

# SHIRE OF KOJONUP



## Council Minutes

***16<sup>th</sup> December 2008***

**SHIRE OF KOJONUP****MINUTES FROM THE COUNCIL MEETING HELD ON 16<sup>TH</sup> DECEMBER 2008**  
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**SHIRE OF KOJONUP****MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting open at 3.00pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew the meetings attention to the disclaimer below:

**Disclaimer**

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

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

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

**2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr Michael Baulch	
Cr John Benn	
Cr Will Carrington-Jones	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer

**APOLOGIES****3 PUBLIC QUESTION TIME**

Nil

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

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING – 25<sup>th</sup> November 2008

Corrections:

Item 11.1 – remove the words “to be” and “section” in point 8 of item 11.1.

**COUNCIL DECISION**

**287/08 MOVED** Cr Trethowan seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 25<sup>th</sup> November 2008 be confirmed as a true record with the above correction.

**CARRIED 9/0**

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

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**  
Written petition from N and P Bilney tabled.

**COUNCIL DECISION**

**288/08 MOVED** Cr Benn seconded Cr Marsh that the written petition from N and P Bilney be received and recorded in the minutes of the meeting.

**CARRIED 9/0**

9 **DECLARATIONS OF INTEREST**  
Nil

10 **FINANCE REPORTS**

10.1 FINANCIAL MANAGEMENT – Monthly Statement of Financial Activity

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Wednesday, 10 December 2008  
FILE NO: 06.15.01  
ATTACHMENT: Monthly Statement of Financial Activity 1<sup>st</sup> July to 30<sup>th</sup> November 2008

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

**BACKGROUND**

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

The attached Statement of Financial Activity for the period 1<sup>st</sup> July 2007 to 30<sup>th</sup> November 2008 shows a solid position with 87.20% of rates collected to 30<sup>th</sup> November 2008 and a total amount of cash holdings of \$3,988,770 of which \$1,693,932 is held in fully cash backed Reserves.

Cash holdings continue to be maintained as straight cash deposits with the level of interest earning continuing to exceed current budget projections.

It should be noted that Depreciation has still not yet been updated for the 2008/09 financial year. This item will be updated on completion of analysis in line with the new Local Government Accounting Manual and resolution by Council to accept any proposed changes; this was report to the November meeting of Council and it is envisaged that any changes to depreciation will be put before the February 2009 meeting of Council.

**CONSULTATION**

None necessary

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

None applicable

**FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council.

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

That the Monthly Statement of Financial Activity, as attached, be accepted.

**COUNCIL DECISION**

**289/08 MOVED Cr Marsh seconded Cr Hewson that the Monthly Statement of Financial Activity, as attached, be accepted.**

**CARRIED 9/0**

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Finance Officer  
DATE: Wednesday, 10 December 2008  
FILE NO: 06.15.01  
ATTACHMENT: Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

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

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

Council’s Policy F3 provides authorities and restrictions relative to purchasing commitments.

#### **FINANCIAL IMPLICATIONS**

All payments made are for items where Council has provided a budget authority.

#### **STRATEGIC IMPLICATIONS**

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

#### **VOTING REQUIREMENTS – Simple Majority**

#### **OFFICER RECOMMENDATION**

That the Payment Listing from 14/11/2008 to 10/12/08 comprising of Municipal Cheques 10010 to 10084, EFTs 3794 to 3906 and Internal Payment Vouchers 1645 to 1675 totalling \$1,066,780.97 and as attached to this agenda, be received.

#### **COUNCIL DECISION**

**290/08 MOVED Cr Trethowan seconded Cr Hewson that the Payment Listing from 14/11/2008 to 10/12/08 comprising of Municipal Cheques 10010 to 10084, EFTs 3794 to 3906 and Internal Payment Vouchers 1645 to 1675 totalling \$1,066,780.97 and as attached to this agenda, be received.**

**CARRIED 9/0**

3.33pm Heather Marland left the meeting.

3.33pm The meeting was adjourned to allow Councillors to view GIS mapping with regard to Item 12.1 Subdivision Application 138941.

3.45pm The meeting was reopened at 3.45pm.

3.46pm Cr Trethowan returned to the meeting

3.47pm The Chief Executive Officer, Stephen Gash left the meeting.

3.48pm The Chief Executive Officer, Stephen Gash returned to the meeting.

#### **11 ENGINEERING & WORKS REPORTS**

Nil

#### **12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

##### **12.1 SUBDIVISION APPLICATION 138941 – LOTS 17 & 91 SOLDIER/MORAN ROADS, KOJONUP**

AUTHOR: Phil Shephard – Town Planner  
 DATE: 5 December 2008  
 FILE NO: 14.06.01  
 APPLICANT: RPS Koltasz Smith  
 OWNER: RL & NG Norrish  
 ATTACHMENTS: Plan of Subdivision

#### **DECLARATION OF INTEREST**

Nil.

#### **SUMMARY**

To consider a proposal to subdivide Lots 17 & 91 into 7 lots as shown on the attached plan of subdivision.

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

## **BACKGROUND**

Nil.

## **COMMENT**

The subdivision proposal is to create 7 freehold lots. Five lots (No's 102 - 106) between 2.05ha – 2.1ha will be zoned special rural and have frontage to Moran Road (street name sign states 'Treasure Road'). Two lots (No's 101 & 107) will be 2.8ha and 28.2ha in area and zoned rural with frontage to Moran Road (No. 107) and Soldier Road (No. 101).

The application includes a comprehensive planning report and environmental assessment. These provide the rationale and support for the proposed subdivision. The lot boundaries have been designed to incorporate the existing zoning boundaries as some of the land is constrained by the Water Corporation wastewater treatment plant odour buffer. The land contained within the odour buffer will be retained in the larger 28.2ha lot (No. 101).

The land slopes from both the north and south towards the creek line running east to west through the property. The creek line is part of the town catchment.

The report on effluent disposal prepared by Coffey Environments Pty Ltd recommends that on-site alternative treatment units (ATU's) be used to treat domestic effluent given the site limitations (gradient, existence of clays/granite, proximity to creek line etc.). The site was inspected (during a rainstorm) and the effluent disposal report and recommendations discussed internally.

Staff agrees with the Consultant's recommendations that given the site limitations that ATU's be required for all new housing within the subdivision. There are concerns with the potential for flooding/inundation of parts of the lots associated with the creek line. It is recommended that Lots 101, 105 and 106 be required to have a building envelope designated in a position that provides maximum separation to the creek line to recognise this constraint.

The future use of the land will be special rural and agriculture and controlled by the town planning scheme. Staff also recommends that the potential purchasers be advised in writing by the subdivider/vendor of the planning matters affecting the land including flooding/inundation risk for Lots 101, 105 and 106, existence of farming activities on adjoining land and the odour buffer.

The special rural lots have access to developed gravel standard roads and will be serviced with underground power, reticulated water (if available) and telecommunications.

The subdivision complies with the Shire's Scheme and Policy requirements and is supported. A review of the Subdivision Guide Plan for the area is not considered necessary in this instance. Council should recommend to the WA Planning Commission to apply conditions to the subdivision including road upgrading, property crossovers, building envelopes, notice to purchasers and on-site effluent disposal.

## **CONSULTATION**

Nil required.

## **STATUTORY ENVIRONMENT**

The land is zoned both Special Rural and Rural under Town Planning Scheme No. 3 (Scheme).

In considering the subdivision of the special rural zoned area, clause 5.12.3 of the Scheme states:

*"Development in a Special Rural Zone shall be permitted in accordance with the requirements of Table II and the objectives for that zone as outlined in Part III, and with any other requirements specified in Schedule V."*

In addition, clause 5.12.7 of the Scheme states:

*“Any proposals for further subdivision of land in the Special Rural Zone will require justification to be based on a detailed land capability assessment and any other appropriate and relevant requirements of the Commission’s or the Council’s policies and guidelines.”*

The minimum lot size provided for under Schedule V ‘Special Rural Zones’ is 2ha within Special Rural Zone Area No. 4 (Kojonup West) and the application has included a detailed land capability assessment to support the proposed subdivision.

In considering the subdivision of the rural zoned land, clause 5.13 of the Scheme states:

*“Development in the Rural Zone shall comply with the objectives for that Zone as outlined in Part III, and with such requirements as the Council shall see fit relative to the proposed use.”*

The subdivision proposal has been referred by the Western Australian Planning Commission (WAPC) to Council with a request for any information, comment or recommended conditions that Council seek to have the Commission consider in assessing the application. Council is reminded that all applications for subdivision/amalgamation are submitted to, and determined by, the WAPC in consultation with relevant stakeholders (State Government bodies and Local Government). The WAPC provides forty-two (42) days for comments to be received from stakeholders. It is the WAPC’s decision to act on any advice or recommendation received from Council.

#### **POLICY IMPLICATIONS**

The Shire’s Town Planning Scheme Policy No. 2 ‘Future Development in Kojonup Townsite and Locality’ identifies the land for potential special rural uses.

The Shire’s Town Planning Scheme Policy No. 11 ‘Applications for Subdivision’ requires block size, setbacks and effluent disposal locations comply with the R-Codes and Health Act for subdivisions within townsite areas.

Council is required to have regard to any WAPC Statements of Planning Policy (SPP’s) that apply to the proposal. (SPP) No’s 1 ‘State Planning Framework Policy’ and 3 ‘Urban Growth and Settlement’ establish the general principles for planning in Western Australia. The primary aim of these SPP’s being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The subdivision is required to comply with the Department of Health’s Country Sewerage Policy.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 17 & 91 Soldier/Moran Roads, Kojonup into 7 lots as proposed on WAPC File 138941 and request the following conditions and advice be placed upon the approval:

1. The upgrading of Moran (Treasure) Road to the satisfaction of the Shire of Kojonup at the subdividers costs.
2. The lots being provided with a vehicle crossover located designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.



3. The provision of adequate stormwater drainage system and the maintenance of natural drainage paths to the satisfaction of Council such that the attenuation of stormwater flows to the watercourse are contained to pre-development flows where possible.
4. Lots 101 (northern area), 105 (north-east area) and 106 (south-west area) be provided with a suitable building envelope (maximum area of 2,000m<sup>2</sup>) setback a minimum of 30 metres from the creekline/tree line to contain all development including the on-site effluent disposal systems and control development away from the watercourse area to the satisfaction of the Shire of Kojonup.
5. The subdivider advising the prospective purchasers and successors in title in writing that:
  - Deep sewer is not available and all new housing developments will require the installation of an on-site alternative treatment unit (ATU's) effluent disposal system.
  - Adjoining properties are used for rural pursuits.
  - Lots 101, 105 and 106 will be affected by flooding/inundation of the existing creekline during storm events.
  - The lots are within or adjoin the existing Water Corporation waste water treatment plan odour buffer and their use and enjoyment of the land may be affected accordingly.
  - The land will be required to be filled and/or drained to create suitable building and effluent disposal areas prior to construction of dwellings and associated outbuildings.

Advice notes:

- i) Access to Lot 101 shall be restricted to Soldier Road.
- ii) Access to Lot 107 shall be restricted to Moran (Treasure) Road.
- iii) The lot boundary for Lot 104 and 105 shall be designed to ensure the driveway to the building envelope on Lot 15 shall be outside (north) of the creekline.

#### **COUNCIL DECISION**

**291/08 MOVED** Cr Pritchard seconded Cr Graham that Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 17 & 91 Soldier/Moran Roads, Kojonup into 7 lots as proposed on WAPC File 138941 and request the following conditions and advice be placed upon the approval:

1. The upgrading of Moran (Treasure) Road to the satisfaction of the Shire of Kojonup at the subdividers costs.
2. The lots being provided with a vehicle crossover located designed and constructed to the satisfaction of the Shire of Kojonup at the subdividers cost.
3. The provision of adequate stormwater drainage system and the maintenance of natural drainage paths to the satisfaction of Council such that the attenuation of stormwater flows to the watercourse are contained to pre-development flows where possible.
4. Lots 101 (northern area), 105 (north-east area) and 106 (south-west area) be provided with a suitable building envelope (maximum area of 2,000m<sup>2</sup>) setback a minimum of 30 metres from the creekline/tree line to contain all development including the on-site effluent disposal systems and control development away from the watercourse area to the satisfaction of the Shire of Kojonup.
5. The subdivider advising the prospective purchasers and successors in title in writing that:
  - Deep sewer is not available and all new housing developments will require the installation of an on-site alternative treatment unit (ATU's) effluent disposal system.
  - Adjoining properties are used for rural pursuits.
  - Lots 101, 105 and 106 will be affected by flooding/inundation of the existing creekline during storm events.

- The lots are within or adjoin the existing Water Corporation waste water treatment plan odour buffer and their use and enjoyment of the land may be affected accordingly.
- The lots are down stream of the existing Water Corporation treatment plant which has EPA approval for the discharge of treated waste water into the creek under certain conditions.
- The land will be required to be filled and/or drained to create suitable building and effluent disposal areas prior to construction of dwellings and associated outbuildings.

**Advice notes:**

- iv) Access to Lot 101 shall be restricted to Soldier Road.
- v) Access to Lot 107 shall be restricted to Moran (Treasure) Road.
- vi) The lot boundary for Lot 104 and 105 shall be designed to ensure the driveway to the building envelope on Lot 105 shall be outside (north) of the creekline.

**CARRIED 9/0**

*REASON FOR CHANGE: Council felt that the Water Corporations EPA approval with respect to the discharge of treated waste water should be advised.  
Crs Pritchard and Graham accepted the amendment to the recommendation*

**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 SETTING OF COUNCIL MEETING DATES 2009**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Wednesday, 10 December 2008  
 FILE NO: 04.05.01  
 ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to resolve to adopt Council Meeting dates for the 2009 year.

**BACKGROUND**

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

**COMMENTS**

Over recent years Council Meetings have been scheduled in accordance with the October 2005 resolution with the exception of a January meeting. Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

It is proposed that Council formalise what is current practice and adopt the schedule of dates for the 2009 year as contained within the Officers recommendation.

**CONSULTATION**

None necessary

**STATUTORY ENVIRONMENT**

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

**POLICY IMPLICATIONS**

None applicable

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

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

1. Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,
2. The following dates be approved for the 2009 year:
  - Tuesday, 17 February 2009
  - Tuesday, 17 March 2009
  - Tuesday, 21 April 2009
  - Tuesday, 19 May 2009
  - Tuesday, 16 June 2009
  - Tuesday, 21 July 2009
  - Tuesday, 18 August 2009
  - Tuesday, 15 September 2009
  - Tuesday, 20 October 2009
  - Tuesday, 17 November 2009
  - Tuesday, 15 December 2009
3. That Local Public Notice be given of the approved Council Meeting dates for the 2009 year.

**COUNCIL DECISION**

**292/08 MOVED Cr Carrington-Jones seconded Cr Hewson that:**

1. **Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,**
2. **The following dates be approved for the 2009 year:**
  - **Tuesday, 17 February 2009**
  - **Tuesday, 17 March 2009**
  - **Tuesday, 21 April 2009**
  - **Tuesday, 19 May 2009**
  - **Tuesday, 16 June 2009**
  - **Tuesday, 21 July 2009**
  - **Tuesday, 18 August 2009**
  - **Tuesday, 15 September 2009**
  - **Tuesday, 20 October 2009**
  - **Tuesday, 17 November 2009**
  - **Tuesday, 15 December 2009**
3. **That Local Public Notice be given of the approved Council Meeting dates for the 2009 year.**

**CARRIED 9/0**

**14 COMMITTEES OF COUNCIL**

Nil

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

Nil

**16 NEW BUSINESS**

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

Nil

**17 CONFIDENTIAL REPORTS**

17.1 36 VANZUILECOM ST BUILDING COMPLIANCE

**OFFICER RECOMMENDATION**

That the meeting be closed to the Public in accordance with section 5.23 (2)(d) of the Local Government Act 1995 as it relates to legal advice that has been obtained and further advice that may be obtained on the matter.

**COUNCIL DECISION**

**293/08            MOVED Cr Marsh seconded Cr Graham that the meeting be closed to the Public in accordance with section 5.23 (2)(d) of the Local Government Act 1995 as it relates to legal advice that has been obtained and further advice that may be obtained on the matter and that the Manager of Corporate Service remain in the meeting.**

**CARRIED 9/0**

*A confidential report was provided to Councillors under separate cover.*

*4.42pm Cr Carrington-Jones left the meeting.*

*4.46pm Cr Carrington-Jones returned to the meeting.*

*5.01pm Cr Carrington-Jones left the meeting.*

*5.03pm Cr Carrington-Jones returned to the meeting.*

**OFFICER RECOMMENDATION**

That the meeting be reopened to the public

**COUNCIL DECISION**

**294/08            MOVED Cr Benn seconded Cr Marsh that the meeting be reopened to the public.**

**CARRIED 9/0**

*The meeting was reopened to the public. No members of the public re-entered. No documents were tabled or resolutions made while the meeting was closed.*

**OFFICER RECOMMENDATION**

1. That the owner of 36 Vanzuilecom St Kojonup be formally advised that the Council is not in a position to consider any complaint or allegation based on the previously submitted ground penetrating radar report or any engineering opinion based on its findings.
2. That the Chief Executive Officer be requested to arrange a meeting with the owner to convey the process for considering any new or additional information.

**COUNCIL DECISION**

**294/08            MOVED Cr Trethowan seconded Cr Hewson that:**

- 1. That the owner of 36 Vanzuilecom St Kojonup be formally advised that the Council is not in a position to consider any complaint or allegation based on the previously submitted ground penetrating radar report or any engineering opinion based on its findings.**
- 2. That the Chief Executive Officer be requested to arrange a meeting with the owner to convey the process for considering any new or additional information.**

**CARRIED 9/0**

**18    NEXT MEETING**

Tuesday 17<sup>th</sup> February 2009, 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 5.35pm.

**20    APPENDICES AND TABLED DOCUMENTS**

Petition from N and P Bilney

**21    ATTACHMENTS**

Item 10.1            Monthly Statement of Financial Activity 01 July 2008 to 30 November 2008  
Item 10.2            Monthly Payment Listing 14 November 2008 to 10 December 2008  
Item 12.1            Plan of Subdivision - LOTS 17 & 91 SOLDIER/MORAN ROADS, KOJONUP  
Item 17.1            CONFIDENTIAL report under separate cover