

# SHIRE OF KOJONUP



## Council Minutes

*17<sup>th</sup> April 2007*

**SHIRE OF KOJONUP****AGENDA FOR THE COUNCIL MEETING HELD ON 17<sup>TH</sup> APRIL 2007****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>4</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>
<b>12</b>	<b>ECONOMIC &amp; ENVIRONMENTAL DEVELOPMENT REPORTS</b>	<b>7</b>
12.1	SUBDIVISION APPLICATION – LOT 111 WHITE ELEPHANT ROAD KOJONUP - JOHN LESLIE LEWIS	7
12.2	APPLICATION FOR FEED LOT RF & MR BILNEY WINGFIELD FARM KOJONUP, LOT 1 LOCATION 8784 KOJONUP	8
12.3	APPLICATION TO KEEP A LARGE ANIMALS (2 HORSES) BY MR GW FISHER KOJONUP	10
<b>13</b>	<b>CORPORATE &amp; COMMUNITY SERVICES REPORTS</b>	<b>11</b>
13.1	2006 STATUTORY COMPLIANCE AUDIT RETURN	11
<b>14</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>12</b>
<b>15</b>	<b>NEW BUSINESS OF AN URGENT NATURE, INTRODUCED BY A DECISION OF THE MEETING</b>	<b>12</b>
<b>16</b>	<b>CONFIDENTIAL REPORTS</b>	<b>12</b>
<b>17</b>	<b>NEXT MEETING</b>	<b>12</b>
<b>18</b>	<b>CLOSURE</b>	<b>12</b>
<b>19</b>	<b>APPENDICES AND TABLED DOCUMENTS</b>	<b>12</b>
<b>20</b>	<b>ATTACHMENTS</b>	<b>12</b>

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

The President opened the meeting at 3.10pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

*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 John Benn	
Cr Pat Bunny	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	
Cr Geoff Thorn	

Mr Stephen Gash	Chief Executive Officer
Mrs Rosemary Cussons	Personal Assistant

**APOLOGIES**

Cr Will Carrington-Jones	
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Works Manager

**3 PUBLIC QUESTION TIME****4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

<b>33/07</b>	<b>MOVED Cr Thorn seconded Cr Trethowan that the application for Leave of Absence from the Council Meeting of 17<sup>th</sup> April 2007 by Cr Carrington-Jones be granted.</b>
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**CARRIED**

**9/0**



**BACKGROUND**

The new reporting requirements came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

I have reviewed individual Operating and Capital accounts and am happy to report that Council's Budget continues to be tracking well.

There are a number of attachments to this report, and they are as follows:

1. Bank Reconciliations
2. Rates Report
5. Statement of Financial Activity – Summary
6. Plant Purchases and Disposals, and other Asset disposals
7. Restricted Monies – Unexpended Grants Paid in Advance.
8. Reserves Cash Backed
9. Status Report – Finance and Accounting Work
10. Net Current Assets

Attachment 1 - Contains details of Council's Bank Reconciliations, and Investments. The report shows total funds of \$2,020,797.81.

Attachment 2 - Contains details of Council's Rates details. Collection is now up to 95.82%.

Attachment 5 - The Statement of Financial Activities for the year. This is basically a "Sources and Applications of Funds" Statement, and is a summary of figures of the original budget, any amendments adopted to date, actual figures transacted to date, as well as our projections, in dollar terms, of the likely/expected outcomes for the year. You will note that certain Budget overruns on Capital items have been shown, these Capital overruns will be more than covered by savings in the Operational Budget which are to be detailed at Council's May 2007 meeting in the form of a complete budget review.

Attachment 6.1 – Contains the Plant Purchases and Disposals as amended.

Attachment 7 - Contains details of "Restricted Monies", which involves funds received in advance in prior years, which should be treated as "Restricted" until the expenditures associated with such purposes have been incurred.

Attachment 8 - Contains details of Council's Reserves Accounts, including movements to and from such accounts for the year. You will note that it is intended to 100% cash back each of the reserves.

Attachment 9 - The Monthly Status Report with regard to significant Finance and accounting work, so that the Council is kept informed as to the position of various items in this area.

Attachment 10 - Relates to Net Current Assets. The "Opening Balance" for the 2007/08 year will be virtually as projected. The month to month figure for the current year can be misleading, but the reality will become effective in the later part of the financial year.

**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 Financial Activities report.

**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 Financial reports, as attached, be accepted.

**COUNCIL DECISION**

**36/07**            **MOVED Cr Marsh seconded Cr Pritchard that the Monthly Financial reports, as attached, be accepted.**

**CARRIED**

**9/0**

*3.45pm Cr Bunny left the Chamber*

*3.46pm Cr Bunny returned to the Chamber*

**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:**            Senior Finance Officer – Heather Marland  
**DATE:**                13<sup>th</sup> March 2007  
**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 14/03/2007 to 14/04/2007 comprising of Municipal Cheques 8860 to 8917, EFTs 2194 to 2286 and Internal Payment Vouchers 925 to 959 totalling \$672,860.51 and as attached to this agenda, be received.

**COUNCIL DECISION**

**37/07**            **MOVED Cr Hewson seconded Cr Thorn that the Payment Listing from 14/03/2007 to 14/04/2007 comprising of Municipal Cheques 8860 to 8917, EFTs 2194 to 2286 and Internal Payment Vouchers 925 to 959 totalling \$672,860.51 and as attached to this agenda, be received.**

**CARRIED****9/0****11**    **ENGINEERING & WORKS REPORTS****12**    **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS****12.1**    **SUBDIVISION APPLICATION – Lot 111 White Elephant Road Kojonup - John Leslie Lewis**

**AUTHOR:**                    Allan Mortimer – Environmental Health/Planning Consultant  
**DATE:**                        10<sup>th</sup> April 2007  
**FILE NO:**                    14.06.01  
**ATTACHMENT:**            Plan of sub division

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a proposal for sub-division of Lot 111 White Elephant Road Kojonup

**BACKGROUND**

All applications for subdivisions are submitted to and determined by the Western Australian Planning Commission (WAPC) in consultation with relevant stakeholders and government bodies, including local authorities. The WAPC provides 42 days for comments to be received by the Commission. In commenting on the application stakeholders, including local authorities, can recommend conditions for the approval however it is the WAPC's choice to include them or not.

A request for comment has been received from the WAPC regarding Lot 111 White Elephant Road Kojonup. The proposal, submitted by RAS Machin on behalf of JL Lewis, is to create a conservation lot from the uncleared portion of this location.

Under Council's Town Planning Scheme No 3, Town Planning Policy No 11, the requirements for the sub-division for rural areas includes:

- That the proposed block sizes be no smaller than prevailing lot sizes in the vicinity (and no smaller than 2 hectares) and
- That each block has a well made developed road access to it.

**COMMENT**

The submitted plan for subdivision indicates that the existing Lot 111 has an area of 321.1 hectares.

The proposed lots have the following areas:

- Lot A                            111.6 hectares
  - Lot B                            209.7 hectares
- Giving a total area of 321.3 hectares

The land usage for Lot A is Conservation and Lot B remains Agriculture. Both lots have road access.

**CONSULTATION**

There has been no consultation on this matter.

**STATUTORY ENVIRONMENT**

There are no known statutory requirements.

**POLICY IMPLICATIONS**

There are no Policy Implications. The proposed sub-division complies with Council Policy.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS** – Simple Majority**OFFICER RECOMMENDATION**

That Council advises the Western Australian Planning Commission that the proposed sub-division complies with Council requirements and therefore has no objections.

**COUNCIL DECISION**

**38/07**            **MOVED** Cr Trethowan seconded Cr Hewson that Council advises the Western Australian Planning Commission that the proposed sub-division complies with Council requirements and therefore has no objections.

**CARRIED**

**8/1**

12.2    PPLICATION FOR FEED LOT RF & MR BILNEY Wingfield Farm Kojonup, Lot 1 Location 8784 Kojonup

AUTHOR:            Allan Mortimer – Environmental Health/Planning Consultant

DATE:                11<sup>th</sup> April 2007

FILE NO:            14.07.02

ATTACHMENT:      Letter of Application and Locality Maps

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider a proposal to establish a Feed Lot at Winfield Farm Kojonup

**BACKGROUND**

Under Council's Town Planning Scheme No 3 a Feed Lot is defined as an Intensive Agricultural use ie. The development of land for the keeping, rearing of or fattening of pigs, poultry (for either eggs or meat production), rabbits (for either meat or fur production), and other livestock feed lots.

Intensive Agriculture is an "AA" use in the Rural Zone which means that the Council may, at its discretion, permit the use.

It is intended that the Feed Lot will hold a maximum of 500 steers at one time and will consist of three (3) pens, each of which will be 60 metres x 60 metres and hold 165 steers each. A separate pen is proposed to hold any animals that may be ill.

The applicant will apply to have the Feed Lot accredited through the Australian Meats National Feed Lot Accreditation Scheme and meet with that authority's strict specifications which cover, amongst others, waste disposal, animal welfare and environmental protection.

Traffic generated by the Feed Lot is estimated to be 3B trains into the property and 5B out of the property all the year, although no estimate has been given as to the intervals between each traffic movement.



**COMMENT**

Feed lots, if not properly maintained, can give rise to problems relating to noise, dust, effluent disposal, as well as having the potential to impact negatively on local roads.

Although a feed lot is an “AA” use which Council has the discretion to approve, a prudent course of action would be to advertise the proposal locally and seek comments from adjoining landowners and State Government Departments, in this case the Department of Agriculture and Food, the Department of Environment and Conservation and Main Roads WA.

**CONSULTATION**

There has been no prior consultation on this matter.

**STATUTORY ENVIRONMENT**

There are no known statutory requirements.

**POLICY IMPLICATIONS**

There are no Policy Implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

**VOTING REQUIREMENTS – Simple Majority****OFFICER RECOMMENDATION**

That Council advertises the proposal to establish a Feed Lot on Lot 1, Location 8784 Kojonup on behalf of RF & MR Bilney and that adjoining landowners be invited to make submissions within a twenty one (21) day period; and that Council seeks comments on the proposal within the same period from:

- the Department of Agriculture and Food;
- the Department of Conservation and Environment; and
- Main Roads WA.

**COUNCIL DECISION****39/07**

**MOVED Cr Pritchard seconded Cr Graham that Council advertises the proposal to establish a Feed Lot on Lot 1, Location 8784 Kojonup on behalf of RF & MR Bilney and that adjoining landowners be invited to make submissions within a twenty one (21) day period; and that Council seeks comments on the proposal within the same period from:**

- **the Department of Agriculture and Food;**
- **the Department of Conservation and Environment; and**
- **Main Roads WA.**

**THE MOTION WAS PASSED UNANIMOUSLY**

## 12.3 APPLICATION TO KEEP A LARGE ANIMALS (2 horses) by Mr GW Fisher Kojonup

DATE: 12<sup>th</sup> April 2007  
AUTHOR: Allan Mortimer – Environmental Health/Planning Consultant  
FILE NO: 08.03.03  
ATTACHMENT: Letter from Mr GW Fisher

**DECLARATION OF INTEREST**

Cr Thorn declared an association with the applicant, Mr GW Fisher, as Cr Thorn is Mr Fisher's nephew.

**SUMMARY**

To consider an application made by Mr GW Fisher to keep two (2) horses on Lot 0 within the Kojonup townsite. The block is owned by Mr Neil Bilney and is approximately 2.7 hectares in area.

**BACKGROUND**

Following an initial verbal discussion with staff, Mr Fisher has made written application to Council to keep two (2) horses on Mr Bilney's property.

The Shire of Kojonup's Health Local Laws outline the requirements for keeping large animals (horses) within the townsite ie "An owner or occupier shall not keep a horse, cow, or large animal on those premises without approval of Council".

The Health Local Laws also outline the requirements for the keeping of horses. These are summarised below:

Location and area

- ~ The animal cannot approach within 30m of a dwelling and
- ~ The animal(s) must have an area of at least 0.2 hectares for their exclusive use

Enclosure

- ~ A stable must be provided which:
  - is at least 30m from a dwelling
  - has separate stalls for each animal
  - is made of impervious material
  - has a floor graded and drained to a trapped floor gully
  - maintain clean conditions at all times

**COMMENT**

The property in question can provide an adequate space for two horses without impinging on neighbouring properties.

**CONSULTATION**

There has been no consultation on this matter.

**STATUTORY**

Compliance with all the Shire of Kojonup Health Local Laws 2000.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**STRATEGIC IMPLICATIONS**

There are no Strategic Implications.

**OFFICER RECOMMENDATION**

That Mr GW Fisher be given approval to keep two (2) horses on property owned by Mr N Bilney subject to the following conditions:

1. Written evidence is to be provided to Council staff that Mr Bilney has consented to have the horses on his property.
2. That the Shire of Kojonup Health Local Laws 2000 are to be complied with at all times.
3. That Mr Fisher acknowledge in writing that the Shire of Kojonup will accept no responsibility or liability should the animals wander off the property.

**COUNCIL DECISION**

**40/07                    MOVED Cr Trethowan seconded Cr Pritchard**

**That Mr GW Fisher be given approval to keep two (2) horses on property owned by Mr N Bilney subject to the following conditions:**

- 1. Written evidence is to be provided to Council staff that Mr Bilney has consented to have the horses on his property.**
- 2. That the Shire of Kojonup Health Local Laws 2000 are to be complied with at all times.**
- 3. That Mr Fisher acknowledge in writing that the Shire of Kojonup will accept no responsibility or liability should the animals wander off the property.**

**THE MOTION WAS PASSED UNANIMOUSLY**

**13            CORPORATE & COMMUNITY SERVICES REPORTS**

**13.1        2006 STATUTORY COMPLIANCE AUDIT RETURN**

DATE:                    11<sup>th</sup> April 2007  
AUTHOR:                Stephen Gash - Chief Executive Officer  
FILE NO:                06.04.07  
ATTACHMENT:         2006 Statutory Compliance Report.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The adoption of the 2006 Statutory Compliance Report.

**BACKGROUND**

The Department of Local Government has prepared and circulated to each local government an annual return covering various statutory compliance matters under the Local Government Act and associated Regulations. A copy is attached to the agenda.

**COMMENT**

The completion of the return is mandatory for each local government. Completion is required by 31 March each year with the Shire's report delayed due to leave of the CEO and administrative issues relating to the change to online format.

The return has been completed following a review of processes and documentation for each activity / area in which compliance is being assessed against the Local Government Act 1995 (as amended) and associated regulations.

Areas of non compliance have been summarised in an attachment to the agenda which also details remedial action taken or proposed to be taken to ensure future compliance.

**CONSULTATION**

Each responsible officer has been asked to complete the sections of the report that is relevant to their own portfolios. Due to changes in some staff positions the answers are given to the best of the relieving officers' knowledge, after reviewing appropriate documentation and Shire of Kojonup records.

**STATUTORY REQUIREMENTS**

The Local Government Act (Audit) Amendment Regulations 1999, Regulation 15 states:

“A compliance audit return is to be-

- (a) presented to the Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) recorded in the minutes of the meeting at which it is adopted.”

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications

**STRATEGIC IMPLICATIONS**

There are no strategic implications

**VOTING REQUIREMENTS - SIMPLE MAJORITY****OFFICER RECOMMENDATION**

1. That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.
2. That the circularised Statutory Compliance Return for 2006 attached be adopted.

**COUNCIL DECISION**

41/07

**MOVED Cr Benn seconded Cr Hewson**

1. **That the attachment to this item detailing areas of non compliance and remedial action taken or proposed to be taken to ensure future compliance be noted.**
2. **That the circularised Statutory Compliance Return for 2006 attached be adopted.**

**THE MOTION WAS PASSED UNANIMOUSLY**

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

Nil

**15 NEW BUSINESS of an urgent nature, introduced by a decision of the meeting**

Nil

**16 CONFIDENTIAL REPORTS**

Nil

**17 NEXT MEETING**

15<sup>th</sup> May 2007 commencing at 3:00pm.

**18 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.25pm.

**19 APPENDICES AND TABLED DOCUMENTS****20 ATTACHMENTS**

- |           |  |
|-----------|--|
| Item 6    | Audit Committee Minutes 31 <sup>st</sup> January 2007                  |
| Item 10.1 | Monthly Statement of Financial Activity to 31 <sup>st</sup> March 2007 |
| Item 10.2 | Monthly Payment Listing  |
| Item 12.1 | Plan of Lot 111 White Elephant Road Kojonup                            |
| Item 12.2 | Application Letter from RH & MR Bilney                                 |
| Item 12.3 | Application Letter from Mr GW Fisher                                   |
| Item 13.1 | 2006 Statutory Compliance Report.and summary of non compliance         |

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

\_\_\_\_\_  
Date