (08 9892 7302)

11 June 2014

Chief Executive Officer  
 Shire Of Kojonup  
 P O Box 163  
 KOJONUP WA 6395

**Application No: 150152 - Lot 6834,6909 Eight Mile Road, Ryansbrook**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 23rd July 2014 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule (October 2012) in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

Send responses via email to [albanypsa@planning.wa.gov.au](mailto:albanypsa@planning.wa.gov.au). **Always quote reference number "150152" when responding.**

This proposal has also been referred to the following organisations for their comments: *Water Corporation, Western Power, Department Of Water, Department Of Mines And Petroleum and LG As Above.*

Yours faithfully

Tim Hillyard  
 Secretary  
 Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	150152
<b>Applicant(s)</b>	John Kinnear & Associates		
<b>Owner(s)</b>	Tongabu Pty Ltd		
<b>Locality</b>	Lot 6834,6909 Eight Mile Road, Ryansbrook		

Great Southern Office, PO Box 1108, Albany, Western Australia 6330  
 Tel: (08) 9892 7333; Fax: (08) 9841 8304; TTY: (08) 9264 7535; Infoline: 1800 626 477  
 e-mail: [corporate@wapc.wa.gov.au](mailto:corporate@wapc.wa.gov.au); web address: <http://www.planning.wa.gov.au>  
 ABN 35 482 341 493





<b>Lot No(s).</b>	6834,6909	<b>Purpose</b>	Rural Boundary Adjustment
<b>Location</b>		<b>Local Gov. Zoning</b>	Rural
<b>Volume/Folio No.</b>	1473/797	<b>Local Government</b>	As Above
<b>Plan/Diagram No.</b>	224063	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	„WIN AREA,REMNANT VEGETATION (NLWA),RURAL		



## Form 1A Application for Approval of Freehold or Survey Strata Subdivision



### Notice to applicants - Consent to the disclosure of information

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the PlanningWA Website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

### Important information for applicants

- 1 Please read all of this form carefully and consult the application guide and schedule of fees for further information. The application may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.
- 2 The WAPC is responsible for determining applications for freehold and survey strata subdivision under the Planning and Development Act 2005 and State Titles Act 1985. The information required for an application is authorised by regulation 25 of the Planning and Development Regulations 2009. There are penalties for providing false information.
- 3 Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee and multiple copies of a subdivision plan and any supporting documentation (see part 7 of form 1A).
- 4 Subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as required by part 7). The additional information requirements, under part 7 item 17, are not required for amalgamation approval.
- 5 The applicant must sign part 1. All landowners or an agent with written authority must sign part 3. Agents must provide written authority from the landowner.
- 6 The application fee must accord with the current schedule of fees.
- 7 Applicants must check that there are no restrictive covenants applying to the land or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- 8 Applicants must state the application type, freehold or survey strata subdivision, on part 5 of form 1A. A separate application is required for each application type, freehold or survey strata subdivision. Application fees for cancelled applications will not be refunded if the application has been referred to external agencies.

### 1 Applicant

The applicant is the person with whom the WAPC will correspond and, if the application is approved, the person to whom the approval will be sent.

Name / company	John Kinnear and Associates		
Contact person	John Kinnear		
Postal address	PO Box 293		
Town / suburb	Albany	Phone number/s	9842 1353
Postcode	6330	Fax	9842 1570
		Email	jka@kalb.com

The form 1A has been completed in full and all relevant information is attached.

Current email address required for communicating decisions of other relevant matters

Applicant signature

Print name and position John Kinnear (Agent) Date 30.5.14.

(If signing on behalf of a company or agency)

### 2 Landowners

All the registered proprietors (landowners) as shown on the record of certificate/s of title for the subject lot/s must be provided. A change of name must be supported by relevant documentation such as a transfer of land document that incorporates a lodgement receipt, a company search from the Australian Securities and Investment Commission, a marriage certificate or a change of name certificate. If there are more than two landowners please provide the additional information on a separate page.

Full name	See next page		<table border="1" style="margin: auto;"> <tr> <th colspan="2">DEPARTMENT OF PLANNING</th> </tr> <tr> <th>DATE</th> <th>FILE</th> </tr> <tr> <td style="text-align: center;">09 JUN 2014</td> <td style="text-align: center;">150152</td> </tr> </table>	DEPARTMENT OF PLANNING		DATE	FILE	09 JUN 2014	150152
DEPARTMENT OF PLANNING									
DATE	FILE								
09 JUN 2014	150152								
Company / agency (if applicable)									
ACN/ABN (if applicable)									
Postal address									
Town / suburb		Postcode							

Full name	See next page	
Company / agency (if applicable)		
ACN/ABN (if applicable)		
Postal address		
Town / suburb		Postcode

Version: B.6 (November 2012)

**3 Consent to apply**

Registered proprietor/s (landowner/s) or the authorised agent's details must be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name \_\_\_\_\_

Company / agency (if applicable) **Tongabu Pty Ltd**

ACN/ABN (if applicable) **078611211**

Postal address **C/- Post Office**

Town / suburb **KOJONUP** Postcode **6395**

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  Date **30.5.14**

Print name and position (if signing on behalf of a company or agency) **John Kinnear (agent)**

Full name \_\_\_\_\_

Company / agency (if applicable) \_\_\_\_\_

ACN/ABN (if applicable) \_\_\_\_\_

Postal address \_\_\_\_\_

Town / suburb \_\_\_\_\_ Postcode \_\_\_\_\_

The landowner/s or authorised agent consents to the applicant submitting this application

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name and position (if signing on behalf of a company or agency) **John Kinnear (Agent)**

Please tick 'yes' or 'no' for each statement.

- 1 All registered proprietors (landowners) listed on the certificate/s of title have signed the application or an attached letter of consent.  yes  no
- 2 Consent to apply is given on behalf of landowners.  yes  no  
 If you indicate 'yes', a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.  
 If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the form 1A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.  
 If the subject land is owned by a strata company, part 3 or a letter of consent can be signed by the company secretary or by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
- 3 The application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance.  yes  no  
 If you indicate 'yes', evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt. Lodgement does not guarantee registration of the document and prospective purchaser/s must notify the WAPC in writing if the document is withdrawn or rejected from registration.
- 4 Consent to apply is given by or on behalf of joint tenant survivors.  yes  no  
 If you indicate 'yes', a copy of the death certificate of the deceased landowner must be provided.
- 5 Consent to apply is given by or on behalf of an executor of a deceased estate.  yes  no  
 If you indicate 'yes', a copy of the grant of probate or endorsed power of attorney must be provided.
- 6 This application includes land that is owned by or vested in, or held by management order by a government agency or local government.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
- 7 This application includes Crown land.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer, State Land Services, Department of Regional Development and Lands, stating the name and position of the signatory/ies.

Version: 8.6 (November 2013)

**4 Certificate/s of title**

Current copies (issued within the last 6 months) of a record of certificates of title for all subject lot/s must be attached to the form. If there are more than two records of title please provide the additional information on a separate page. Duplicate certificate/s of title will not be accepted.

Certificate of title Volume 1473 Folio 797 Diagram/plan/deposit plan no 224063

Lot number and location of subject lot Lot no (whole/part) 6834 Location \_\_\_\_\_

Reserve no (if applicable) \_\_\_\_\_

Street number and name Eight Mile Road

Town / suburb RYANSBROOK Postcode 6395

Nearest road intersection Shamrock Road

Certificate of title Volume 1473 Folio 797 Diagram/plan/deposit plan no 224063

Lot number and location of subject lot Lot no (whole/part) 6609 6909 JB Location \_\_\_\_\_

Reserve no (if applicable) \_\_\_\_\_

Street number and name Eight Mile Road

Town / suburb KOJONUP Postcode 6395

Nearest road intersection Shamrock Road

Current copies of all records of title are attached.  yes

Total number of current lot/s subject of this application 2

**5 Summary of the proposal**

Please print clearly and tick the appropriate boxes.

- 1 Application type  subdivision or  amalgamation
- 2 Tenure of proposed lot/s  freehold (go to 4) or  survey strata (go to 3)
- 3 Is common property proposed?  yes  no
- 4 Does the subject lot/s contain existing dwellings (ie buildings for residential purposes), outbuildings and/or structures?  yes (go to 5)  no (go to 6)
- 5 Please provide details of dwellings, outbuildings and/or structures
- dwellings number of dwellings .....
- all to be retained  all to be removed  partially retained/removed (please specify) ...
- and/or  outbuilding/s and/or structures number of outbuildings and/or structures .....
- all to be retained  all to be removed  partially retained/removed (please specify) ...
- and/or  others (please specify) .....

- 6 Number of proposed lot/s 2
- 7 Current land use Rural
- 8 Proposed land use / development Rural  
(please state the purpose of the subdivision and specify the proposed use of each of the proposed lots)
- 9 Local government where the subject land is located City/Town/Shire of Shire of Kojonup

**6 Application fee**

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached.  yes \$ 3,044.94

**7 Required information about the proposal**

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

**General information required for all applications**

- 1 Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval.  yes
- 2 Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached as indicated on the following table:  yes
 

Final no of lots proposed	Copies of subdivision plan and supporting documentation or accompanying information
40 or less	8 paper copies
More than 40	12 paper copies
Large/bulky subdivision reports	1 bound paper copy only and 10 CD copies
- 3 At least four copies of the subdivision plan are A3 or smaller.  yes
- 4 All subdivision plans are capable of being reproduced in black and white format.  yes
- 5 The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000).  yes
- 6 All dimensions on the subdivision plan are in metric standard.  yes
- 7 The north point is shown clearly on the subdivision plan.  yes
- 8 The subdivision plan shows all lots or the whole strata plan (whichever is applicable).  yes
- 9 The subdivision plan shows all existing and proposed lot boundaries.  yes
- 10 The subdivision plan shows all existing and proposed lot dimensions (including lot areas).  yes
- 11 The subdivision plan shows the lot numbers and boundaries of all adjoining lots.  yes
- 12 For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot.  yes  n/a (battleaxe lot is not proposed)
- 13 The subdivision plan shows the names of existing roads.  yes
- 14 The subdivision plan shows the width of proposed roads.  yes  n/a (no road proposed)
- 15 The subdivision plan shows all buildings and/or improvements which are to be retained (including setbacks) or removed.  yes  n/a (the land is vacant)
- 16 The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams.  yes  n/a (the land does not contain such features)

**17 Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas**

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land including:

- driveways
- kerb lines
- manholes
- bus stops
- gully pits
- boundary setbacks for dwellings to be retained
- fencing
- street trees
- water supply
- swimming pools
- pedestrian paths
- retaining walls
- telecommunication pillars
- electricity transmission lines and poles
- sewer, water and electricity connections

**Access to / from right-of-way or private road**

Access is to be provided from an existing right of way or private road.  yes  no

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1993*, an implied easement for access or other arrangement.

**Contaminated sites**

Information to assist applicants to respond to the following questions is on the Department of Environment and Conservation (DEC) website at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites).

- 1 Has the land ever been used for a potentially contaminating activity? Examples include: market garden or intensive agriculture, livestock dip or spray race, service station, fuel or waste oil storage, fill other than certified clean fill, landfill or waste disposal, chemical storage or manufacturing, metal works or scrap metal recovery, motor vehicle workshop, timber mill/preserving, pest control depot, dry cleaning establishment, industrial facility, rifle range, railway yards, port, sewerage treatment facility. Other examples are in the DEC guideline *Potentially Contaminating Activities, Industries and Landuses*.  yes  no

If yes, please attach details of the Activities/uses.

- 2 Does the land contain any site or sites that have been classified under the *Contaminated Sites Act 2003*?  yes  no
- 3 Does the land contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*?  yes  no

If you indicated 'yes' to question 2 or 3 you must provide a **Basic Summary of Records (BSR)**. Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DEC is available from the DEC website at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites) or by calling DEC on 1 300 762 962.

If a BSR is not available, a copy of the letter from DEC notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available.

Is a BSR or letter from DEC attached?  yes  no

**Information requirements for Liveable Neighbourhoods**

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?  yes  no

**Acid sulfate soils**

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location?  yes  no

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available from the Planning WA website.  
[www.planning.wa.gov.au](http://www.planning.wa.gov.au)

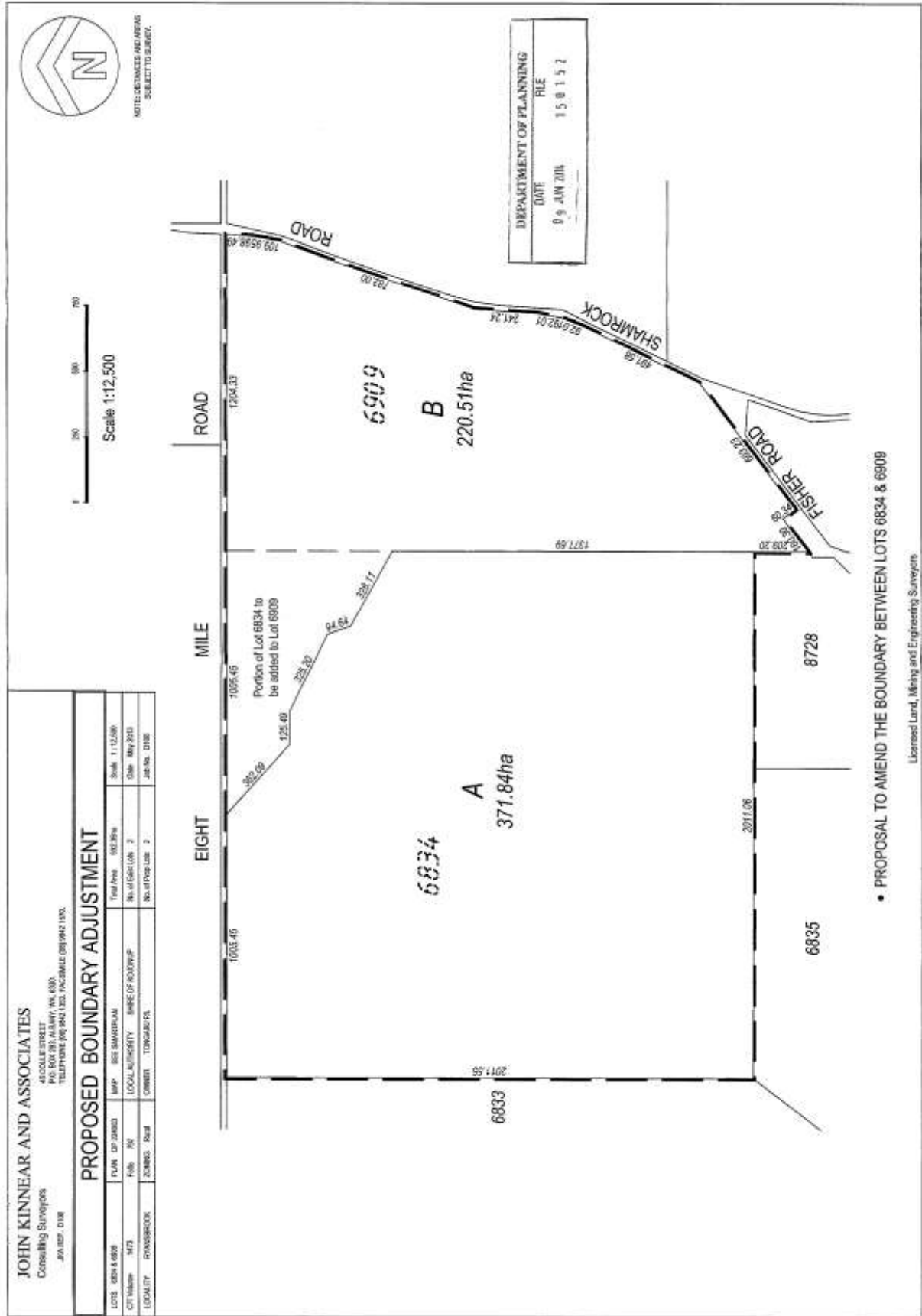
**Submission of application to WAPC through Department of Planning offices**

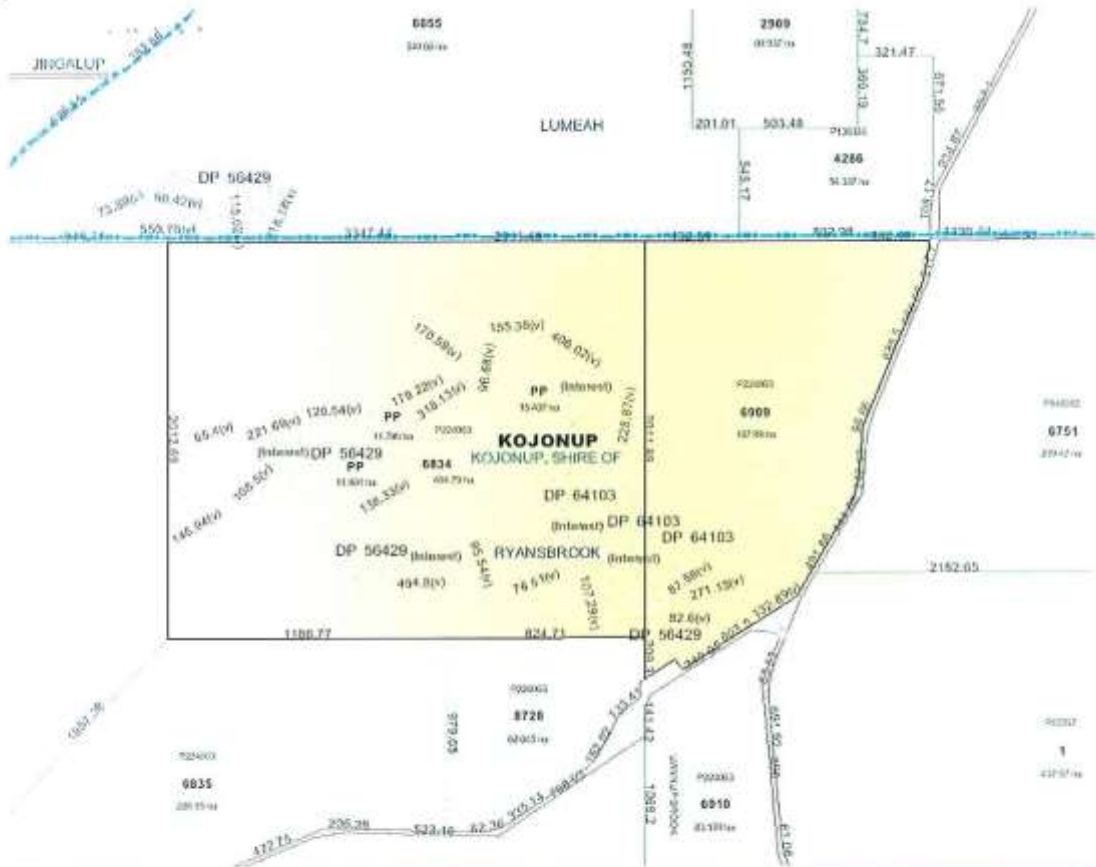
Perth (All posted applications):	Perth (Lodgements in person):	Albany	Mandurah	Bunbury	Geraldton
Locked Bag J747 Perth WA 6000	140 William Street Perth WA 6000 telephone: 855 19000 facsimile: 855 19001 NRS: 13 36 77	178 Stirling Terrace PO Box 1108 Albany WA 6331 telephone: 9892 7333 facsimile: 9841 8304	Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9586 4680 facsimile: 9581 5491	6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576	65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9856 0122 facsimile: 9856 0132

Version: 0.6 (November 2012)



JOHN KINNAR & ASSOCIATES Consulting Surveyors 42 COLLE STREET PERTH WA 6000 PHONE (08) 9447 1388 FAX (08) 9447 5078 ARIA@JKA.COM.AU JKA, jka.com.au	PROPOSED BOUNDARY ADJUSTMENT LOTS 6834 & 6909, EIGHT MILE ROAD RYANSBROOK, SHIRE OF KOJONUP	
	NOTE: DISTANCES & AREAS SUBJECT TO SURVEY	Date: May 2014 DWG D106
	Contour Interval - 10m	







12.4 PROPOSED AMALGAMATION/RESUBDIVISION LOCATIONS 706, 4144 & 8413 MORLEY ROAD, LUMEAH

AUTHOR: Phil Shephard – Town Planner  
DATE: Friday, 27 June 2014  
FILE NO: LP.SUB.1  
ATTACHMENT: 12.4 Application Report and Plan of Subdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to resubdivide the above 3 rural lots as shown on the attached plan of subdivision.

The resubdivision is proposed to realign the boundaries to include some dams and a dwelling to assist maintain the existing farming activities as outlined in the application.

**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 24 July 2014) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

**COMMENT**

The land is presently used for general agricultural activities and is largely cleared. The existing homestead on Location 4144 has access from Morley Road.

The 3 existing lot sizes are 440.35ha, 16.21ha and 68.65ha respectively and these will be resubdivided to create 3 lots of 440.50ha, 16.38ha and 68.33ha.

The landowners surveying consultant has provided the following information:

- The adjustment to the common boundary of Lot 706 and 4144 will ensure a dam that currently straddles the boundary is included in Lot 706.
- The adjustment to the boundary of Lot 4144 to retain the existing house within the lot and to maintain good farming practices with adjoin Lot 8143 and retain existing lot areas as close as possible.

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

The WAPC's DC2.5 'Subdivision of Rural Land' policy guides their decision-making on applications to subdivide including resubdivisions on rural zoned land to achieve the five key objectives of State Planning Policy 2.5 'Land Use Planning in Rural Areas' as follows:

- a) to protect rural land from incompatible uses by:
  - (i) requiring comprehensive planning for rural areas;

- (ii) making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
- (iii) providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in and adjacent to existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts.

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

#### Rural Zone (c.3.2.7)

- 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 resubdivision achieves the requirements of the policies and objectives for the rural zone under Town Planning Scheme No. 3. The proposed resubdivision will not create any additional lots or additional development pressure on the land and will not adversely impact on the future use or viability of the area for other general rural activities.

The position of the existing homestead and other farm buildings to the new lot boundary complies with the minimum setback requirements for the rural zone under Town Planning Scheme No. 3.

In considering the proposal, Council has the following options:

- 1) Defer consideration and seek additional advice from the applicants if deemed necessary; or
- 2) Refuse to support the proposal giving reasons; or
- 3) Support the proposal, with or without conditions.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and
- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC/CORPORATE IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

*Cr Trethowan remained absent from the meeting as she had also declared a proximity interest in this item.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**109/14 Moved Cr Pritchard, seconded Cr Radford that Council advise the Western Australian Planning Commission that it supports the proposed resubdivision of Locations 706, 4144 and 8413 Morley Road, Lumeah as proposed on WAPC File 150165 and requests the following advice note be placed upon the approval:**

- **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.**

**CARRIED**

**6/0**

*3.24pm Cr Trethowan returned to the Chamber.*

12.5 PROPOSED AMALGAMATION/RESUBDIVISION LOT 1 & LOCATION 7189 BALGARUP ROAD, JINGALUP

AUTHOR: Phil Shephard – Town Planner  
DATE: Friday, 27 June 2014  
FILE NO: LP.SUB.1  
ATTACHMENT: 12.5 Application Report and Plan of Subdivision

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to resubdivide the above 2 lots in Jingalup as shown on the attached plan of subdivision.

The resubdivision will enable the proposed purchase of the homestead and 48.8ha lot for equestrian and farming activities as outlined in the application.

**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 21 July 2014) to be received from stakeholders. It is the WAPC's decision to act on any advice or recommendation received from Council.

**COMMENT**

The land is presently used in conjunction with other properties for general agricultural activities and is largely cleared. The existing homestead on Location 7189 has access from Balgarup Road. There is an existing unconstructed road reserve running through the existing farm area.

The 2 existing lot sizes are 109.8ha and 153.4ha respectively and these will be resubdivided to create 2 lots of 214.4ha and 48.8ha.

The landowners planning consultant has provided the following information to support the application:

- The owners do not use the existing homestead whilst still farming the property.
- The owners have been approached directly to purchase the proposed lot with the homestead for equestrian purposes and fodder cropping and have assessed it as suitable for their purposes.
- The landowners are satisfied the new smaller lot will not affect the viability of the existing farming enterprise and is not prime cropping land.
- The proposed resubdivision will not create any additional lots or additional development pressure on the land.
- The unconstructed road reserve does not restrict present farming activities and although it will run through Lot A it does not hinder the resubdivision proposal and is not expected to be constructed.

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and

- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

The WAPC's DC2.5 'Subdivision of Rural Land' policy guides their decision-making on applications to subdivide including resubdivisions on rural zoned land to achieve the five key objectives of State Planning Policy 2.5 'Land Use Planning in Rural Areas' as follows:

- a) to protect rural land from incompatible uses by:
  - (i requiring comprehensive planning for rural areas;
  - (ii making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
  - (iii providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in and adjacent to existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts.

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

#### Rural Zone (c.3.2.7)

- 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 resubdivision achieves the requirements of the policies and objectives for the rural zone under Town Planning Scheme No. 3. The landowners/purchasers believe the new lots and use of the smaller 48.8ha property for equestrian activities will not adversely impact on the future use or viability of the area for other general rural activities.

The position of the existing homestead and other farm buildings to the new lot boundary complies with the minimum setback requirements for the rural zone under Town Planning Scheme No. 3.

In considering the proposal, Council has the following options:

- 1) Defer consideration and seek additional advice from the applicants if deemed necessary; or
- 2) Refuse to support the proposal giving reasons; or
- 3) Support the proposal, with or without conditions.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

The subject land is zoned Rural under Town Planning Scheme No. 3. The Shire's Policy No. 11 'Applications for Subdivision' provides for the following requirements for subdivisions/amalgamations in rural areas:

- Block size is no smaller than the prevailing lot sizes in the vicinity, and
- Greater than 2 hectares in area, and

- Each block has a well-made developed road access to it.
- The amenity of the area is not adversely affected.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC/CORPORATE IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**110/14 Moved Cr Benn, seconded Cr Mathwin that Council advise the Western Australian Planning Commission that it supports the proposed resubdivision of Lot 1 and Location 7189 Balgarup Road, Jingalup as proposed on WAPC File 150126 and requests the following advice note be placed upon the approval:**

- **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.**

**CARRIED**

**7/0**

10 JUN 2014

Western  
Australian  
Planning  
Commission

ICR 16603

SHIRE OF KOJONUP				
LP SUB 1				
EC or HC	NFA	MCS	MRCG	
SFO	WM	CDPO	PI	
MCA	SPM	PLAN		

Our Ref : 150126  
 Previous Ref :  
 Your Ref :  
 Enquiries : Jeni Liell-Cock (98418304)

9 June 2014

Chief Executive Officer  
 Shire Of Kojonup  
 P O Box 163  
 KOJONUP WA 6395

**Application No: 150126 - Lot 7189 Balgarup Road, Kojonup**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by the 21st July 2014 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule (October 2012) in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

Send responses via email to [albanypso@planning.wa.gov.au](mailto:albanypso@planning.wa.gov.au). **Always quote reference number "150126" when responding.**

This proposal has also been referred to the following organisations for their comments: *Water Corporation, Western Power, Department Of Water, Department Of Parks And Wildlife, Department Of Mines And Petroleum and LG As Above.*

Yours faithfully

Tim Hillyard  
 Secretary  
 Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	150126
<b>Applicant(s)</b>	Planwest (Wa) Pty Ltd		
<b>Owner(s)</b>	Wayne Justin Crook , Philippa Lee Crook		
<b>Locality</b>	Lot 7189 Balgarup Road, Kojonup		

Great Southern Office, PO Box 1108, Albany, Western Australia 6330  
 Tel: (08) 9892 7333; Fax: (08) 9841 8304; TTY: (08) 9264 7535; Infoline: 1800 626 477  
 e-mail: [corporate@wapc.wa.gov.au](mailto:corporate@wapc.wa.gov.au); web address: <http://www.planning.wa.gov.au>  
 ABN 35 482 341 493



<b>Lot No(s).</b>	1,7189	<b>Purpose</b>	Rural
<b>Location</b>		<b>Local Gov. Zoning</b>	Rural
<b>Volume/Folio No.</b>	2837/770, 1559/849	<b>Local Government</b>	As Above
<b>Plan/Diagram No.</b>	58450,80766	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	„WIN AREA,REMNANT VEGETATION (NLWA),RURAL		



3 June 2014

**PLANWEST**  
 (W.A.) PTY. LTD. ABN 77 665 477 186  
 CONSULTANTS IN PLANNING  
 DESIGN AND MANAGEMENT

Secretary,  
 WA Planning Commission,  
 140 William Street,  
 PERTH WA 6000

DEPARTMENT OF PLANNING	
DATE	FILE
- 3 JUN 2014	1 5 0 1 2 6

Dear Sir,

**PROPOSED SUBDIVISION**  
**Lots 1 and 7189 BALGARUP ROAD, KOJONUP**

Please find attached an application for approval to subdivide the above property. Also attached are 8 A4 copies of the Plan of Subdivision; an application form duly signed by the applicant; a letter of authority from the owner; a copy of the Certificates of Title and a cheque for \$3,044.94 for the application fee (\$2,912 + 2 x \$66.47). The Plan of Subdivision has been drawn to scale, showing contours, north point, dimensions and areas. Also attached is an aerial photograph of the subdivision area.

The subject land is located about 20 kilometres south of Kojonup Townsite in the Shire of Kojonup. The land is currently zoned Rural in the Shire of Kojonup Local Planning Scheme No 3.

The purpose of the subdivision is to adjust the boundary between two existing lots.

The two existing lots are Lot 1 (about 110ha) and Lot 7189 (about 153ha). The existing owners do not use the existing homestead whilst they still farm the property.

The owners have been approached by self-employed horse trainers wishing to purchase the house with about 50 hectares for horse training and horse breaking. The purchasers have had 25 years' experience in the industry and are well respected with an established reputation in the industry in Western Australia.

The purchasers have prepared a financial viability for the property and are satisfied that the proposed lot size and configuration will provide adequate land for the agistment of their horses, as well as some land for cropping of hay, barley and oats.

The owners are satisfied that the area to be sold will not impact the viability of the two properties as the north eastern part of Lot 7189 is not considered by them to be prime agricultural land for cropping.

The proposed subdivision does not seek to create any additional lots; therefore it does not create the opportunity for additional development in the rural area. The fact that an old road reserve dissects the proposed Lot A is irrelevant to the continued farming of the land as this road reserve will probably never be constructed.

As can be seen from the aerial photograph the road does not currently impact the rural use of the two properties even though the owners have retained the 'street trees' along the road alignment.

Please do not hesitate to call if you require any additional information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Bashall', written in a cursive style.

**PAUL BASHALL  
DIRECTOR**



## Form 1A Application for Approval of Freehold or Survey Strata Subdivision



### Notice to applicants - Consent to the disclosure of information

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the PlanningWA Website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

### Important information for applicants

- 1 Please read all of this form carefully and consult the application guide and schedule of fees for further information. The application may not be accepted and will be returned to the applicant with the submitted fee if these requirements are incorrect or incomplete.
- 2 The WAPC is responsible for determining applications for freehold and survey strata subdivision under the Planning and Development Act 2005 and Strata Titles Act 1985. The information required for an application is authorised by regulation 25 of the Planning and Development Regulations 2009. There are penalties for providing false information.
- 3 Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee and multiple copies of a subdivision plan and any supporting documentation (see part 7 of form 1A).
- 4 Subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as required by part 7). The additional information requirements, under part 7 item 17, are not required for amalgamation approval.
- 5 The applicant must sign part 1. All landowners or an agent with written authority must sign part 3. Agents must provide written authority from the landowner.
- 6 The application fee must accord with the current schedule of fees.
- 7 Applicants must check that there are no restrictive covenants applying to the land or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- 8 Applicants must state the application type, freehold or survey strata subdivision, on part 5 of form 1A. A separate application is required for each application type, freehold or survey strata subdivision. Application fees for cancelled applications will not be refunded if the application has been referred to external agencies.

### 1 Applicant

The applicant is the person with whom the WAPC will correspond and, if the application is approved, the person to whom the approval will be sent.

Name / company	Planwest (WA) Pty Ltd		
Contact person	Paul Bashall		
Postal address	PO Box 202		
Town / suburb	Mt Lawley	Phone number/s	92719291
Postcode	6050	Fax	93701363
		Email	planwest@bigpond.net.au
<small>Current email address required for communicating decisions or other relevant matters.</small>			
The form 1A has been completed in full and all relevant information is attached			
Applicant signature			
Print name and position <small>(if signing on behalf of a company or agency)</small>	Paul Bashall, Director		Date
			31 March 2014

### 2 Landowners

All the registered proprietors (landowners) as shown on the record of certificate/s of title for the subject lot/s must be provided. A change of name must be supported by relevant documentation such as a transfer of land document that incorporates a lodgement receipt, a company search from the Australian Securities and Investment Commission, a marriage certificate or a change of name certificate. If there are more than two landowners please provide the additional information on a separate page.

Full name	Wayne Justin Crook		
Company / agency (if applicable)			
ACN/ABN (if applicable)			
Postal address	RMB 420		
Town / suburb	Kojonup		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                 DEPARTMENT of PLANNING                  03 JUN 2014                  Postcode 6395             </div>			
Full name	Philippa Lee Crook		
Company / agency (if applicable)	Green (WA) Superannuation Pty Ltd		
ACN/ABN (if applicable)			
Postal address	RMB 420		
Town / suburb	Kojonup		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                 DEPARTMENT OF PLANNING                  DATE FILE                  - 3 JUN 2014 15:01:25                  Postcode 6395             </div>			

**3 Consent to apply**

Registered proprietor/s (landowner/s) or the authorised agent's details **must** be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent. **Alternatively**, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name

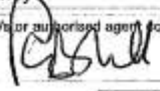
Company / agency (if applicable)

ACN/ABN (if applicable)

Postal address

Town / suburb  Postcode

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  Date

Print name and position (if signing on behalf of a company or agency)

Full name

Company / agency (if applicable)

ACN/ABN (if applicable)

Postal address

Town / suburb  Postcode

The landowner/s or authorised agent consents to the applicant submitting this application

Signature  Date

Print name and position (if signing on behalf of a company or agency)

Please tick 'yes' or 'no' for each statement.

- 1 All registered proprietors (landowners) listed on the certificate/s of title have signed the application or an attached letter of consent.  yes  no
- 2 Consent to apply is given on behalf of landowners.  yes  no  
 If you indicate 'yes', a letter of consent that is signed by the registered proprietor/s as shown on the certificate/s of title and/or an endorsed power of attorney or other evidence must be provided.  
 If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies, company name and ACN/ABN on the form 1A. Appropriate company signatory/ies include one director and the company seal, two directors or one director and one secretary.  
 If the subject land is owned by a strata company, part 3 or a letter of consent can be signed by the company secretary or by an elected person of the company providing proof of authority either by letter of delegated authority, signed by all strata owners or minutes showing delegated authority.
- 3 The application is by or on behalf of a prospective purchaser/s under contract of sale or offer and acceptance.  yes  no  
 If you indicate 'yes', evidence of landowner's consent must be provided. Relevant evidence may include an express provision of consent by the vendor on the contract of sale or offer and acceptance, a letter of consent from the registered proprietor/s giving prospective purchaser/s consent to lodge the application or copy of the transfer of land document that incorporates a lodgement receipt. Lodgement does not guarantee registration of the document and prospective purchaser/s must notify the WAPC in writing if the document is withdrawn or rejected from registration.
- 4 Consent to apply is given by or on behalf of joint tenant survivors.  yes  no  
 If you indicate 'yes', a copy of the death certificate of the deceased landowner must be provided.
- 5 Consent to apply is given by or on behalf of an executor of a deceased estate.  yes  no  
 If you indicate 'yes', a copy of the grant of probate or endorsed power of attorney must be provided.
- 6 This application includes land that is owned by or vested in, or held by management order by a government agency or local government.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer of the relevant agency or authority, stating the name and position of the signatory/ies.
- 7 This application includes Crown land.  yes  no  
 If you indicate 'yes', you must ensure that part 3 or a letter of consent is signed by an authorised officer, State Land Services, Department of Regional Development and Lands, stating the name and position of the signatory/ies.

Version 8.6 (November 2012)

**4 Certificate/s of title**

Current copies (issued within the last 6 months) of a record of certificate/s of title for all subject lot/s must be attached to the form, if there are more than two records of title please provide the additional information on a separate page. Duplicate certificate/s of title will not be accepted.

Certificate of title Volume 2837 Folio 770 Diagram/plan/deposit plan no DP 80766

Lot number and location of subject lot Lot no (whole/part) 7189 Location Kojonup

Reserve no (if applicable) \_\_\_\_\_

Street number and name Balgarup Road

Town / suburb Kojonup Postcode 6395

Nearest road intersection Wanwindup Road

Certificate of title Volume 1559 Folio 849 Diagram/plan/deposit plan no D58450

Lot number and location of subject lot Lot no (whole/part) 1 Location Kojonup

Reserve no (if applicable) \_\_\_\_\_

Street number and name Balgarup Road

Town / suburb Kojonup Postcode 6395

Nearest road intersection Wanwindup Road

Current copies of all records of title are attached.  yes

Total number of current lot/s subject of this application 2

**5 Summary of the proposal**

Please print clearly and tick the appropriate boxes.

1 Application type  subdivision or  amalgamation

2 Tenure of proposed lot/s  freehold (go to 4) or  survey strata (go to 3)

3 Is common property proposed?  yes  no

4 Does the subject lot/s contain existing dwellings (ie buildings for residential purposes), outbuildings and/or structures?  yes (go to 5)  no (go to 6)

5 Please provide details of dwellings, outbuildings and/or structures

dwellings number of dwellings 1

all to be retained  all to be removed  partially retained/removed (please specify) \_\_\_\_\_

and/or  outbuilding/s and/or structures number of outbuildings and/or structures 1

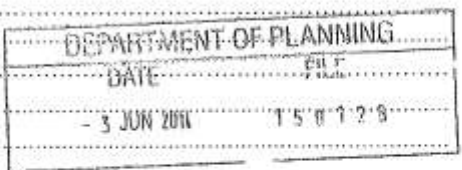
all to be retained  all to be removed  partially retained/removed (please specify) \_\_\_\_\_

and/or  others (please specify) \_\_\_\_\_

6 Number of proposed lot/s 2

7 Current land use Rural

8 Proposed land use / development Rural  
(please state the purpose of the subdivision and specify the proposed use of each of the proposed lots)



9 Local government where the subject land is located City/Town/Shire of Shire of Kojonup

**6 Application fee**

The application fees are listed in the schedule of fees which is reviewed annually. Please ensure the fees submitted accord with the current fee schedule. Cheques should be made out to the Western Australian Planning Commission.

The correct application fee determined in accordance with the current schedule of fees is attached.  yes \$ 3,044.94

Version: 6.6 (November 2012)

### 7 Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

#### General information required for all applications

- 1 Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval.  yes
- 2 Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached as indicated on the following table:  yes
 

Final no of lots proposed	Copies of subdivision plan and supporting documentation or accompanying information
40 or less	8 paper copies
More than 40	12 paper copies
Large/bulky subdivision reports	1 bound paper copy only and 10 CD copies
- 3 At least four copies of the subdivision plan are A3 or smaller.  yes
- 4 All subdivision plans are capable of being reproduced in black and white format.  yes
- 5 The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000).  yes
- 6 All dimensions on the subdivision plan are in metric standard.  yes
- 7 The north point is shown clearly on the subdivision plan.  yes
- 8 The subdivision plan shows all lots or the whole strata plan (whichever is applicable).  yes
- 9 The subdivision plan shows all existing and proposed lot boundaries.  yes
- 10 The subdivision plan shows all existing and proposed lot dimensions (including lot areas).  yes
- 11 The subdivision plan shows the lot numbers and boundaries of all adjoining lots.  yes
- 12 For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot.  yes  
 n/a (battleaxe lot is not proposed)
- 13 The subdivision plan shows the name/s of existing road/s.  yes
- 14 The subdivision plan shows the width of proposed road/s.  yes  
 n/a (no road proposed)
- 15 The subdivision plan shows all buildings and/or improvements which are to be retained (including setbacks) or removed.  yes  
 n/a (the land is vacant)
- 16 The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams.  yes  
 n/a (the land does not contain such features)

#### 17 Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land including:

- driveways
- kerb lines
- manholes
- bus stops
- gully pits
- boundary setbacks for dwelling/s to be retained
- fencing
- street trees
- water supply
- swimming pools
- pedestrian paths
- retaining walls
- telecommunication pillars
- electricity transmission lines and poles
- sewer, water and electricity connections

#### Access to / from right-of-way or private road

Access is to be provided from an existing right of way or private road.  yes  no

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Flight of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

#### Contaminated sites

Information to assist applicants to respond to the following questions is on the Department of Environment and Conservation (DEC) website at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites).

- 1 Has the land ever been used for a potentially contaminating activity? Examples include: market garden or intensive agriculture, livestock dip or spray race, service station, fuel or waste oil storage, fill other than certified clean fill, landfill or waste disposal, chemical storage or manufacturing, metal works or scrap metal recovery, motor vehicle workshop, timber mill/preserving, pest control depot, dry cleaning establishment, industrial facility, rifle range, railway yards, port, sewerage treatment facility. Other examples are in the DEC guideline *Potentially Contaminating Activities, Industries and Landuses*.  yes  no

If yes, please attach details of the Activities/uses.

- 2 Does the land contain any site or sites that have been classified under the *Contaminated Sites Act 2003*?  yes  no
- 3 Does the land contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*?  yes  no

If you indicated 'yes' to question 2 or 3 you must provide a **Basic Summary of Records (BSR)**. Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DEC is available from the DEC website at [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites) or by calling DEC on 1 300 762 982.

If a BSR is not available, a copy of the letter from DEC notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available.

Is a BSR or letter from DEC attached?  yes  no

#### Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?  yes  no

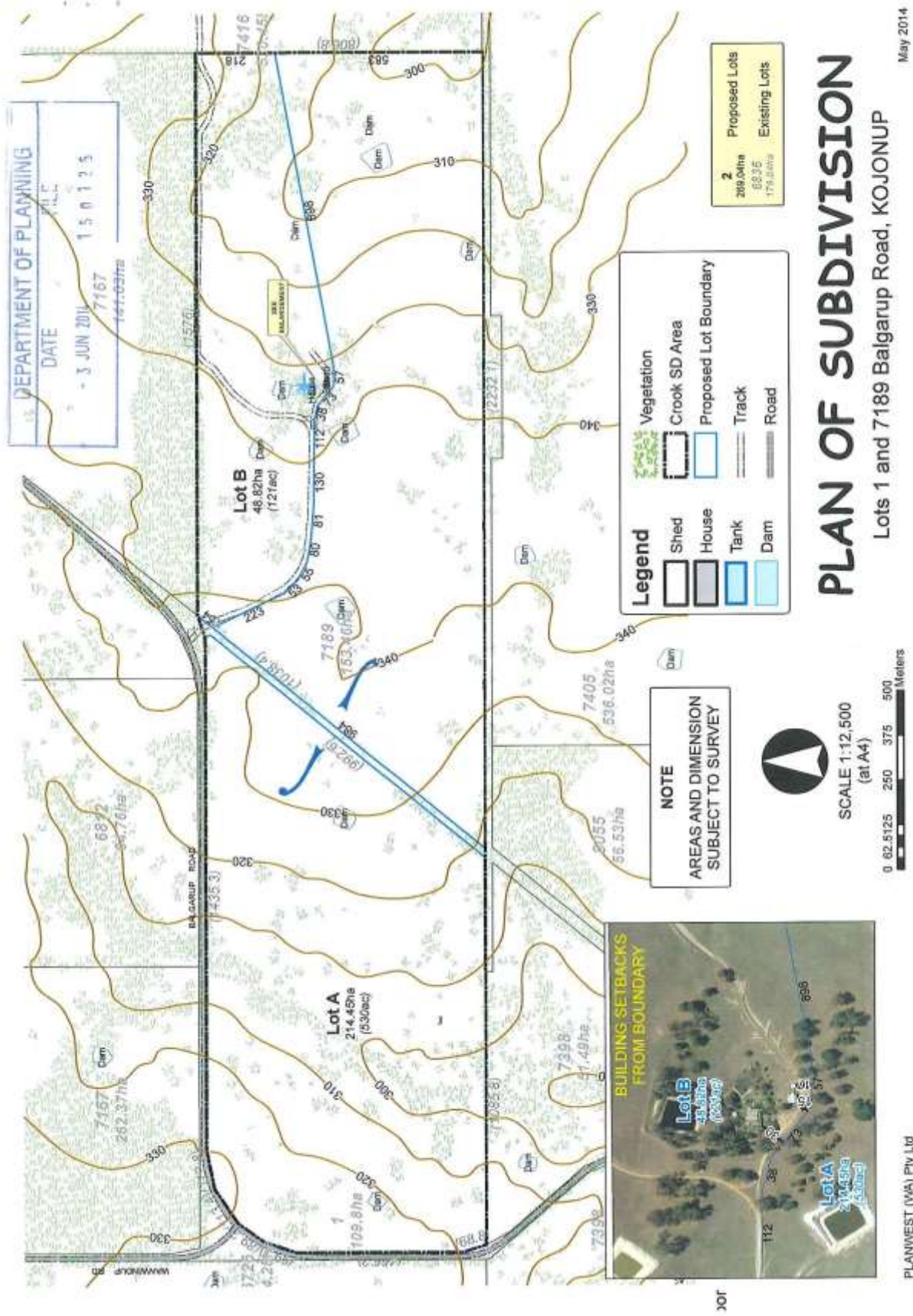
#### Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location?  yes  no

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available from the Planning WA website. [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

### Submission of application to WAPC through Department of Planning offices

Perth (All posted applications):	Perth (Lodgements in person):	Albany	Mandurah	Bunbury	Geraldton
Locked Bag J477 Perth WA 6000	140 William Street Perth WA 6000 telephone: 655 19000 facsimile: 655 19001 NRS: 13 36 77	178 Stirling Terrace PO Box 1108 Albany WA 6331 telephone: 8692 7333 facsimile: 9641 8304	Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9586 4680 facsimile: 9581 5491	6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576	65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9956 0122 facsimile: 9956 0132



12.6 DRAFT GUIDED DEVELOPMENT PLAN FOR LOTS 8 & 361 LOTON CLOSE/SOLDIER ROAD AREA, KOJONUP

AUTHOR: Phil Shephard – Town Planner  
DATE: Thursday, 10 July 2014  
FILE NO: CP.DAC.1  
**ATTACHMENT: 12.6 Concepts Plans**

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider concept plans prepared for the future development/subdivision of the area south of the Loton Close aged persons units for inclusion in a draft Guided Development Plan. The adoption of a Guided Development Plan is required for land zoned Residential Development in Town Planning Scheme No. 3.

The recommendation is to adopt preliminary concept plan 2 and proceed to finalise a draft Guided Development Plan to be adopted as a new Town Planning Scheme Policy and undertake consultation with landowners and government agencies as set out in the Town Planning Scheme No. 3.

**BACKGROUND**

The Shire owns Lot 361 Loton Close and Lot 8 Soldier Road, Kojonup. Lot 361 is developed with aged person units and Lot 8 has been developed with storage dam, single dwelling and associated outbuildings.

**COMMENT**

Lot 361 is zoned Special Use for the purpose of Aged Persons Accommodation and Lot 8 is zoned Residential Development under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3).

The objectives for the Residential Development Zone are contained within c.3.2.2 and state:

*The use of land within the Residential Development Zone shall be consistent the following objectives:*

- (a) The Council will not allow any development or support subdivision in a Residential Development Zone without the preparation of, and its approval of, a Guided Development Plan for the area.*
- (b) To allow a variety of uses in the zone without the need to rezone the area where minor modifications are required to the Guided Development Plan prior to the final subdivision.*

The objectives for the Special Use Zone are contained within c.3.2.5 and state:

*The use of land in the Special Use Zone shall be consistent the following objectives:*

- (c) To provide an area where special uses can be operated under the specific control of the Council in order to maintain the safety, health and welfare if surrounding users.*
- (d) To enable the Council to impose specific conditions to restrict the use and operation of any development that would normally not fit within the ambit of any other zone in this Scheme.*

Lot 8 has a residential density code of R10/20 and c.5.7.3 (in part) of TPS3 states in relation to Residential Development:

- (b) Residential development with the R10/20 code shall be permitted at the R10 density, however, the Council may approve developments up to the R20 density as an 'AA use.*
- (c) Any development proposed at a density greater than R10, subject to clause (b) above, will only be considered by the Council if it can be proven that an effective method of effluent disposal, or connection to the reticulated sewer network, satisfactory to the Council's requirements, can be provided. If this cannot be provided, development of residential use shall be permitted to the R10 code."*



The existing infrastructure services have been subject to some preliminary investigation and appear adequate to meet the demands of future residential development. As with the land on Katanning Road, a staged approach to the overall development is recommended.

The potential design for the development of additional aged persons units and future subdivision of the land was undertaken by Edge Planning & Property and 2 Preliminary Concept Plans have been provided for Council to consider.

The planning consultant advises the rationale behind the 2 plans are:

- Use existing infrastructure wherever possible to reduce subdivision costs and promote cash-flow.
- Turn Loton Close into a road reserve of around 15m width to accommodate future lots/developments.
- Enhance pedestrian links along the creek and future potential subdivision east of the creek (based on topography no vehicle/road crossing is provided).
- Provide public access to the creek/foreshore by creating a linear area of public open space.
- Create regular shaped lots.
- Create a range of lot sizes which are suitable for aged persons/active aged (to meet the Shire's vision for accommodating more aged persons), families and Shire staff.

The planning consultant advises Preliminary Concept Plan 1 seeks to minimise development costs to the Shire. Other than changing Loton Close into a public road, no other roads are proposed to be constructed. With less impervious surfaces, stormwater management should be simpler, cheaper and take less land. The non-aged person's lots should be able to be serviced with on-site effluent disposal rather than require connection to reticulated sewer.

The planning consultant advises Preliminary Concept Plan 2 shows how the development/subdivision could be done in stages such as 1 lot for aged persons units and then lots for housing (starting with Soldier Road and then constructing the public road (20m wide) to create the remaining lots. The road has been located centrally due to the odour buffer affecting the potential for subdivision/development of the land to the south (Lot 9).

The 2 designs show how the land could be subdivided into the future. The draft Guided Development Plan is proposed to be prepared only over the land west of the creek as it represents a significant natural obstacle that makes it difficult to link with a road. For this reason, the two areas will need to be planned separately.

The design includes a primary objective to show how the existing developments and proposed new additional aged persons units can be developed at Loton Close.

The Preliminary Concept Plan No 2 is favoured by staff. This support is subject to the existing infrastructure being sufficient to cater for the developments/subdivision and the proposed road is designed as a cul-de-sac rather than as a through road. This plan would also enable the land to be further subdivided into the future if required. As the land is within the Water Corporation licensed area, the development will be required to connect to deep sewer, irrespective of the lot size.

Once the draft Guided Development Plan has been finalised it needs to be adopted by Council.

TPS3 does not contain any provisions that set out the process for adoption of a Guided Development Plan referred to in c.3.2.2 and staff recommend that Council consider adopting the Guided Development Plan as a Town Planning Scheme Policy under TPS3. This would provide a process of adopting a draft plan, undertaking consultation on the draft plan, consideration of any submissions received and adoption of a final plan.

As the proposal involves the potential for future subdivision of the land it is recommended that the consultation include the Department of Planning/WA Planning Commission who control subdivision within the State. The lack of scheme controls for the adoption of a Guided Development

Plan will be rectified within the new Local Planning Scheme in accordance with the Commission's standardised controls for these types of planning instrument now more commonly referred to as Structure Plans.

In considering the proposed draft Guided Development Plan, Council has the following options available at this stage:

- 1) Defer the proposal and seek additional advice if deemed necessary; or
- 2) Refuse to support the proposal; or
- 3) Support the proposal and proceed to undertake consultation on the draft plan.

### **CONSULTATION**

Initial consultation has been undertaken with Roger Machin (Licensed Surveyor) and Edge Planning & Property (Planning Design Consultants).

To adopt a Town Planning Scheme Policy, consultation on the draft Policy is required as set out in c.7.6.2 of TPS3. In this instance, this would include advertising in local newspapers, direct referral to affected and adjoining/nearby landowners, servicing agencies and the Department of Planning/WA Planning Commission.

### **STATUTORY ENVIRONMENT**

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

### **POLICY IMPLICATIONS**

There are no Council policies applying to this proposal.

The recommendation is to adopt a new draft Town Planning Scheme for the land in accordance with the requirements of TPS3.

### **FINANCIAL IMPLICATIONS**

The Edge planning report and preparation of the Guided Development Plan report is to be funded from the 2013/2014 and 2014/2015 budgets including some grant funding made available for the aged person units.

The cost for preparing the draft Town Planning Scheme Policy and completing the required consultations will be funded from the 2013/2014 budget.

Any costs to complete the development/subdivision of the land will be subject to a future report to Council.

### **STRATEGIC/CORPORATE IMPLICATIONS**

Nil.

### **RISK MANAGEMENT IMPLICATIONS**

Control measure being ability to fund infrastructure works required and lot layout encouraging private sector development of balance area not required for Council use. Town Planning Scheme No. 3 ability to meet developer's needs.

### **ASSET MANAGEMENT IMPLICATIONS**

The Guided Development Plan enables Council to utilise an undeveloped parcel of land for residential purposes thereby expanding rate base and development opportunities.

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION****111/14 Moved Cr Mathwin, seconded Cr Pedler that Council:**

- 1) Authorise staff to complete the draft Guided Development Plan report for Lot 8 Loton Close and Lot 361 Soldier Road, Kojonup based on Preliminary Concept Plan 2 with the following modifications being completed by the consultants to the satisfaction of the Chief Executive Officer:
  - i) Clarification on the capacity of the infrastructure to accommodate expected additional flows from the future development/subdivision of the land.
  - ii) The subdivisional road to show a through road although the construction be undertaken to create a linked cul-de-sac system.
  - iii) No future road connection across the creek is to be provided.
- 2) Adopt the draft Guided Development Plan as a draft Town Planning Scheme Policy under c.7.6 of TPS3 and undertake consultation on the draft policy as set out in the Consultation section of this report.







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

*PRELIMINARY CONCEPT*

**BASE PLAN No. 1**  
Lots 8 and 361  
Soldier Road  
Kojonup

*Cul-de-sac head  
to either be relocated  
or ideally  
included in  
road reserve*

LEGEND

-  SUBJECT LAND
-  EXISTING CADASTRE
-  CONTOURS
-  U/GROUND SEWER PIPE
-  U/GROUND WATER PIPE
-  WASTEWATER TREATMENT PLAN BUFFER

*Road reserve*

*Indicative dwelling location*

*Driveway possible  
to man  
property for  
strata  
subdivision*

SCALE 1:1000  
DATE 20/07/14  
DRAWN BY J. HAYES  
CHECKED BY J. HAYES  
edge  
ARCHITECTURE  
100/102 WILSON STREET  
KONARRA WA 6147  
PH 08 9437 2222  
WWW.EDGEARCHITECTURE.COM.AU





**13 EXECUTIVE & GOVERNANCE REPORTS****13.1 KOJONUP INDUSTRIAL ESTATE – OFFER OF PURCHASE**

AUTHOR: Heather Sheppard – Senior Project Officer  
DATE: Monday, 14 July 2014  
FILE NO: LP.SUB.1  
**ATTACHMENT: 13.1 Agnew & Machin Pty Ltd Plan 2007/13**

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

In the February meeting of Council it was approved to accept an offer of purchase for amended Lot 28 by adjoining land owner of Lot 3 – Mr Peter Wright. In this respect under s3.58 of the Local Government Act the appropriate advertising of the intention to accept an offer of purchase for such area has been advertised in the Great Southern Herald on Wednesday 25<sup>th</sup> June 2014 and the Kojonup News on Friday 4<sup>th</sup> July 2014 requesting any submissions in relation to this. Submissions closed on Thursday 10<sup>th</sup> July 2014 and no submissions have been made.

**BACKGROUND**

In the Agenda for the Council meeting in February 2014, it was advised that Mr Wright first expressed a verbal interest in Lot 28 to the previous Manager of Corporate Services – Mr Dolzadelli on 4 December 2012 with an offer of \$25,000 for 5,519m<sup>2</sup>. Council at the time was considering a joint Southern Link Voluntary Regional Organisation of Councils (VROC) Water Re-use & Harvesting Project submission which included certain Water Corporation assets being transferred to Council and improvements to the Oval irrigation system utilising treated water from the Kojonup Sewer System.

There was a considerable delay in receiving written confirmation from the Water Corporation that such an offer to transfer certain assets existed. The Southern Link VROC was successful in obtaining funding approval with projects to be completed by 30 June 2014. Written conditional notification from the Water Corporation was eventually received on 14 October 2013 (thanks to the persistence of the Manager of Regulatory & Community Services) with Council being advised at the 5 November Briefing Session.

Council were also previously briefed by the Manager of Regulatory & Community Services (MRCS) on Opus designs for two water tanks to be located in the South West corner of the Oval Precinct to act as holding/settling tanks after chlorination, prior to irrigating the oval. The Water Corporations conditional notification required Council to develop a fall back strategy recognising VROC acquittal and compliance funding time frames.

The fall back strategy consisted of:-

- Engaging Opus to redesign pipeline routes with future provision to link with the Southern Water Corporation water storage facility.
- Utilise existing water storage assets within the Showground Precinct.
- Locate two holding tanks on the Southern side of existing turkey dam with provision for installation of chlorination unit.
- Ascertain if Mr Wright was interested in purchasing balance of amended Lot which is presently used by Council to stockpile sand, road materials etc. and providing carriageway easement allowing Council to gain access to rear of Lot 1.

The Shire President, Chief Executive Officer, Manager of Works & Services, MRCS and Mr Wright met on-site on Friday, 8 November 2013 and Mr Wright confirmed his interest to purchase the amended Lot and to assist Council in relocating stockpile material to another location within the Industrial Estate as well as allow access to the Southern boundary of the Turkey Nest Dam.

Management proceeded to have a survey plan prepared and associated application completed for lodgement with the WA Planning Commission as until a new title was created Council could not proceed with any sale.

Based on the previous purchase offer of \$4.53 per m<sup>2</sup> a realistic offer of \$21,410.00 exclusive of GST is very reasonable.

#### **COMMENT**

Section 3.58 of the Local Government Act 1995 and Regulation 30 & 31 Local Government (Functions and General) Regulations 1996.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 (LGA 1995) apply.

Section 3.58(3) and (4) of the (LGA 1995) states the following:

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned;*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

*(a) the names of all other parties concerned; and*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

In accordance with s3.58 of the Local Government Act, a Valuer was instructed to value the land and advised a market value of the land is \$25,000. In accordance with the Act a Public Notice has been inserted in the Great Southern Herald and the Kojonup News publicising the intention, a description of the land, the valuation of market value and the parties concerned. This notice for any submissions expires on 10<sup>th</sup> July 2014.

**CONSULTATION**

As listed above

**STATUTORY REQUIREMENTS**

Local Government Act 1995, section 3.58 (as above)

Transfer of Land Act 1893

Planning & Development Act 2005

Approvals and Related Reforms (No.4) (Planning) Act 2009

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council receives a return on initial Industrial Subdivision Development investment from sale of vacant lots.

**STRATEGIC/CORPORATE IMPLICATIONS**

Draft Corporate Business Plan Strategy 1.8.1 - Building local economic capacity to generate wealth and provide a variety of local employment opportunities.

**RISK MANAGEMENT IMPLICATIONS**

Allows excess Council land to be more effectively utilised within the industrial estate thereby reducing risk exposure to unauthorised entry.

**ASSET MANAGEMENT IMPLICATIONS**

Encourages private sector investment of Council land which is Councils strategic intent. Sale of surplus land to reduce ongoing operational expenses.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council confirms its previous endorsement to approve the sale in accordance with section 3.58 of the Local Government Act, having regard to there being no submissions after advertising its intention to do so, of Lot 28 Thornbury Close, Kojonup (shown as new Lot B area 4,725m<sup>2</sup> on Agnew & Machin Pty Ltd Plan 2007/13) to Mr Peter Wright of PO Box 194, Kojonup subject to the following conditions:-

1. Sale price of \$21,410 exclusive of GST.
2. Payment terms to be within 30 days of new title being certified.
3. Mr Wright making available plant (Dozer) to level off Southern Boundary of new Lot A after Council removes stockpiled material to a new location.
4. Council erecting southern boundary fence to new Lot A at no cost to Mr Wright including locked gated access from the carriageway easement located in the SW corner of the Survey Plan.
5. The Sale of Contract be duly executed by the Shire President and Chief Executive Officer.
6. Mr Wright to pay for the power connection in accordance with subdivision approval.



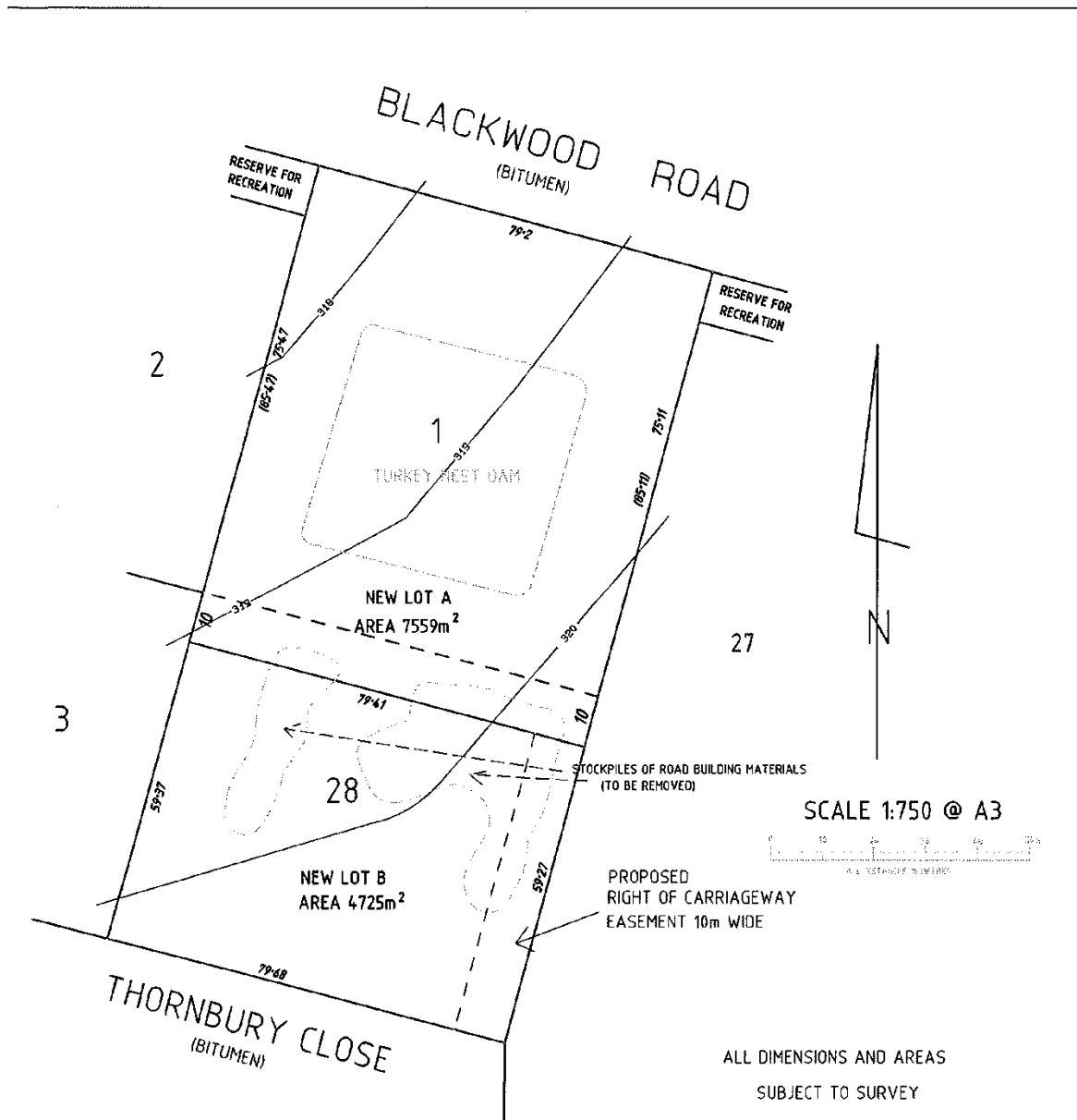
**COUNCIL DECISION**

**112/14 Moved Cr Trethowan, seconded Cr Benn that Council confirms its previous endorsement to approve the sale in accordance with section 3.58 of the Local Government Act, having regard to there being no submissions after advertising its intention to do so, of Lot 28 Thornbury Close, Kojonup (shown as new Lot B area 4,725m<sup>2</sup> on Agnew & Machin Pty Ltd Plan 2007/13) to Mr Peter Wright of PO Box 194, Kojonup subject to the following conditions:-**

- 1. Sale price of \$21,410 exclusive of GST.**
- 2. Payment terms to be within 30 days of new title being certified.**
- 3. Mr Wright making available plant (Dozer) to level off Southern Boundary of new Lot A after Council removes stockpiled material to a new location.**
- 4. Council erecting southern boundary fence to new Lot A at no cost to Mr Wright including locked gated access from the carriageway easement located in the South East corner of the Survey Plan.**
- 5. The Sale of Contract be duly executed by the Shire President and Chief Executive Officer.**
- 6. Mr Wright to pay for the power connection in accordance with subdivision approval.**

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

REASON FOR CHANGE: The Officer's Recommendation listed the carriageway easement as being located in the South West Corner of the Survey Plan where in fact it is in the South East Corner.



ALL DIMENSIONS AND AREAS  
SUBJECT TO SURVEY

ORIGINAL AREAS	NEW LOT AREAS
LOT 1 6765 m <sup>2</sup>	LOT A 7559m <sup>2</sup>
LOT 28 5519 m <sup>2</sup>	LOT B 4725m <sup>2</sup>
TOTAL 12284 m <sup>2</sup>	TOTAL 12284m <sup>2</sup>

LOT 1 ON DIAGRAM 42924 ZONED: PUBLIC PURPOSES  
C/T 1721-509

LOT 28 ON DIAGRAM 89130 ZONED: INDUSTRY  
C/T 2062-582

LAND DISTRICT: KOJONUP  
LOCAL AUTHORITY: SHIRE OF KOJONUP  
LOCALITY: KOJONUP TOWNSITE  
INDEX: BJ29121 09:16

SHIRE OF KOJONUP		
PROPOSED SUBDIVISION OF LOTS 1 & 28 BROCKMAN ROAD & THORNBURY CLOSE KOJONUP TOWNSITE		
AGNEW & MACHIN PTY LTD LAND AND ENGINEERING SURVEYORS		PO BOX 22 FLOREAT WA 6014 PH (08) 9383 9595
AUTHOR: HJA	SCALE 1:750	OUR REF: 2807/13
DRAWN: RGA	DATE 17 JAN 2014	SHEET PLOT SIZE
CAD FILE 2007-WAPC-PRO	Revision 0	A3

13.2 LEASE AGREEMENT OF A SECTION OF KOJONUP WORKS DEPOT BY CGS ENGINEERS AS A LAYDOWN AREA

AUTHOR: Heather Sheppard – Senior Project Officer  
DATE: Monday, 14 July 2014  
FILE NO: CP.LEA.1  
**ATTACHMENT: Nil**

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

At the April meeting of Council it was approved to lease a securely fenced section of the Kojonup Shire Works Depot with access from Bilston Street to CGS Engineers for use as a laydown area. In this respect under s3.58 of the Local Government Act the appropriate advertising of the intention to lease such area has been advertised in the Great Southern Herald on Wednesday 25<sup>th</sup> June 2014 and the Kojonup News on Friday 4<sup>th</sup> July 2014 requesting any submissions in relation to this. Submissions closed on Thursday 10<sup>th</sup> July 2014 and no submissions have were received.

**BACKGROUND**

In the Agenda for the Council meeting in April 2014, it was advised that Cr Radford indicated at a Briefing Session late last year that CGS Engineers had expanded operations due to an increase in contracts with CBH. Cr Radford understands that CGS Engineers had been approached by nearby Councils to relocate to the North East. Cr Radford asked “Is there anything the Shire of Kojonup can do to ensure CGS Engineers and its employees stay in Kojonup recognising that the present location at Bilston Street is becoming restricted?”

**COMMENT**

There is sufficient land at Kojonup’s Industrial Estate for a new green field development however relocation would be a costly exercise for CGS Engineers given specific operational needs for sand blasting, painting, workshops, lathing equipment etc.

The Shire President and Chief Executive Officer (CEO) visited CGS Engineers on Wednesday 12 March 2014 with full Council and Senior Management inspecting the facility as part of the Budget Works Tour on Tuesday 1<sup>st</sup> April 2014.

Prior to the Budget Works Tour the CEO at the 18 March 2014 Briefing Session reported to Council that CGS Engineers’ immediate need was to relocate the lay down area in order to maximise space at the corner of Soldier Road and Bilston Street. An alternative location with close vehicle access was identified in the NW corner of the Council Works Depot that had been previously used for abandoned vehicles.

In accordance with s3.58 of the Local Government Act, a Valuer was instructed to value the potential rental of the subject land for the purposes of a lay down area. The Valuer has confirmed an annual rental of \$2,000 per annum. In accordance with the Act a Public Notice has been inserted in the Great Southern Herald and the Kojonup News publicising the intention, a description of the land, the valuation and the agreed rental by Council and the parties concerned.

**CONSULTATION**

Discussion at Council Briefing Session and Site visits including facility tour with CGS Engineers’ management.

**STATUTORY REQUIREMENTS**

Property Law Act 1969 requirements incorporated into a formal Lease Agreement.  
Section 3.58 of the Local Government Act 1995.

**POLICY IMPLICATIONS**

Policy 3.2 Development Incentives – Building & Planning Fees & Rates

**FINANCIAL IMPLICATIONS**

Refund of 20% operational costs to the Shire

**STRATEGIC/CORPORATE IMPLICATIONS**

Draft Corporate Business Plan 2013-17

Strategy 1.8.1 – Building local economic capacity to generate wealth and provide a variety of local employment opportunities.

Strategy 1.8.1.2 – Draft a local economic development policy focussed to create employment opportunities that attract and retain population in Kojonup.

**RISK MANAGEMENT IMPLICATIONS**

Control measures via a lease agreement ensures all parties are aware of rights and responsibilities and legal compliance.

**ASSET MANAGEMENT IMPLICATIONS**

Utilises available land and reduces area that is the direct responsibility of Council.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**113/14 Moved Cr Benn, seconded Cr Mathwin that Council confirms its previous endorsement to enter into a formal Lease Agreement in accordance with Section 3.58 of the Local Government Act 1995, having regard to there being no submissions after advertising its intention to do so, with CGS Engineers for a securely fenced portion of an area of approximately 30m x 70m in the NW corner of the Shire of Kojonup's Works Depot to be utilised by CGS Engineers as a laydown area for a period of 3 years including provision for a further 3 year extension with access off Bilston Street and an annual rental of \$1,040 excluding GST.**

**CARRIED**

**7/0**

13.3 GOVERNANCE – REVIEW OF MEMORANDUM OF UNDERSTANDING (SHIRE OF KOJONUP AND R & J GOODALL & KOJONUP TOURIST RAILWAY ASSOCIATION INC.)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Thursday, 3 July 2014  
FILE NO: RC.MUS.4  
**ATTACHMENT: 13.3 MOU**

**DECLARATION OF INTEREST**

Cr Ned Radford – President of Kojonup Tourist Railway Association Inc.

**SUMMARY**

To undertake a six monthly review of the Memorandum of Understanding (MOU) and each parties compliance with commitments in accordance with Clause 3.0v. as per Council Decision 197/13 adopted at the 17 December 2013 Council Meeting.

**BACKGROUND**

The original intent of the MOU was to establish responsibilities for each of the parties regarding use/access of the Railway Reserve by the Kojonup Tourist Railway Association Inc. (KTR) and property owners R & J Goodall.

**COMMENT**

The attached MOU includes minor amendments further clarifying responsibilities to enhance effective two-way communication and harmonious relationships.

**CONSULTATION**

Extensive discussion at Briefing Sessions and the June 2014 Council Meeting.

**STATUTORY ENVIRONMENT**

Landgate – Certificate of Title Registered Number 2/D59063 Registered by the Registrar of Titles 27 November 2012.

Registered Deed of Easement lodged by Michael Rogers and Associates – Barristers & Solicitors between RP & MD McGee and Shire of Kojonup dated 12 December 2000.

**POLICY IMPLICATIONS**

There are no policy implications for this report other than trying to establish goodwill between all parties.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC/CORPORATE IMPLICATIONS**

Draft Corporate Business Plan Focus Area 1.8 Building Prosperity  
Strategy 1.8.1.4 – Support local tourism initiatives and the Kojonup Tourism Association.

**RISK MANAGEMENT IMPLICATIONS**

Control measure via MOU ensures all parties rights and responsibilities are documented and therefore and more effective governance control.

**ASSET MANAGEMENT IMPLICATIONS**

While there is no change in property ownership the railway line effectively remains the responsibility of Council as per the deed of easement.

**VOTING REQUIREMENTS**

Simple Majority

*3:35pm Cr Radford declared an interest and left the Chamber.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**114/14 Moved Cr Trethowan, seconded Cr Pedler that Council:**

- 1. Adopts the amended MOU and forward same to R & J Goodall and Kojonup Tourist Railway Inc. for endorsement with a further review being undertaken by Council at the February 2015 Council Meeting.**
- 2. The Shire President and Chief Executive Officer be authorised to execute the document.**

**CARRIED**

**6/0**

*3:38pm Cr Radford returned to the Chamber.*

**SHIRE OF KOJONUP**

**and**

**R AND J GOODALL**

**and**

**KOJONUP TOURIST RAILWAY ASSOCIATION INC.**

**MEMORANDUM OF UNDERSTANDING**

This Agreement is made the \_\_\_\_\_ day of \_\_\_\_\_ 2014

**BETWEEN**

(a) The Shire of Kojonup )  
of 93 Albany Highway, )  
Kojonup in the State of )  
Western Australia ("Shire") )

**AND**

(b) Rodney & Joanne Goodall )  
of 52 Pensioner Road, )  
Kojonup in the State of )  
Western Australia )

**AND**

(c) Kojonup Tourist Railway Inc. )  
of PO Box 314, )  
Kojonup in the State of )  
Western Australia. )

**1. PURPOSE OF THE MEMORANDUM OF UNDERSTANDING (MOU)**

The purpose of this Memorandum of Understanding (MOU) is to set out the obligations and responsibilities for each party as an extension to the Deed of Easement registered over the land on 12 December 2000 which was transferred to new property owners R and J Goodall.

**1.1 The Deed of Easement specifically relates to the following purposes:-**

- (a) To undertake construction and maintenance of a railway line upon the Affected Land;
- (b) To contour and deposit gravel and soil on the Affected Land for the purpose of maintaining the railway track;
- (c) To make surveys and take levels of the Affected Land;
- (d) To clear and remove from the Affected Land any trees, shrubs or undergrowth thereon and in the course of carrying out any of the activities hereby authorised;
- (e) Allow the Grantee and members of the public at large passage over the affected area by railcar, railway carriage and railway locomotives along and over the Affected Land.

**1.2 The Grantor (R & J Goodall) hereby covenants with the Grantee (Shire of Kojonup) so as to bind the Servient Land that the Grantor will not without the prior written consent of the Grantee on each occasion first had and obtained:-**

- (a) Make, erect, bring onto the Affected Land or any part thereof or allow to remain thereon any building structure obstruction or improvement;
- (b) Plant or cause permit or suffer to be planted any trees or shrubs on the Affected Land; or
- (c) Do, permit or suffer to be done any act matter or thing which does not or may be likely to damage or adversely affect the railway track on the Affected Land.

**1.3 The Grantee HEREBY COVENANTS with the Grantor and its successors in title as registered proprietor for the time being of the Servient Tenement that it will in the exercise of its rights and privileges pursuant hereto:-**

- (a) Complete any work from time to time commenced by it on the Affected Land with all convenient speed;
- (b) Fill in and contour any holes or trenches made by the Grantee on the Affected Land;
- (c) Carry away all earth and rubbish occasioned by such works as aforesaid;
- (d) Ensure that whilst the soil or surface of the affected Land is open and during the progress of any construction alteration repair or maintenance works on the Affected Land that the same is properly guarded and that adequate signs or notices will be affixed for the warning of persons likely to be endangered thereby.

**It is important to note that the Deed of Easement specifically relates to the construction and maintenance of a railway line.**

**2.0 CLARIFICATION ON MOU CONTENTS****2.1** The Deed does not specifically address responsibilities required in relation to the balance area of the easement that is not for example within 2 metres either side of the actual railway line.

Office of Titles Diagram 97846 clearly shows that the width of the easement at Pensioner Road is 28.44 metres however the easement width at Soldier Road is 5 metres.

**2.2** Other considerations:-

- The Deed is silent about grazing of livestock (sheep, cows, horses) within the easement. From a maintenance and fire hazard reduction perspective is it



considered appropriate to graze livestock when the railway is not in use as opposed to wholesale spraying?

- The Grantor should be able to graze livestock at any time therefore Council, Kojonup Tourist Railway and the Water Corporation need to provide sufficient notification to R & J Goodall of their intention to gain access to the Easement Area by a simple phone call or email in advance (other than in an emergency sewerage overflow or fire). Gates should be opened and closed accordingly to ensure stock does not escape from the Pensioner/Soldier Roads gated areas.
- It is understood and accepted that the major Railway operations are conducted on the first and third weekend of each month. There are of course exceptions to this schedule when group bookings are received for week day tours. It is also understood and acknowledged that Kojonup Tourist Railway undertake track maintenance on other occasions.
- In any of the above events Kojonup Tourist Railway is required in accordance with its operating procedures to have a 'flag person' for traffic control. It seems logical that opening and closing gates at Pensioner and Soldier Road should not be a major cause of inconvenience to any party. The major inconvenience appears to be the opening of internal gates and herding livestock off the Easement Area. More effective time management is required for this action to be undertaken and improved communication between all parties is vital to ensure the spirit of the MOU is maintained.
- Gates at Pensioner/Soldier Roads to be opened and closed each time and the Grantor notified by phone or email when group tours or special bookings are made for Rail Tours.
- That appropriate fencing and gates are required, preventing livestock straying outside the Easement area or unauthorised persons entering the easement or entering onto the Grantors principal property.
- The need for gates at Pensioner and Soldier Roads is a mandatory control barrier against unauthorised vehicles and pedestrians when the train line is not in use by the Kojonup Tourist Railway Inc., and also forms part of the Grantor and Council's Risk Management Strategy which would be frustrating to the Grantor if left open!
- What arrangement or agreement does the Grantor have with the Water Corporation regarding pipe and drainage infrastructure within the Easement which should be known to the Grantee? The Water Corporation in correspondence dated 5 November 2013 states "... the Water Corporation advises that it needs to have unrestricted access to the sewer mains to undertake operational and maintenance (O&M) activities. The Water Corporation is not aware of any verbal or formal agreements associated with this sewer section. Access to the sewer mains to undertake O&M activities are carried out in compliance with the provisions in the Water Services Act. Action has been initiated to investigate and undertake remedial works as required to the disturbed area described in your letter."

A copy of the Sewer Pipeline Map is attached.

- CBH as an adjoining property owner to the South of the easement realise its obligations in maintaining the boundary fence in accordance with the Dividing Fences Act 1961 and also not to discharge storm water directly onto the Easement area? Similarly, Council needs to ensure stormwater drainage is appropriately managed within the Easement Area as responsibilities do change over time from originally intended.

### 3.0 AGREEMENT

#### **The Shire of Kojonup (Grantee) via the Kojonup Tourist Railway Inc. will:**

- Ensure that Council and the Kojonup Tourist Railway Inc. respects the intent and on-going spirit of co-operation of the Deed of Easement and the MOU by requiring compliance with the following:-
  - i. The opening and closing of gates at Pensioner and Soldier Roads **immediately after the train enters and exits the Easement Area** regardless if line use is for maintenance, tourist/promotional activities or access further west along the railway line reserve corridor.
  - ii. **The Grantee should be able to graze livestock at any time therefore Council, Kojonup Tourist Railway and the Water Corporation need to provide sufficient notification to R & J Goodall of their intention to gain access to the Easement Area by a simple phone call or email, ideally 24 hours in advance (other than in an emergency sewerage overflow or fire). Gates should be opened and closed accordingly to ensure stock does not escape from the Pensioner/Soldier Roads gated areas.**
  - iii. Specifically maintain railway assets such as the railway line, sleepers, culverts, signage, switch gear, etc., within a 2 metre width either side of the physical railway line within the easement.
  - iv. Liaise with the Grantor to ascertain any joint working bees to be undertaken to mitigate fire hazards, weed spread and vermin control, fencing / drainage and other maintenance works within the balance easement area.
  - v. Undertake as a minimum six monthly reviews with the Grantor to ensure the requirements of the MOU are being achieved and recognising that the Grantor is the lawful owner of the public access easement.
  - vi. Commit to effective two-way communication to retain good relations between all parties to the MOU.
  - vii. **Failure to close gates on more than 3 occasions within 6 months will trigger Council placing its own locks on the gates requiring Kojonup Tourist Railway and the Water Corporation to collect and return keys from the Council Office.**

#### **The Grantor (R & J Goodall) will:**

- Ensure that the intent and on-going spirit of co-operation of the Deed of Easement and the MOU with the Shire of Kojonup and the Kojonup Tourist Railway Inc. is mutually beneficial to all parties.
- Ensure stock is not on the easement area the first and third weekend of every month as this is the principal timeframes for use by the Kojonup Tourist Railway Inc.

**The Shire of Kojonup, Kojonup Tourist Railway Inc., and R & J Goodall acknowledge below their acceptance of the obligations and responsibilities of this Memorandum of Understanding.**

**On behalf of R & J Goodall**

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

and

**On behalf of the Shire of Kojonup**

(Executed by Resolution of Council No: \_\_\_\_/\_\_\_\_)

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: Veronica Fleay Name: Rick Mitchell-Collins

Position: Shire President Position: Chief Executive Officer

Date: \_\_\_\_\_ Date: \_\_\_\_\_

and

**On behalf of the Kojonup Tourist Railway Inc.**

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Position: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_



View from Pensioner Road



View from Soldier Road



Approaching Soldier Road



Internal gate to Principal Property – Soldier Road end

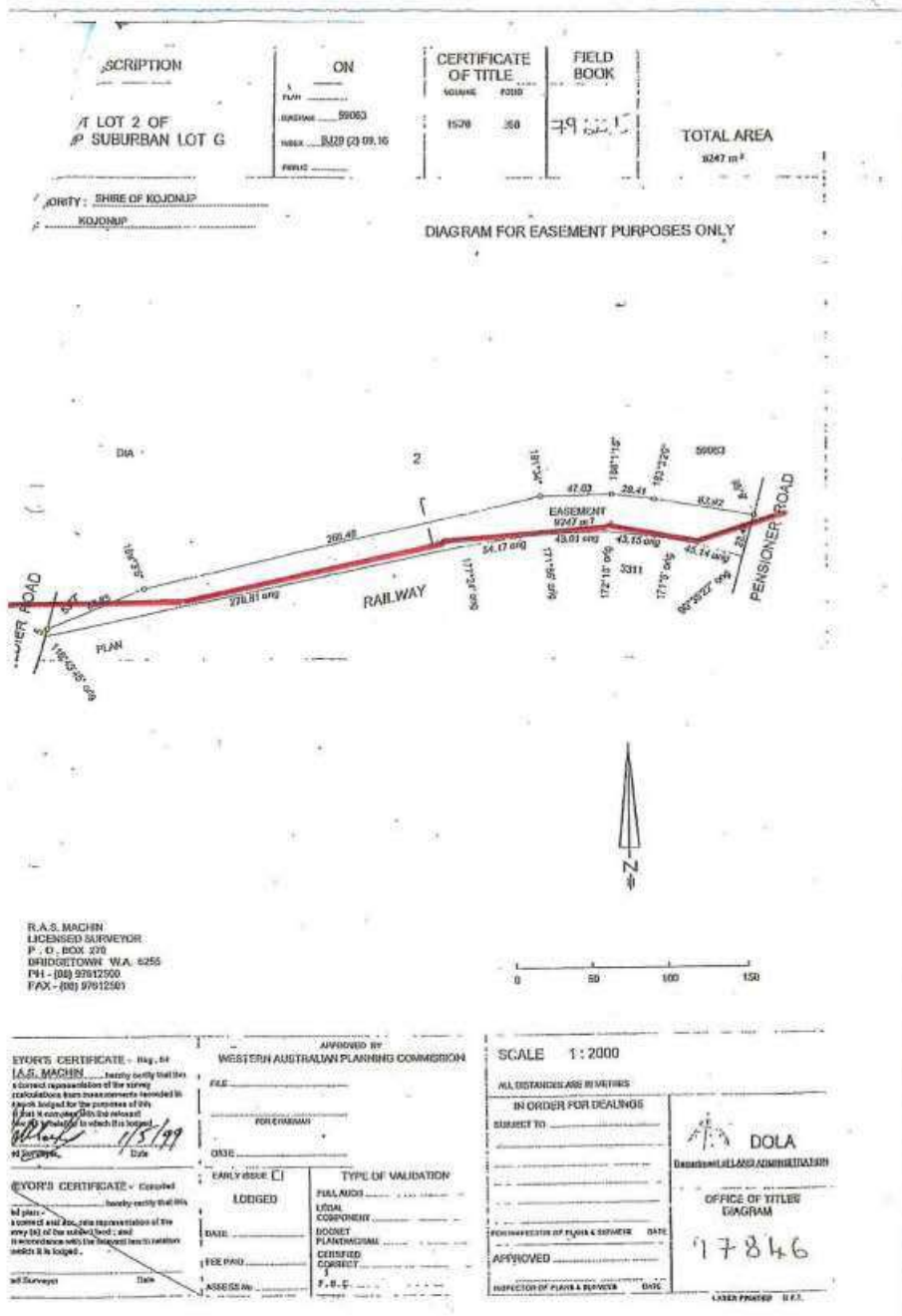


View looking back to Pensioner Road



Internal gate to Principal Property – Pensioner Road end







**13.4 LOCAL GOVERNMENT CONVENTION & TRADE EXHIBITION 2014**

**AUTHOR:** Rick Mitchell-Collins – Chief Executive Officer  
**DATE:** Friday, 4 July 2014  
**FILE NO:** GO.CLR.5  
**ATTACHMENT:** Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to confirm the appointment of proxy delegates to the Western Australia Local Government Association (WALGA) AGM.

**BACKGROUND**

Cr Sexton in an email dated 4 July 2014 stated he is unlikely to return from his leave of absence in time to attend the conference and therefore has cancelled accommodation and registration. Council Resolution 71/14 does not state Proxy Delegates and this report rectifies this omission.

**COMMENT**

Council Policy 3.3 states:-

*“Local Government Week*

*All Councillors are encouraged to attend Local Government Week. The Shire President and Deputy Shire President are the Council’s nominated delegates to attend the conference and vote on motions on Council’s behalf. The Council shall be required to authorise attendance by any other Councillor wishing to attend”*

Council Resolution 71/14 has authorised Councillor attendance, however does not appoint proxy delegates to vote on motions on Council’s behalf in the absence of the Shire President and/or Deputy Shire President at the AGM.

**CONSULTATION**

N/A

**STATUTORY REQUIREMENTS**

There is no specific legislation applicable to this item.

**POLICY IMPLICATIONS**

Council Policy 3.3

**FINANCIAL IMPLICATIONS**

Saving on full conference registration and accommodation for one Councillor and partner of approximately \$2500.

**STRATEGIC/CORPORATE IMPLICATIONS**

Strategy 1.1.5 – Develop and maintain Councillors skills

**RISK MANAGEMENT IMPLICATIONS**

A control measure to ensure Council can exercise its right to vote in the absence of nominated delegate.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**115/14 Moved Cr Pritchard, seconded Cr Pedler that Councillor Benn acts as Council's Proxy in the absence of the Deputy Shire President and Cr Mathwin acts as Council's Proxy in the unforeseen absence of the Shire President at the Western Australia Local Government Association AGM on Wednesday 6 August 2014.**

**CARRIED**

**7/0**

### 13.5 CORPORATE BUSINESS PLAN 2013-2017

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Monday, 14 July 2014  
FILE NO: CM.PLN.2  
ATTACHMENT: [13.5 Corporate Business Plan 2013 -2017](#)

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To seek Councils adoption of the Corporate Business Plan 2013-2017 as this important document has been in draft form since September 2013.

#### **BACKGROUND**

The Community Strategic Plan sets the direction and priorities for Kojonup until 2023. The Corporate Business Plan is the first step towards achieving the community plan aspirations and sets out the key actions for the first four years against the eight focus areas depicted in 2023 Vision.

Under the integrated planning and reporting framework, there are a number of strategies and plans that are required to inform the Corporate Business Plan. The informing plans aim to ensure the Shire's resource capabilities are matched to the community's needs and desires. The informing strategies include:

- Long Term Financial Plan;
- Workforce Plan; and
- Asset Management Plan.

The Community Strategic Plan, Corporate Business Plan, operational plans and informing strategies are designed to link together, with the vision and direction set by the Community Strategic Plan.

The Corporate Business Plan is an internal business tool that translates the Community and Council's objectives and aspirations from the adopted Community Strategic Plan 2013-2023 into operations that are within the capacity of the Shire's resources. Many actions involve continuing or extending current initiatives, however, others are new initiatives highlighted by the community.

The Shire will review the corporate business plan annually. The Shire may modify the Corporate Business Plan, if required, due to modification made to the Community Strategic Plan.

#### **COMMENT**

The Corporate Business Plan now reflects year 2 of the 4 year term with Key Performance Measures reflecting outcomes to be achieved in the 2014/2015 Financial Year. Progress against each strategy is reflected in traffic light colours of red – "Not Yet Progressed", amber – "On Track" and Green – "Completed". The total indicative project budget aims to reflect resources required to fulfil the strategy completion for the 2014/2015 Financial Year which will be further itemised in the 2014/2015 Operational Plan.

#### **CONSULTATION**

Council Briefing Session and Senior Management Team

#### **STATUTORY REQUIREMENTS**

WA Department of Local Government's Integrated Planning & Reporting Framework 2011  
Section 19DA (6) Local Government (Administration) Regulations 1996

#### **POLICY IMPLICATIONS**

There are no direct policy implications other than contributing to the effective governance of the Shire of Kojonup.

**FINANCIAL IMPLICATIONS**

There are no direct Financial Implications as Corporate Business Planning is an essential core undertaking of Local Government.

**STRATEGIC/CORPORATE IMPLICATIONS**

The Corporate Business Plan is the first step towards achieving the community plan aspirations and sets out the key actions for the first four years against the eight focus areas depicted in 2023 Vision.

**RISK MANAGEMENT IMPLICATIONS**

The Corporate Business Plan provides a thorough list of the Strategic aims and objectives of Council that can be measured against performance. Risk Management forms an integral component in achieving corporate objectives.

**ASSET MANAGEMENT IMPLICATIONS**

The Corporate Business Plan guides the strategic link between the assets (existing/new) of Council; including assessment of useful life, maintenance and renewal schedules including rationalisation and the ability to allocate resources to maximise usage and longevity of infrastructure within financial constraints which is reflected in the Long Term Financial Plan.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**116/14 Moved Cr Mathwin, seconded Cr Pedler that the Draft Corporate Business Plan 2013-2017 be formally adopted and a copy forwarded to the Department of the Local Government and Communities.**

**CARRIED BY ABSOLUTE MAJORITY**

**7/0**

**14     COMMITTEES OF COUNCIL**

**14.1   KOJONUP BUSH FIRE ADVISORY COMMITTEE**

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**117/14 Moved Cr Trethowan, seconded Cr Radford that the attached unconfirmed minutes of the Kojonup Bush Fire Advisory Committee held Tuesday 17<sup>th</sup> June 2014 be received by Council.**

**CARRIED**

**7/0**

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

Nil

**16 NEW BUSINESS**

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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**118/14 Moved Cr Trethowan, seconded Cr Mathwin that Item 16.1 Proposed Demolition of Dwelling Lot 2 Albany Highway, Kojonup be discussed as an item of an urgent nature.**

**CARRIED**

**7/0**

**16.1 PROPOSED DEMOLITION OF DWELLING LOT 2 ALBANY HIGHWAY, KOJONUP**

**AUTHOR:** Phil Shephard – Town Planner  
**DATE:** Friday, 18 July 2014  
**FILE NO:** DB.BDA.8  
**APPLICANT:** Syd Matthews & Co Pty Ltd  
**ATTACHMENT:** 16.1 Aerial Photos of lot/building

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider a proposal to demolish the existing dwelling on the above property. The recommendation is to approve the proposal with conditions.

The applicants have been pursuing the Demolition Permit and have belatedly submitted this planning application. The Demolition Permit cannot be issued without the applicants having first obtained planning approval for the demolition.

**BACKGROUND**

Nil.

**COMMENTS**

The proposal is to demolish the existing dwelling on the above property. The house is dilapidated. The property adjoins their transport depot yard and no details have been provided on the future development of the site at this stage.

The land is zoned part Residential and part Commercial under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and there is no delegation available for staff to deal with the application and therefore must be submitted to the Council for a decision.

In considering the proposal, Council has the following options available at this stage:

- 1) Defer the proposal and seek additional advice from the applicants if deemed necessary; or
- 2) Refuse to support the proposal giving reasons and advise the applicants accordingly; or
- 3) Support the proposal and grant approval to the proposal.

Staff recommend option 3) is adopted to approve the application subject to conditions.

The proposed demolition will also require a Demolition Permit to be issued by the Shire.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The applicant is required to pay the prescribed planning/building fees in accordance with the Shire's adopted Schedule of Fees/Charges.

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

**STRATEGIC/CORPORATE IMPLICATIONS**Draft Corporate Business Plan

Strategy 1.8.1 – Building local economic capacity to generate wealth and provide a variety of local employment opportunities.

**RISK MANAGEMENT IMPLICATIONS**

Compliance with intent of original Planning Application subsequently approved by Council and proposed demolition of dilapidated house accords with Planning & Development intent of the applicant.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

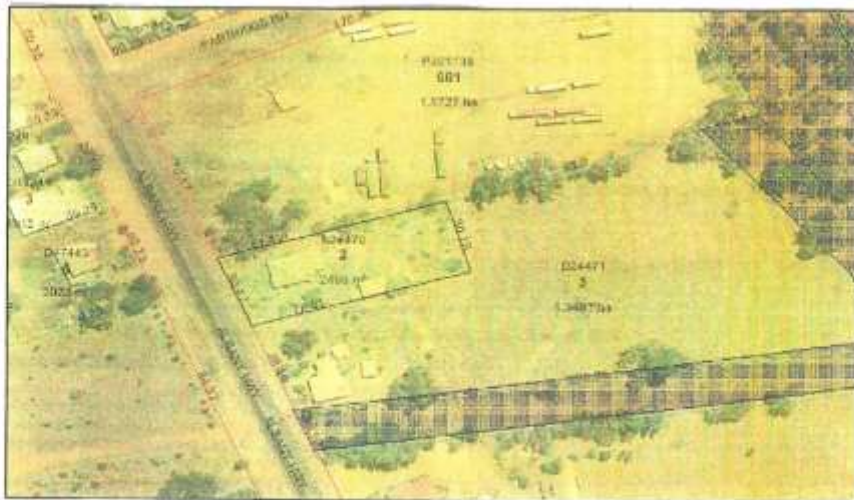
**119/14 Moved Cr Trethowan, seconded Cr Pritchard that Council grant planning approval in accordance with Town Planning Scheme No. 3 for the demolition of the dwelling on Lot 2 Albany Highway, Kojonup subject to the site being left in a clean and tidy state to the satisfaction of the Chief Executive Officer.**

**CARRIED**

**7/0**

167 Albany Hwy - Google Maps

Page 1 of 1



<https://www.google.com.au/maps/place/167+Albany+Hwy/@-33.841827...> 26/06/2014





Front of residence



Side elevation



**17 CONFIDENTIAL REPORTS****17.1 OFFER OF PURCHASE 133-135 ALBANY HIGHWAY**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
 DATE: Monday, 7 July 2014  
 FILE NO: A7229  
 ATTACHMENT: **17.1 Confidential Report & Attachment**

**SUMMARY**

The purpose of the report is to seek Council's approval for the purchase of 133-135 Albany Highway, Kojonup.

**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

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**120/14 Moved Cr Trethowan, seconded Cr Benn that the meeting be closed to the public in accordance with s5.23 of the Local Government Act 1995 to discuss:**

- **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.**

**CARRIED**

**7/0**

*3:43pm The Manager of Works & Services, the Manager of Regulatory & Community Services, the Administration/Regulatory Officer and the members of the public left the Chamber.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**121/14 Moved Cr Trethowan, seconded Cr Mathwin**

- 1. That Council confirm the purchase offer of \$95,000 for 133-135 Albany Highway and proceed to secure the land in accordance with the provisions of the Local Government Act 1995, and**
- 2. Approve the use of the Common Seal and execution of legal documentation in accordance with Council Policy 3.8.**

**CARRIED**

**7/0**

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**122/14 Moved Cr Trethowan, seconded Cr Pedler that the meeting be reopened to the public.**

**CARRIED**

**7/0**

**18**     **NEXT MEETING**

Tuesday, 19<sup>th</sup> August 2014 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 3:49pm.

**20**     **ATTACHMENTS (SEPARATE)**

- Item 10.1     Monthly Statement of Financial Activity
- Item 10.2     Monthly Payment Listing 1/6/2014 – 30/6/2014
- Item 10.3.1   Draft Financial Assistance Agreement (FAA)
- Item 10.4     List of Fees and Charges
- Item 10.6     2014/2015 Draft Annual Budget
- Item 12.4     Application Report and Plan of Subdivision
- Item 13.5     Corporate Business Plan 2013 -2017
- Item 14.1     Unconfirmed Kojonup Bush Fire Advisory Committee Minutes – Tuesday 17<sup>th</sup> June 2014
- Item 17.1     Confidential Report & Attachment

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

\_\_\_\_\_  
Date