

# SHIRE OF KOJONUP



## Council Minutes

***21<sup>st</sup> February 2012***

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 21<sup>st</sup> February 2012****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES &amp; LEAVE OF ABSENCE</b>	<b>3</b>
<b>3</b>	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
<b>4</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>3</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES</b>	<b>3</b>
<b>7</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>4</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>4</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>4</b>
<b>10</b>	<b>FINANCE REPORTS</b>	<b>4</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	4
10.2	MONTHLY PAYMENTS LISTING	6
<b>11</b>	<b>ENGINEERING &amp; WORKS REPORTS</b>	<b>7</b>
11.1	LOWDEN ROAD / ALBANY HIGHWAY REALIGNMENT	7
<b>12</b>	<b>ECONOMIC &amp; ENVIRONMENTAL DEVELOPMENT REPORTS</b>	<b>8</b>
12.1	SOUTHERN LINK VROC STRATEGIC PLAN	8
12.2	FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 9 TO INCLUDE ADDITIONAL SCHEME PROVISIONS CONTROLLING RESIDENTIAL DENSITIES IN ADOPTED GUIDED DEVELOPMENT PLANS	9
12.3	REFURBISHMENT OF EXISTING PIGGERY LOT 10 CRAPELLA ROAD, BOSCABEL	11
<b>13</b>	<b>CORPORATE &amp; COMMUNITY SERVICES REPORTS</b>	<b>15</b>
13.1	CODE OF CONDUCT	15
13.2	LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS	16
<b>14</b>	<b>COMMITTEES OF COUNCIL</b>	<b>17</b>
14.1	AUDIT COMMITTEE	17
<b>15</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>17</b>
<b>16</b>	<b>NEW BUSINESS</b>	<b>17</b>
<b>17</b>	<b>CONFIDENTIAL REPORTS</b>	<b>18</b>
<b>18</b>	<b>NEXT MEETING</b>	<b>18</b>
<b>19</b>	<b>CLOSURE</b>	<b>18</b>
<b>20</b>	<b>APPENDICES AND TABLED DOCUMENTS</b>	<b>18</b>
<b>21</b>	<b>ATTACHMENTS</b>	<b>18</b>

**SHIRE OF KOJONUP****MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:10pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

*Disclaimer*

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

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

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

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

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Ian Pedler	
Cr Frank Pritchard	
Cr Greg Marsh	
Cr Rosemary Hewson	
Cr Michael Baulch	
Cr Jill Mathwin	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mrs Heather Marland	Senior Finance Officer

**APOLOGIES**

Nil

**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 13<sup>th</sup> December 2011

Corrections: Nil

**COUNCIL DECISION**

**1/12 MOVED Cr Benn seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 13<sup>th</sup> December 2011 be confirmed as a true record.**

**CARRIED 8/0**

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

The Chief Executive Officer and Shire President met with Shire of Katanning with respect to Katanning Super Town "Townsite Growth Plan".

The Shire President advised that the Katanning Supertown Community Forum was scheduled for 6pm Monday 27<sup>th</sup> February 2012 and encouraged Councillors to attend.

The Shire President noted that she was looking forward to the official opening of the Kojonup Sports Complex on Saturday, 25<sup>th</sup> February 2012 and encouraged all to attend.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

*Cr Trethowan declared a Proximity Interest in Item 11.1 in so much that it was with respect to a Road adjacent to her farming property and adjacent land holder*

*Cr Benn declared a Financial Interest in Item 10.2 in so much that he is an Agent for The Cott Family Trust T/A Oil Tech Fuel.*

**10 FINANCE REPORTS**

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

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 9 February 2012  
 FILE NO: FM.FNR.2  
 ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011  
 10.1.2 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011 and 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012.

**BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that. As there was no January meeting of Council both December 2011 and January 2012 Statements are now being presented

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 Statements of Financial Activity for the period of 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011 and 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012 show a solid position with 91.01% of rates collected and a

total amount of cash holdings of \$2,699,634 of which \$1,776,362 is held in fully cash backed Reserves as at to 31<sup>st</sup> January 2012. Of these cash holdings \$800,000 of Municipal funds and \$1,730,681 of Reserve funds have been reinvested in short term deposits, due to mature 19<sup>th</sup> February 2012 and 20<sup>th</sup> March 2012 respectively.

The Audit Committee met on 7<sup>th</sup> February 2012 and accepted the following reports:

1. Interim Audit Management Letter for the year ended 30<sup>th</sup> June 2011,
2. Audit Management Letter for the year ended 30<sup>th</sup> June 2011,
3. Annual Financial Report for the year ended 30<sup>th</sup> June 2011, and
4. Auditor's Report for the year ended 30<sup>th</sup> June 2011.

The Audited Committee also met with Auditor Russell Harrison of Lincolns Accountants and Business Advisers via teleconference, the minutes of the Audit Committee meeting are attached to this Agenda.

As previously advised, Officers continue to closely monitor Councils' cash flow position bearing in mind the requirement of loan funds for the Sporting Complex Upgrade/Renewal project. As briefed the amount of loan funds required for funding of the project will be presented to Council once final costs are available at completion of the project.

#### **CONSULTATION**

None necessary.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

None applicable.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011 and 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012, as attached, be accepted.

#### **COUNCIL DECISION**

**2/12 MOVED Cr Marsh seconded Cr Mathwin that the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011 and 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012, as attached, be accepted.**

**CARRIED 8/0**

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Wednesday, 15 February 2012  
 FILE NO: FM.AUT.1  
 ATTACHMENT: 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> December 2011 to 31<sup>st</sup> January 2012.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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

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

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

**POLICY IMPLICATIONS**

Council's Policy 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 in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/12/2011 to 31/01/2012 comprising of Municipal Cheques 12015 to 12101, EFT's 8030 to 8277 and Internal Payment Vouchers 2914 to 2976 totalling \$1,320,059.76 and as attached to this agenda, be received.

**COUNCIL DECISION**

**3/12 MOVED** Cr Hewson seconded Cr Benn that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/12/2011 to 31/01/2012 comprising of Municipal Cheques 12015 to 12101, EFT's 8030 to 8277 and Internal Payment Vouchers 2914 to 2976 totalling \$1,320,059.76 and as attached to this agenda, be received.

**CARRIED 8/0**

**11 ENGINEERING & WORKS REPORTS****11.1 LOWDEN ROAD / ALBANY HIGHWAY REALIGNMENT**

AUTHOR: Stephen Gash - Chief Executive Officer  
 DATE: Thursday 16 February 2012  
 FILE NO: RO.ROA.043 / A1362 / A1669  
 ATTACHMENT: Nil

**DECLARATION OF INTERESTS**

Nil

**SUMMARY**

To indemnify the Minister for Lands against any costs or claims for compensation associated with the Lowden Road / Albany Highway Intersection realignment.

**BACKGROUND**

The realignment of the Lowden Road was an approved State Black Spot Project in 2004-2005. Construction was completed in 2005.

**COMMENT**

To finalise the creation of the new road reserve State Land Services have written to the Shire advising that there must be a resolution of Council to indemnify the Minister for Lands against any costs or claims for compensation associated with the realignment of the intersection.

This indemnity is a standard requirement and an administrative / procedural matter.

**CONSULTATION**

Consultation and negotiations were held with the Land Owner, Mr K Norrish at the time of the project. Since this the land owners have written to State Land Services outlining their agreement of the negotiations.

**STATUTORY REQUIREMENTS**

Lands Administration Act 1997 – Section 56

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications as compensation was by way of land swap.

**VOTING REQUIREMENTS**

Simple Majority.

**STRATEGIC IMPLICATIONS**

Shire of Kojonup's Plan for the Future, Strategic Directions 2010 - 2015 specifically points in 3.2 Improve Road Safety.

*4:17pm Mrs Heather Marland left the Chamber.*

**OFFICERS RECOMMENDATION**

That the Minister for Lands be indemnified against any costs or claims for compensation for the realignment of Lowden Road / Albany Highway Intersection.

**COUNCIL DECISION**

**4/12 MOVED Cr Hewson seconded Cr Baulch that the Minister for Lands be indemnified against any costs or claims for compensation for the realignment of Lowden Road / Albany Highway Intersection.**

**CARRIED 8/0**

**12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1 SOUTHERN LINK VROC STRATEGIC PLAN**

AUTHOR: Stephen Gash - Chief Executive Officer  
 DATE: Wednesday 15 February 2012  
 FILE NO: GR.LRL.2  
 ATTACHMENT: 12.1 Southern Link VROC Strategic Plan

**DECLARATION OF INTERESTS**

Nil

**SUMMARY**

To endorse the Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan.

**BACKGROUND**

The Southern Link VROC consists of the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet. The members consist of delegates and the CEO from each council who meet on a regular basis to work together to strategically evolve services in their regions.

**COMMENT**

The Southern Link VROC Strategic Plan was last endorsed in May 2010, decision 30/10. Since the last Strategic Plan was adopted in May 2010, the Southern Link VROC have revised the plan to incorporate new regional strategies. It is recommended that Council adopted the revised Strategic Plan.

**CONSULTATION**

Consultation has been undertaken individually with each member Council to develop a collective view.

**STATUTORY REQUIREMENTS**

There are no known statutory requirements.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

Business case work up for regional grant funding will be undertaken on the priority areas of the strategic plan.

**VOTING REQUIREMENTS**

Simple Majority

**STRATEGIC IMPLICATIONS**

The plan has been endorsed by the Shires of Plantagenet and Broomehill Tambellup at their February Council meeting without amendment.

**OFFICERS RECOMMENDATION**

That Council endorse the Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan.

**COUNCIL DECISION**

**5/12 MOVED Cr Mathwin seconded Cr Benn that Council endorse the Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan.**

**CARRIED 8/0**



12.2 FINAL APPROVAL OF TOWN PLANNING SCHEME No. 3 – AMENDMENT No. 9 TO INCLUDE ADDITIONAL SCHEME PROVISIONS CONTROLLING RESIDENTIAL DENSITIES IN ADOPTED GUIDED DEVELOPMENT PLANS

AUTHOR: Phil Shephard  
 DATE: Wednesday, 1 February 2012  
 FILE NO: LP.PLN.15  
 ATTACHMENT: 12.2.1 TPS3 Amendment 9 Schedule of Submissions  
 12.2.2 Copy of EPA Submission  
 12.2.3 Copy of TPS3 Amendment 9 document

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The statutory public notice period for the above scheme amendment has now been completed and 1 submission was received from the Environmental Protection Authority (EPA) which is discussed in the attached Schedule of Submissions.

Council shall now determine whether to proceed with the amendment and seek final approval from the Minister for Planning.

**BACKGROUND**

Scheme Amendment No. 9 was initiated by Council at its 17 November 2009 meeting (Item 12.2: Res 124/09).

Scheme Amendment No. 9 proposes to introduce additional scheme controls/clause within Part 5.7 'Residential Development' to control density within any approved Guided Development Plan adopted by Council as follows:

*"If a Guided Development Plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design codes, then:*

- *the provisions of the Guided Development Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provision incorporated in the Scheme;*
- *provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Guided Development Plan;*
- *in the area designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
- *the standards and requirements applicable to the zones and R-Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan; and*
- *if a provision of a Guided Development Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Guided Development Plan prevails to the extent of any inconsistency."*

This will enable Council with sufficient statutory controls to specify a residential density code within the 'Residential Development' zone via the adoption of a Guided Development Plan.

In accordance with the requirements of the *Planning and Development Act 2005*, the amendment was firstly referred to the Environmental Protection Authority for their assessment. They advised that the amendment was acceptable and no formal assessment was required in correspondence dated 22 February 2010 (copy attached).

The amendment was then advertised for a period of 42-days to allow for comment from the public and government agencies.

**COMMENTS**

The advertising of the amendment resulted in 1 submission being received from the EPA which does not require any modifications to the advertised amendment document.

It is recommended that Council now seek final approval to the amendment from the WA Planning Commission and Minister for Planning.

**CONSULTATION**

The amendment was advertised for a period of 42-days for submission to be received.

The notice given included:

- Notice of amendment in Great Southern Herald (31/3/2010 & 14/4/2010).
- Notice of amendment in Great Southern Herald (31/3/2010 & 14/4/2010).
- Notice of amendment displayed on Shire Notice Board (31/3/2010 – 9/6/2010).
- Adjoining/nearby landowners advised in writing (copy of amendment document attached) and requested to provide submission
- At the conclusion of the notice period, 1 submission was received from the EPA for consideration.

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*

*Town Planning Regulations 1967*

*Local Government Act 1995*

Shire of Kojonup Town Planning Scheme No. 3

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The costs of administering the amendment process will be recouped from the proponents in accordance with the *Planning and Development Regulations 2009*.

**STRATEGIC IMPLICATIONS**

The successful completion of the amendment will enable Council to progress development within the Residential Development zone.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council:

1. Note the submission from the EPA as outlined in the Schedule of Submissions; and
2. Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 9 without modification from the Minister for Planning.

**COUNCIL DECISION**

**6/12 MOVED Cr Baulch seconded Cr Mathwin that Council:**

- 1. Note the submission from the EPA as outlined in the Schedule of Submissions; and**
- 2. Pursuant to section 87 of the *Planning and Development Act 2005* seek final approval to Town Planning Scheme No. 3 – Amendment No. 9 without modification from the Minister for Planning.**

**CARRIED 8/0**

## 12.3 REFURBISHMENT OF EXISTING PIGGERY LOT 10 CRAPELLA ROAD, BOSCABEL

AUTHOR: Phil Shephard  
 DATE: 27 January 2012  
 FILE NO: DB.BDA.8  
 ATTACHMENT: 12.3.1 Site Plan  
 12.3.2 Application Submission

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The owners of the existing extensive piggery are proposing to refurbish and undertake some minor improvements to the establishment. There is no increase in the number of pens/pigs resulting from the refurbishment.

The recommendation is to approve the refurbishment of the existing piggery with conditions.

**BACKGROUND**

The existing piggery was approved by Council in 1999 and has a capacity of 10,000 pigs. The piggery has operated without complaint since this time and no adverse environmental impacts have occurred from the operation.

**COMMENTS**

The proposal is to refurbish the existing piggery as outlined in the attached plans. The refurbishment will modify the existing pens and also includes new silos and a grain delivery point adjacent to Crapella Road and new carport adjacent to the office and relocation of a portion of the existing workshop area. The applicants are also seeking approval for a new truck entrance to the property for pig and grain delivery purposes.

The proposal (emphasis added) complies with the definition of Intensive Agriculture which is defined within TPS3 as follows:

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

- (a) The production of grapes, vegetables, flowers, exotic and native plants, fruit and nuts.
- (b) The establishment and operation of plant and fruit nurseries.
- (c) The development of land for irrigated fodder production and irrigated pasture (including turf farms).
- (d) **The development of land for the keeping, rearing or fattening of pigs, poultry (for either eggs or meat production), rabbits (for either meat or fur production), and other livestock in feedlots.**
- (e) Dairy milking sheds.
- (f) The development of land for the keeping, rearing, or fattening of other livestock above those rates recommended by Agriculture WA for the applicable pasture type in consultation with surrounding farmers.
- (g) Aquaculture.

In accordance with clause 5.4 of TPS 3, any development shall conform to the requirements for that use specified in Table II - Development Table. As there is no specific requirements specified for intensive agriculture uses, Clause 5.4.1 requires the Council determine the requirements to comply having regard to the predominant use and objectives of the rural zone.

The proposal and relevant development standards are discussed below:

**Land Capability**

The existing site of the piggery has a high capability to sustain the use. This is evidenced by the present operation which shows few signs of where any degradation has occurred and has been effectively managed over the long-term.

The only limitations to the site from the activity could include water pollution or wind erosion risks. These can be adequately addressed through the placement of conditions for the management of the piggery site.

### Setbacks

The existing piggery is setback approximately 850m from Albany Highway at the rear of the property. The closest piggery enclosures are approximately 45m from the nearest adjoining property boundary and approximately 2km from the closet farm dwellings, not forming part of the proponents farm. The existing single house on the lot is used by staff.

The EPA Guidelines require the following generic separation distance for extensive piggeries:

Industry	Description of Industry	DoE Licence Impacts or Registration category	Key Government agencies for advice or approvals	Code of Practice/ environmental requirements	Impacts					Buffer distance in metres and qualifying notes
					Gas	Noise	Odour	Dust	Risk	
Piggery – extensive (all premises)	premises on which pigs are fed, watered and housed in outside paddocks or enclosures		Dept of Agriculture & Food, Department of Water, Local Government	Dept of Agriculture & Food - Guidelines May 2000			√	√		1,000 for all extensive piggeries

The piggery complies with these requirements. As noted above, the piggery has operated without complaint to the Shire of any of the known impacts of noise, odour and dust and is well managed by the operators.

The *Shire's Health Local Laws 2000* requires that piggeries be approved by Council and contains some standards including Table 2 Required Buffer Distances for Piggeries which sets the following minimum buffers:

Buffer	Distance	Comment
Townsite boundaries	5,000m	Piggery achieves buffer
Isolated rural dwellings, dairies and industries	1,000m	Piggery achieves buffer
Public roads and recreation areas	100m	Piggery does not achieve buffer
Neighbouring rural property boundaries	50m	Piggery does not achieve buffer
Major watercourse and water impoundments	300m	Piggery achieves buffer
Bores, wells or soaks used for drinking, stock or irrigation	300m	Piggery achieves buffer
Minor watercourses	100m	Piggery achieves buffer

The Local Laws state:

- 5.6.2 (1) *No premises shall be used as a piggery unless approved by Council;*
- (2) *Subject to subsection (3), no premises shall be approved by Council unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) *Sites unable to satisfy the separation requirements may be approved at the discretion of Council, if Council is satisfied that approving the piggery will not give rise to a health nuisance.*

In considering the implications of the Local Law, the existing piggery was developed prior to the Local Law being adopted by Council and generally complies with the buffer requirements in Table 2 (shown above).

The piggery does not achieve the buffer requirements in Table 2 in respect to 2 elements being:

1. Buffer from Public Road and Recreation Areas

The existing piggery enclosures are located approximately 50m from the frontage to Crapella Road, which is less than the 100m required in Table 2. The other existing piggery buildings including the silos, offices, workshops, weighing/sorting and delivery buildings are located between the enclosures and Crapella Road as shown on the attached Site Plan. Given the proposal is a refurbishment and no parts of the piggery enclosure will change position on the site, approval is recommended in this instance. It is recommended that to compensate for the reduction, the proponents complete some landscaping along the frontage with Crapella Road to assist screen the view from the road and assist in dust suppression from their activities.

2. Buffer from Neighbouring Rural Property Boundaries

The existing piggery enclosures are located approximately 45m from the neighbouring rural property boundary with Cheviot Hills farm, which is less than the 50m required in Table 2. As above, given the proposal is a refurbishment and no parts of the piggery enclosure will change, approval is recommended with some landscaping along the neighbouring boundary also.

### Site Management

Piggeries by their nature of operations have the potential to create emissions including dust and odour. These impacts are controlled by various pieces of legislation such as the *Environmental Protection Act* and *Soil and Land Conservation Act* etc.

The refurbishment should be subject to a Site Management Plan to be prepared by the proponents (at their cost) and approved by the Council.

### Car Parking

The proposal will not generate additional truck movements to and from the farm. All parking of trucks and staff vehicles can be adequately accommodated within the site.

The proponents seek approval for an additional entrance to the property of Crapella Road (final position to be determined). This would improve traffic movements within the site and is supported.

### CONSULTATION

An on-site inspection of the present operations was undertaken by the CEO, Manager of Regulatory and Community Services and Town Planner with the proponents prior to preparing this report.

### STATUTORY ENVIRONMENT

Planning and Development Act 2005  
Local Government Act 1995  
Shire of Kojonup Town Planning Scheme No. 3  
Shire of Kojonup Health Local Law 2000

### POLICY IMPLICATIONS

Nil.

### FINANCIAL IMPLICATIONS

The proponents have paid the required planning application fee in accordance with the Shire's Schedule of Fees and Charges 2011/2012.

### STRATEGIC IMPLICATIONS

Nil.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER RECOMMENDATION

- 1) That Council grant Planning Consent for the refurbishment of the existing Intensive Agriculture (Extensive Piggery) on Lot 10 Crapella Road, Boscabel, subject to the following conditions:
  - i) The development to be in accordance with the attached stamped approved plans and where marked in red dated 7 February 2012.

- ii) The preparation of a Site Management Plan to the satisfaction of the Chief Executive Officer that achieves the following outcomes:
  - a) The site has sufficient separation from groundwater to prevent pollution occurring.
  - b) The site is sufficiently drained to control and contain stormwater on-site and prevent it directly entering any local roadside drains or creeks.
  - c) The site has sufficient solid and liquid waste disposal arrangements to prevent odours leaving the property.
  - d) The implementation of effective measures (such as windbreaks and buffer plantings) around the site to prevent dust from leaving the property.
  - e) Landscaping along the boundaries of Crapella Road and adjoining Lot 11.
- iii) The new vehicle crossover and driveway onto Crapella Road to be located, designed and constructed to the satisfaction of the Shire of Kojonup.
- iv) The construction of the staff carport, silos and loading equipment and feed loading shed shall be subject to the applicants obtaining a Building Licence from the Shire of Kojonup.

*Advice Notes:*

- i) *Your activity will include the storage of deep litter manure from the piggery operations that has the potential to create odour problems from time to time. Please ensure that the litter is adequately stored and managed to reduce any potential for conflict with adjoining properties.*

and

- 2) That Council, in accordance with the Shire of Kojonup Health Local Law 2000, approve the Piggery on Lot 10 Crapella Road, Boscabel including the reduced buffer distances to Crapella Road and neighbouring property boundary as outlined in this report.

#### **COUNCIL DECISION**

##### **7/12 MOVED Cr Pritchard seconded Cr Marsh**

- 1) **That Council grant Planning Consent for the refurbishment of the existing Intensive Agriculture (Extensive Piggery) on Lot 10 Crapella Road, Boscabel, subject to the following conditions:**
  - i) **The development to be in accordance with the attached stamped approved plans and where marked in red dated 7 February 2012.**
  - ii) **The preparation of a Site Management Plan to the satisfaction of the Chief Executive Officer that achieves the following outcomes:**
    - a) **The site has sufficient separation from groundwater to prevent pollution occurring.**
    - b) **The site is sufficiently drained to control and contain stormwater on-site and prevent it directly entering any local roadside drains or creeks.**
    - c) **The site has sufficient solid and liquid waste disposal arrangements to prevent odours leaving the property.**
    - d) **The implementation of effective measures (such as windbreaks and buffer plantings) around the site to prevent dust from leaving the property.**
    - e) **Landscaping along the boundaries of Crapella Road and adjoining Lot 11.**
  - iii) **The new vehicle crossover and driveway onto Crapella Road to be located, designed and constructed to the satisfaction of the Shire of Kojonup.**
  - iv) **The construction of the staff carport, silos and loading equipment and feed loading shed shall be subject to the applicants obtaining a Building Licence from the Shire of Kojonup.**

*Advice Notes:*

- i) *Your activity will include the storage of deep litter manure from the piggery operations that has the potential to create odour problems from time to time. Please ensure that the litter is adequately stored and managed to reduce any potential for conflict with adjoining properties.*

and

- 2) That Council, in accordance with the Shire of Kojonup Health Local Law 2000, approve the Piggery on Lot 10 Crapella Road, Boscabel including the reduced buffer distances to Crapella Road and neighbouring property boundary as outlined in this report.

**CARRIED 8/0**

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

#### **13.1 CODE OF CONDUCT**

AUTHOR: Stephen Gash - Chief Executive Officer  
 DATE: Tuesday, 14 February 2012  
 FILE NO: GO.CLR.2  
 ATTACHMENT: 13.1 Code of Conduct

#### **DECLARATION OF INTERESTS**

Nil

#### **SUMMARY**

To review of the Shire of Kojonup's Code of Conduct for Councillors and Staff.

#### **BACKGROUND**

The Local Government Act requires every local government to have a code of conduct. Council adopted its current code in May 2006. The legislation also places a responsibility on Council to review it within 12 months of each annual Election Day. It is now pertinent that Council formally review the document and readopted the document as it stands or with any required changes.

#### **COMMENT**

A copy of the adopted Code has been previously circulated to all Councillors when they were elected or when the Code was last reviewed.

The Manager of Corporate Services has reviewed the document and has made changes to the "Preamble" that highlight the statutory environment as well as highlighting the purpose, importance and aim of the document.

A copy of the proposed Code of Conduct is attached to this agenda. Council is now in a position to adopt the proposed Code as attached or with amendments.

#### **CONSULTATION**

The matter is one that does not require consultation with the general public.

#### **STATUTORY REQUIREMENTS**

Section 5.103 of the Local Government Act requires a local government to adopt or prepare a Code of Conduct for elected members and staff. The Local Government (Administration) regulations also prescribe various matters on levels of token gifts, etc.

Elected members will also be required to abide by the Local Government (Official Conduct) Amendment Bill. Once this legislation has been passed and instructions issued by the Department of Local Government and Regional Development, Council should review its code of conduct to ensure alignment with the legislation.

#### **POLICY IMPLICATIONS**

There are no known policy implications.

#### **FINANCIAL IMPLICATIONS**

There is no financial implication in reviewing the Code.

#### **VOTING REQUIREMENTS**

**Absolute Majority**

**STRATEGIC IMPLICATIONS**

The Code provides elected members and staff of the Shire with: -

- consistent guidelines for acceptable standards of professional conduct;
- a guide and a basis of expectations for elected members and staff;
- encourages a commitment to ethical and professional behaviour; and
- outlines principles in which individual and collective local government responsibilities may be based.

**OFFICERS RECOMMENDATION**

That Council adopts the Shire of Kojonup's Code of Conduct for elected members and staff as attached.

**COUNCIL DECISION**

**8/12 MOVED Cr Mathwin seconded Cr Marsh that Council adopts the Shire of Kojonup's Code of Conduct for elected members and staff as attached.**

**CARRIED 8/0**

## 13.2 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

AUTHOR: Stephen Gash - Chief Executive Officer  
 DATE: Wednesday, 15 February 2012  
 FILE NO: ES.POL.1  
 ATTACHMENT: 13.2 Local Emergency Management Arrangements for the Shire of Kojonup

**DECLARATION OF INTERESTS**

Nil

**SUMMARY**

To adopt the revised Local Emergency Management Arrangements for the Shire of Kojonup.

**BACKGROUND**

The Local Emergency Management Arrangements (LEMA) are required under state government legislation. The Arrangements have been endorsed by council in December 2009, resolution number 136/09. A revision of the arrangements in 2011 was conducted by the Kojonup Local Emergency Management Committee (LEMC) in September 2011. The endorsed arrangements were submitted to the Great Southern District Emergency Management Committee (DEMC), however feedback was received advising the LEMC to revise the plans using the LEMA Compliance Checklist.

**COMMENT**

The revised plans now require Council to adopt the revised Local Emergency Management Arrangements so they can be submitted to the State Emergency Management Committee for endorsement. It is recommended that Council adopt these revised Local Emergency Management Arrangements for the Kojonup Shire.

**CONSULTATION**

The plan has been revised by consultation with various agencies that form the LEMC Committee for the Shire of Kojonup.

**STATUTORY REQUIREMENTS**

The Local Emergency Management Arrangements are required as part of the State Emergency Management Policy No. 2.5, prepared under the authority of section 17 of the Emergency Management Act 2005

**POLICY IMPLICATIONS**

There are no known policy implications.



**FINANCIAL IMPLICATIONS**

There is no financial implication in reviewing the Local Emergency Management Arrangements.

**VOTING REQUIREMENTS**

Simple Majority

**STRATEGIC IMPLICATIONS**

Adoption of the Local Emergency Management Arrangements will align with the Shire of Kojonup's Plan for the Future, Strategic Directions 2010 - 2015 specifically points in 4.2 Maintain Community Safety.

**OFFICERS RECOMMENDATION**

That Council adopts the Local Emergency Management Arrangements for the Shire of Kojonup as attached.

**COUNCIL DECISION**

**9/12 MOVED Cr Benn seconded Cr Marsh that Council adopts the Local Emergency Management Arrangements for the Shire of Kojonup as attached.**

**CARRIED 8/0**

**14 COMMITTEES OF COUNCIL****14.1 AUDIT COMMITTEE****OFFICER RECOMMENDATION**

That the attached unconfirmed minutes of the Audit Committee held Tuesday 7<sup>th</sup> February 2012 be received by Council.

**COUNCIL DECISION**

**10/12 MOVED Cr Mathwin seconded Cr Pedler that the attached unconfirmed minutes of the Audit Committee held Tuesday 7<sup>th</sup> February 2012 be received by Council.**

**CARRIED 8/0**

**OFFICER RECOMMENDATION**

That the attached confirmed minutes of the Audit Committee held Tuesday 8<sup>th</sup> February 2011 be received by Council.

**COUNCIL DECISION**

**11/12 MOVED Cr Pedler seconded Cr Benn that the attached confirmed minutes of the Audit Committee held Tuesday 8<sup>th</sup> February 2011 be received by Council.**

**CARRIED 8/0**

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

Nil

**16 NEW BUSINESS**

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

Nil

**17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**

Tuesday, 20<sup>th</sup> March 2012 commencing at 3:00pm.

**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:49pm.

**20 APPENDICES AND TABLED DOCUMENTS**

**21 ATTACHMENTS**

- Item 10.1.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 31<sup>st</sup> December 2011
- Item 10.1.2 Monthly Statement of Financial Activity 1<sup>st</sup> July 2011 to 31<sup>st</sup> January 2012
- Item 10.2 Monthly Payment Listing
- Item 12.1 Southern Link VROC Strategic Plan
- Item 12.2.1 TPS3 Amendment 9 Schedule of Submissions
- Item 12.2.2 Copy of EPA Submission
- Item 12.2.3 Copy of TPS3 Amendment 9 document
- Item 12.3.1 Site Plan
- Item 12.3.2 Application Submission
- Item 13.1 Code of Conduct
- Item 13.2 Local Emergency Management Arrangements for the Shire of Kojonup
- Item 14.1.1 Unconfirmed Audit Committee Minutes – Tuesday 7<sup>th</sup> February 2012
- Item 14.1.2 Confirmed Audit Committee Minutes – Tuesday 8<sup>th</sup> February 2011

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Presiding Member

\_\_\_\_\_  
Date