

# SHIRE OF KOJONUP



## Council Minutes

***19<sup>th</sup> June 2007***

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD 19<sup>th</sup> JUNE 2007****TABLE OF CONTENTS**

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

The President opened the meeting at 3.12pm 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 Will Carrington-Jones	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Frank Pritchard	
Cr Geoff Thorn	

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer
Mrs Rosemary Cussons	Personal Assistant

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

Nil

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

Nil

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

51/07                    **MOVED** Cr Bunny seconded Cr Hewson that Leave of Absence be granted to Cr Marsh for the period of 5<sup>th</sup> July 2007 to 23<sup>rd</sup> August 2007.

**CARRIED**

**10/0**

**6 CONFIRMATION OF MINUTES**ORDINARY MEETING 15<sup>th</sup> May 2007

Corrections: Nil

**COUNCIL DECISION**

**52/07                    MOVED Cr Carrington-Jones seconded Cr Pritchard that the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> May 2007 be confirmed as a true record.**

**CARRIED****10/0**

- 7 ANNOUNCEMENTS** by the Presiding Member without discussion  
The Presiding Member, Cr Jill Mathwin told the meeting that on 14<sup>th</sup> June 2007 she attended a review of the National Framework of Women in Local Government.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

Cr Marsh, due to family connections, declared an expression of interest in Item 13.3 and announced that he would leave the Chamber for Council's deliberations of Item 13.3.

**10 FINANCE REPORTS****10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services

DATE: Thursday, 14 June 2007

FILE NO 06.15.01:

**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.

There are a number of separate attachments to this report, which also give 'overview' information as to the position of various items of Council's finances.

**BACKGROUND**

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

**COMMENTS**

I have reviewed individual Operating & Capital accounts and am happy to report that we are continuing to track well to Council's budget.

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 \$2,035,950.98.

Attachment 2 - Contains details of Council's Rates details. Collection is now up to 95.99%.

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.

Attachment 6.1 – Contains the Plant Purchases and Disposals as amended. There are likely to be some carry overs of Plant transactions to the 2007/08 due to timing issues related to the purchase and sale of certain items.

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. An intensive review of these figures will be undertaken in the month of June 2007.

Attachment 8 - Contains details of Council's Reserves Accounts, including movements to and from such accounts for the year.

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.

#### **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**

**53/07                      MOVED Cr Thorn seconded Cr Hewson that the Monthly Financial reports, as attached, be accepted.**

**CARRIED**

**10/0**

*Councillors acknowledged the hard work and satisfactory outcome of the Financial Report as presented by Council Officers.*

## 10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Senior Finance Officer – Heather Marland  
 DATE: 13<sup>th</sup> June 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 08/05/2007 to 13/06/2007 comprising of Municipal Cheques 8966 to 9030, EFTs 2338 to 2405 and Internal Payment Vouchers 993 to 1033 totalling \$525,576.89 and as attached to this agenda, be received.

### **COUNCIL DECISION**

**54/07**                    **MOVED Cr Benn seconded Cr Marsh that the Payment Listing from 08/05/2007 to 13/06/2007 comprising of Municipal Cheques 8966 to 9030, EFTs 2338 to 2405 and Internal Payment Vouchers 993 to 1033 totalling \$525,576.89 and as attached to this agenda, be received.**

**CARRIED**

**10/0**

## 10.3 FINANCIAL MANAGEMENT – WRITE-OFF SMALL RATE BALANCES

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
 DATE: Thursday, 14 June 2007  
 FILE NO 06.15.01

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider delegating Authority to the Chief Executive Officer to be able to write-off small rate balance up to \$2.00.

**BACKGROUND**

Council has no policy nor is there a delegated authority allowing the write off of small rate balances. Councils computer system has ability to automatically raise write-offs of small balances, however this facility can not be currently utilised as due to the time gap in presenting items to Council and updating such write-offs additional interest can accrue leading to the entries not matching the report to Council. This results in the entries having to be manually entered which is time consuming and unnecessarily costly.

**COMMENTS**

There are many reasons why small account balances less than \$2.00 arise however the most common with rates is where penalties are not updated when accounts are paid, this can occur when payments are made by a cheque and it arrives a few days after the due date. It is also time consuming and in effect inefficient use of staff time when fielding calls from irate ratepayers who have received there new financial years Rate Notice with a small arrears balance showing.

Currently Council has 68 rate assessments that have a small balance under \$2.00, the total amount being \$39.17 over the 68 assessments. It is anticipated that a maximum of \$100 per annum would be written off under this proposed delegation.

It is proposed that any write-off of small balances be included in the Monthly Financial Report to Council.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Section 6.12. (c) of the Local Government Act 1995 gives Power to write off debts with relation to Rates.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Minor Budget implication of increased expense of approximately \$100 per year.

**STRATEGIC IMPLICATIONS**

No strategic implications

**VOTING REQUIREMENTS – ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

That Council delegate power to the Chief Executive Officer to Write-Off small rate balances up to the amount of \$2.00.

**COUNCIL DECISION**

55/07	<b>MOVED</b> Cr Carrington-Jones seconded Cr Trethowan that Council delegate power to the Chief Executive Officer to Write-Off small rate balances up to the amount of \$2.00.	<b>CARRIED</b>	<b>10/0</b>
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3.45pm Mrs Heather Marland left the Chamber  
3.46pm Mr Allan Mortimer entered the Chamber

**11     ENGINEERING & WORKS REPORTS**

Nil

**12     ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**

**12.1   APPLICATION FOR FEED LOT RF & MR BILNEY  
WINGFIELD FARM KOJONUP, LOT 1 LOCATION 8784 KOJONUP**

AUTHOR:                 Allan Mortimer – Environmental Health/Planning Consultant  
DATE:                    13<sup>th</sup> June 2007  
FILE NO:                14.07.02  
ATTACHMENT:            Submissions received by Council (4)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider submissions made regarding the proposal to establish a cattle feedlot.

**BACKGROUND**

At the ordinary meeting of Council held on 14<sup>th</sup> April 2007, Council considered an application from RE & MR Bilney to establish a cattle feedlot at Lot 1 Location 8784 Kojonup. A feedlot is defined under Council's Town Planning Scheme No 3 as an *Intensive Agricultural use* and as such is an 'AA' use in the Rural Zone. This means that Council has discretionary powers to permit the use. At the ordinary meeting, Council decided to advertise the application and invite submissions. All neighbouring land owners were notified as were the Department of Agriculture and Food, Department of Environment and Conservation and Main Roads WA. An advertisement was also placed in the Kojonup News. Four submissions have been received and are included in the attachments.

**COMMENT**

A summary of the submissions is contained in the Officer Recommendation.

**CONSULTATION**

The proposal has been advertised for public comment.

**STATUTORY ENVIRONMENT**

Compliance with Council's Town Planning Scheme No 3.

**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**

1. That Council endorse the submissions as per the Schedule of Submissions

<b>Name and Address</b>	<b>Summary of Submission</b>	<b>Officer's Comment</b>
DEC South West Region	1. Detailing design capacities which may require DEC licensing or registration 2. Stating that feedlot activity be in accordance with the "Guidelines for the Environmental Management of Beef Cattle feedlots in WA"	Noted It will be a condition of approval that DEC requirements are met
Department of Agriculture and Food Albany	Department has reviewed the application and has no comment	Noted
Dakin Farms Pty Ltd Hyfield RMB 619 Kojonup WA	No objections or comments	Noted
Mr & Mrs Camden PO 270 Spring Street Kojonup WA	Drawing Council's attention to current problem with a feedlot in Narrogin with respect to odour. Not against industry of any kind except when obnoxious odours interfere with everyday life.	Noted The feedlot in question is very much larger than that which is the subject of this application

2. That Council approve the application to develop a cattle feedlot at Lot 1 Location 8784 Kojonup subject to all any necessary approval being obtained from the Department of Environment and Conservation.
3. That at all times the cattle feedlot be operated in accordance with the "Guidelines for the Environmental Management of Beef Cattle feedlots in Western Australia" issued by the Department of Agriculture and Food (Western Australia).

**COUNCIL DECISION**

56/07

**MOVED Cr Carrington-Jones seconded Cr Hewson**

- 1. That Council endorse the submissions as per the Schedule of Submissions**

<b>Name and Address</b>	<b>Summary of Submission</b>	<b>Officer's Comment</b>
DEC South West Region	1. Detailing design capacities which may require DEC licensing or registration 2. Stating that feedlot activity be in accordance with the "Guidelines for the Environmental Management of Beef Cattle feedlots in WA"	Noted It will be a condition of approval that DEC requirements are met
Department of Agriculture and Food Albany	Department has reviewed the application and has no comment	Noted
Dakin Farms Pty Ltd Hyfield RMB 619 Kojonup WA	No objections or comments	Noted
Mr & Mrs Camden PO 270 Spring Street Kojonup WA	Drawing Council's attention to current problem with a feedlot in Narrogin with respect to odour. Not against industry of any kind except when obnoxious odours interfere with everyday life.	Noted The feedlot in question is very much larger than that which is the subject of this application

2. That Council approve the application to develop a cattle feedlot at Lot 1 Location 8784 Kojonup subject to all any necessary approval being obtained from the Department of Environment and Conservation.
3. That at all times the cattle feedlot be operated in accordance with the “Guidelines for the Environmental Management of Beef Cattle feedlots in Western Australia” issued by the Department of Agriculture and Food (Western Australia).

**CARRIED 10/0**

*The Chief Executive Officer noted that a submission has been received from Main Roads which offers no objection to the proposal outlined in Item 12.1.*

12.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR OVERSIZED OUTBUILDING (GARAGE) IN THE KOJONUP TOWNSITE: MR M OWEN 74 Soldier Road, Kojonup WA

AUTHOR: Allan Mortimer – Environmental Health/Planning Consultant  
 DATE: 13<sup>th</sup> June 2007  
 FILE NO: 14.07.02  
 ATTACHMENTS:

- Letter of application
- Letter of approval from neighbouring owner
- Site Plan
- Picture of shed of similar construction to that proposed except that the proposed structure will be three bays wide and not two

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

An application has been received for development approval for an oversize shed in the Kojonup townsite at 74 Soldier Road Kojonup and for a nil setback from the rear boundary for the structure.

**BACKGROUND**

Mr Owen wishes to erect an outbuilding (garage) with a floor area of 75m<sup>2</sup>. Under Council Planning Policy 9, the shed floor area for residential zoned land is to be no larger than 65m<sup>2</sup>. Mr Owen also proposes to construct the garage on the rear of his property. This requires a variation to the R codes and as such also requires Council approval.

**COMMENT**

74 Soldier Road is approximately 4000m<sup>2</sup> in area and is zoned R10, thus Planning Policy 9 applies to the property. However, the proposed structure only exceeds the policy size and given the lot size, would pose no problems. As stated in the background above, Mr Owen is also seeking a variation to the R codes to permit him to construct the garage on the rear boundary. If the variation is approved the garage wall on the boundary will have to be a parapet wall with an appropriate fire rating. This will be dealt with at the Building Approval stage.

**CONSULTATION**

Mr Owen has consulted with his immediate neighbour and has provided a letter signed by Mr Nick Pagano, on behalf of Nick Pagano Pty Ltd, offering no objections to the proposal.

**STATUTORY ENVIRONMENT**

Compliance with Council’s Town Planning Scheme No 3 and the Residential Design Codes.

**POLICY IMPLICATIONS**

Seeking a relaxation of maximum outbuilding floor area stipulated under Council Planning Policy No 9.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

There are no known strategic implications.

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

That Council approve the erection of an outbuilding (garage) with a floor space of 75<sup>2</sup> on the rear boundary subject to the following conditions:

- 1 the garage is not to be used for any commercial or industrial purpose
- 2 the garage is never to be used as habitable accommodation
- 3 that Mr Owen be advised that this is a development approval only and that a building permit must be obtained prior to construction of the garage.

**COUNCIL DECISION**

<b>57/07</b>	<b>MOVED Cr Trethowan seconded Cr Marsh that Council approve the erection of an outbuilding (garage) with a floor space of 75<sup>2</sup> on the rear boundary subject to the following conditions:</b>	
1	<b>the garage is not to be used for any commercial or industrial purpose</b>	
2	<b>the garage is never to be used as habitable accommodation</b>	
3	<b>that Mr Owen be advised that this is a development approval only and that a building permit must be obtained prior to construction of the garage.</b>	
	<b>CARRIED</b>	<b>10/0</b>

3.53pm Cr Thorn left the Chamber

4.00pm Cr Thorn returned to the Chamber

12.3 APPLICATION FOR AMBERLEY FEED LOT 8 VANZUILECOM ROAD JINGALUP:  
LIVESTOCK SHIPPING SERVICES PTY LTD: PROPOSED SHEDS

AUTHOR: Allan Mortimer – Environmental Health/Planning Consultant  
DATE: 13<sup>th</sup> June 2007  
FILE NO: 14.07.02  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

An application has been made from Straten seeking approval on behalf of Livestock Shipping Services to build six (6) sheds to house the sheep on the feedlot. The company is also seeking endorsement of an up-dated Environmental Management Plan for the feedlot.

**BACKGROUND**

Not available. See comments below.

**COMMENT**

Whilst obtaining information to prepare this report, it was noted that the documentation showed that the number of sheep approved to be kept on the feedlot by the Department of Environment and Conservation (DEC) had increased from 300,000 to 900,000 and that the proposed shed was to house the higher number of sheep.

On checking the Town Planning Scheme No 3, Schedule 7 (additional uses), it lists this particular property as Lot 6 Kojonup and Pellet Plant and Activities Frankland Road. The additional use is "Pellet Plant and Activities ancillary to the existing use". There is a special condition that there is to be "no further expansion of the current activities".

Clause 3.4 of the Scheme text reads:

*“Notwithstanding anything contained within the Zoning Table the land specified in Schedule 7 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used. For the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in that schedule.”*

There is nothing in the Schedule to indicate whether the Additional Use relates only to the Pellet Plant or to both the Plant and the Feedlot. Further research to date has failed to locate the report to Council where this matter would have been discussed and a resolution approving of the Additional Use passed.

If the use applies to both the Plant and the Feedlot, then numbers of sheep should not have been increased. Even though the feedlot is licensed by the DEC and that Department has increased the licensed number of sheep that can be housed, Council's Planning Scheme may prohibit such an increase.

Until these issues are resolved, staff are not in a position to make a recommendation with respect to the application.

Further research is continuing to clarify the history of this feedlot, and if this can be found prior to the Council meeting on Tuesday 19<sup>th</sup> June 2007, a further report will be prepared.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

Compliance with Council's Town Planning Scheme No 3.

#### **POLICY IMPLICATIONS**

There are no Policy Implications known at this stage.

#### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications.

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

#### **OFFICER RECOMMENDATION**

That Council receive this report and note that the Department of Environment and Conservation has approved the increase in sheep licensed to be kept on the Amberley Feedlot from 300,000 to 900,000.

#### **COUNCIL DECISION**

**58/07                      MOVED Cr Thorn seconded Cr Marsh that Council receive this report and note that the Department of Environment and Conservation has approved the increase in sheep licensed to be kept on the Amberley Feedlot from 300,000 to 900,000.**

**CARRIED**

**10/0**

*4.15pm Cr Thorn left the Chamber*

*4.17pm Cr Thorn returned to the Chamber*

*4.18pm The Chief Executive Officer left the Chamber*

*4.19pm The Chief Executive Officer returned to the Chamber*

*4.20pm Mr Allan Mortimer left the Chamber*

12.4 GUIDED DEVELOPMENT PLAN LOT 101 SOLDIER ROAD KOJONUP: DYKSTRA  
PLANNING ON BEHALF OF NICK PAGANO PTY LTD

AUTHOR: Allan Mortimer – Environmental Health/Planning Consultant  
DATE: 13<sup>th</sup> June 2007  
FILE NO: 14.04.04  
ATTACHMENT: Copies of submissions received (7)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Nil

**BACKGROUND**

The proposed Guided Development Plan was considered by Council at the Ordinary Meeting held 20<sup>th</sup> March 2007. At that meeting, Council resolved to advertise the proposal and call for submissions. Adjacent landowners were notified by direct mail and the proposal was advertised in the Kojonup News with an invitation for the general public to make comment. A copy of the proposal was also placed at the front counter of the Shire office for public perusal. Additionally the proposal was sent to the following public authorities:

- Department of Environment and Conservation (DEC)
- Department of Health (DOH)
- Fire and Emergency Services of Western Australia (FESA)
- Main Roads Department (MRD)
- Telstra
- Water Corporation
- Western Power

**COMMENT**

A total of seven (7) submissions were received, six from public authorities and one from the general public. These submissions are dealt with in the Officer's Recommendation. Council now has to consider whether to adopt the plan, with or without modifications, or reject the plan.

**CONSULTATION**

The proposal was advertised widely for public comment.

**STATUTORY ENVIRONMENT**

Compliance with Council's Town Planning Scheme No 3 which requires the preparation of a Guided Development Plan prior to any subdivisions occurring in an area for Residential Development, and the approval by Council of any such plans.

**POLICY IMPLICATIONS**

There are no Policy Implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications. All subdivision costs will be the developer's responsibility.

**STRATEGIC IMPLICATIONS**

If sub-division eventuates there will be future long-term benefits to Council.

**VOTING REQUIREMENTS – Simple Majority**

**OFFICER RECOMMENDATION**

That Council:

1. Endorse the subdivision as per the schedule of submissions
2. Advise the proponent that the development of lots on the north and west of the Guided Development Plan as R5 will require a rezoning of the lots as they are currently zoned R10/20.

<b>NAME AND ADDRESS</b>	<b>SUMMARY OF SUBMISSION</b>	<b>OFFICER'S COMMENTS</b>
Water Corporation	<ol style="list-style-type: none"> <li>1. Water supply will require upgrading</li> <li>2. Wastewater Conveyance, treatment and disposal Kojonup WWTP will require upgrading.</li> <li>3. Sewerage may need an upgrade</li> </ol>	All points noted
Department of Health	<ol style="list-style-type: none"> <li>1. Reticulated sewerage required</li> <li>2. Buffer zones to be provided between residential development and any conflicting land use</li> </ol>	Points noted
FESA	<ol style="list-style-type: none"> <li>1. Hydrants would be required</li> <li>2. Access appears adequate at this stage</li> <li>3. Future land use to the north and north west as significant ember attack could affect the subdivision if there was a fire in the reserve to the north of the cemetery on a 'bad fire weather day'</li> </ol>	All points notes
Western Power	Any changes to the existing power system if required, would be the responsibility of the developer	Noted
Main Roads	Upgrade of the Blackwood Road/Soldier Road intersection would be required at the developer's cost	Noted
Department of Environment and Conservation	<ol style="list-style-type: none"> <li>1. No areas of conservation – estate adjacent to or within 5 kms of the proposal. No known populations of declared rare flora or protected fauna known to occur on or near proposed subdivisions</li> <li>2. New regulations relating to the clearing of native vegetation came into force on 8<sup>th</sup> July 2004 requiring that a clearing certificate is obtained</li> </ol>	Both points noted
Mr M & Mrs E Owen 74 Soldier Road Kojonup WA	<ol style="list-style-type: none"> <li>1. Concerns over the number and size of some of the proposed lots. Support a range of sizes of blocks but feel larger blocks in the mix would be appropriate.</li> <li>2. Comments regarding the possible use of Soldier Road as a possible heavy haulage route and the future location of such a route.</li> </ol>	<p>Dismiss. The residential development zone relating to lot 101 has been identified from at least 1998 when Town Planning Scheme No 3 was gazetted. This showed the potential lot sizes as R10 (1000m<sup>2</sup>)/R20 (500m<sup>2</sup>). The current proposal is in accord with this zoning except for the proposed R5 lots.</p> <p>Dismiss. Although discussed as a possible heavy haulage route, there has been no firm proposals; as such, this is not relevant to the current proposal.</p>

3. Adopt the Guided Development Plan, without modification
4. Send copies of the submissions received from the public authorities to the proponent.

**COUNCIL DECISION****59/07****MOVED Cr Hewson seconded Cr Pritchard that Council:**

- 1. Endorse the subdivision as per the schedule of submissions**
- 2. Advise the proponent that the development of lots on the north and west of the Guided Development Plan as R5 will require a rezoning of the lots as they are currently zoned R10/20.**

<b>NAME AND ADDRESS</b>	<b>SUMMARY OF SUBMISSION</b>	<b>OFFICER'S COMMENTS</b>
Water Corporation	<ol style="list-style-type: none"> <li>4. Water supply will require upgrading</li> <li>5. Wastewater Conveyance, treatment and disposal Kojonup WWTP will require upgrading.</li> <li>6. Sewerage may need an upgrade</li> </ol>	All points noted
Department of Health	<ol style="list-style-type: none"> <li>3. Reticulated sewerage required</li> <li>4. Buffer zones to be provided between residential development and any conflicting land use</li> </ol>	Points noted
FESA	<ol style="list-style-type: none"> <li>4. Hydrants would be required</li> <li>5. Access appears adequate at this stage</li> <li>6. Future land use to the north and north west as significant ember attack could affect the subdivision if there was a fire in the reserve to the north of the cemetery on a 'bad fire weather day'</li> </ol>	All points notes
Western Power	Any changes to the existing power system if required, would be the responsibility of the developer	Noted
Main Roads	Upgrade of the Blackwood Road/Soldier Road intersection would be required at the developer's cost	Noted
Department of Environment and Conservation	<ol style="list-style-type: none"> <li>3. No areas of conservation – estate adjacent to or within 5 kms of the proposal. No known populations of declared rare flora or protected fauna known to occur on or near proposed subdivisions</li> <li>4. New regulations relating to the clearing of native vegetation came into force on 8<sup>th</sup> July 2004 requiring that a clearing certificate is obtained</li> </ol>	Both points noted
Mr M & Mrs E Owen 74 Soldier Road Kojonup WA	<ol style="list-style-type: none"> <li>3. Concerns over the number and size of some of the proposed lots. Support a range of sizes of blocks but feel larger blocks in the mix would be appropriate.</li> <li>4. Comments regarding the possible use of Soldier Road as a possible heavy haulage route and the future location of such a route.</li> </ol>	<p>Dismiss. The residential development zone relating to lot 101 has been identified from at least 1998 when Town Planning Scheme No 3 was gazetted. This showed the potential lot sizes as R10 (1000m<sup>2</sup>)/R20 (500m<sup>2</sup>). The current proposal is in accord with this zoning except for the proposed R5 lots.</p> <p>Dismiss. Although discussed as a possible heavy haulage route, there has been no firm proposals; as such, this is not relevant to the current proposal.</p>

- 3. Adopt the Guided Development Plan, without modification**
- 4. Send copies of the submissions received from the public authorities to the proponent**

**CARRIED****10/0**

**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 DISABILITY ACCESS AND INCLUSION PLAN 2007**

**AUTHOR:** Rosemary Cussons – Community Development Assistant  
**DATE:** 7<sup>th</sup> June 2007  
**FILE NO:** 03.01.05  
**ATTACHMENT:** Shire of Kojonup Disability Access and Inclusion Plan 2007

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To endorse the Shire of Kojonup Disability Access and Inclusion Plan 2007, as attached to the agenda.

**BACKGROUND**

The Western Australian Disability Services Act 1993, (as amended in 2004) requires Local and State Government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of the Act. For the purposes of developing a plan this will mean ensuring that people with disabilities can access services provided by Local Governments in Western Australia and that these services facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

To comply with the current Act, a Local Government is required to:

- Develop a DAIP which:
  - furthers the principles and objectives of the Act; and
  - meets the six standards in Schedule 2 of the Disability Services Regulations 2004;
- Lodge the finalised plan by 31 July 2007;
- Take all practicable measures to ensure that the plan is implemented by the Local Government, its officers, employees, and relevant agents and contractors;
- Review its plan at least every five years;
- Undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan;
- Lodge review reports, amended plans or new plans with the Disability Services Commission;
- Report to the Commission by 31 July each year about:
  - progress made by the Local Government in achieving the desired outcomes in Schedule 3 of the regulations;
  - progress made by the agents and contractors of the Local Government in achieving the desired outcomes in Schedule 3 of the regulations; and
  - the strategies used by Local Government to inform its agents and contractors about its plan; and
- Lodge review reports, amended plans or new plans with the Disability Services Commission.

Local Governments in Western Australia have over the years responded to the needs of people with disabilities in a variety of ways. The development and implementation of Disability Service Plans between 1995 and 2005 enabled Local Governments to build on these past achievements by planning systematically to make their services and facilities as accessible as possible to people with disabilities.

A key responsibility of Local Government is of ensuring that developers meet the mandatory access requirements of the Building Code of Australia and that their awareness of access needs for the disabled is maintained.

The amendments to the Disability Services Act in 2004 contain new requirements which will build upon the changes and achievements of the past decade. Disability Access and



Inclusion Plans (DAIPs) provide the framework through which Local Governments can move into the next phase of creating accessible and inclusive communities.

#### **COMMENT**

The Shire of Kojonup contracted E-QUAL to develop a Disability Access and Inclusion Plan (DAIP) that will meet legislative requirements, reflect contemporary values and practice and be user-friendly.

The Plan details the disability access and inclusion priorities for the Shire of Kojonup which have been identified by researching current facilities and services and consulting with the community.

The main body of the Plan looks at the progress and achievements, legislative developments, disability demographics, universal design and access improvement, sustainability, consultation findings and recommendations. The Appendix section contains four attachments dealing with a summary of feedback and responses from the staff and community.

The most important parts of the plan that are relevant for the implementation of strategies are contained from page 9 to 15. The Findings outline the major accessibility needs for the Shire of Kojonup and then continues by outlining the recommendations relating to eight specific Disability Access and Inclusion Outcome Areas.

It is important that the community have a chance to read the outcomes of the Plan given the time and effort that was contributed by them through the consultation process. The completed version of the Plan will be available at the Shire Office and Library for the community to view.

#### **CONSULTATION**

A consultation process was conducted as part of the development of the Plan. This included consultation with the community, including people with disabilities, their families and carers, service providers and Shire Staff.

#### **STATUTORY ENVIRONMENT**

There are no known Statutory Implications.

#### **POLICY IMPLICATIONS**

There are no known Policy Implications.

#### **FINANCIAL IMPLICATIONS**

The total cost in completing the Plan is expected to be \$9,240.00. \$5,000.00 was obtained from grant funds.

#### **STRATEGIC IMPLICATIONS**

Disability access and inclusion issues are of high importance to the Council, and carry not only a large social, but financial implication. Strategic planning and development of actions to develop relevant strategies and make Kojonup a safer place to live will have positive impact on our residents and their surrounds.

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

#### **OFFICER RECOMMENDATION**

That the Shire of Kojonup Disability Access and Inclusion Plan 2007, be endorsed by the Council.

**COUNCIL DECISION**

**60/07**            **MOVED** Cr Hewson seconded Cr Marsh that Council receive and note the draft of the Disability Access and Inclusion Plan and arrangements be made to send the draft to all contributors and interested community members for comment, and the final consultation process be presented to the Council meeting on Tuesday 18<sup>th</sup> July 2007.

*Correction: the date should read Tuesday 17<sup>th</sup> July 2007.*

**CARRIED**

**10/0**

*REASON FOR CHANGE: Council asked that comment and assessment of the draft document be available to the community and interested parties before endorsement by Council.*

## 13.2 STANDING ORDERS LOCAL LAW

**AUTHOR:** Stephen Gash  
**DATE:** 13<sup>th</sup> June 2007  
**FILE NO:** 01.03.01  
**ATTACHMENT:** Proposed Standing Orders Local Law 2007 and Local Government Guidelines No 16 – Local Laws

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To give notice of the proposed Standing Orders Local Law for the Shire of Kojonup.

**BACKGROUND**

Section 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws to help perform their functions. Standing Orders are the instrument that guides Council in the performance of its formal governance functions during meetings.

The existing Standing Orders Local Law was gazetted in 1997 and gives full discretion to the person presiding to control the meeting and debate as they deem reasonable. In the interest of transparency and consistency the Council is considering repealing the old law and proposes the law attached to the agenda.

**COMMENT**

The procedure for making a local law is covered in Local Government Operational Guidelines Number 16 – Local Laws, published by the Department of Local Government and Regional Development in September 2006. A copy of Guideline 16 is attached to the agenda and requires the following process with respect to the initial tasks for proposing Standing Orders Local Law:

- The person presiding is to give notice to the Council meeting of the purpose and effect of the Standing Orders Local Law-

Purpose

This Local Law provides the rules and guidelines:

- (a) for the conduct of meetings of Council and committees of Council; and
- (b) otherwise relating to the business conducted at meetings

Intent

This Local Law is intended to achieve:

- (a) the orderly and effective conduct of meetings;
- (b) greater community understanding of the meeting process;
- (c) better decision-making by local government; and
- (d) better outcomes from decisions made.

- Statewide and local public notice to be given stating that the local government is proposing the local law and that a copy can be obtained and submissions received up to a date not less than six weeks from the date the notice was published.
- A copy of the local law, National Competition Policy form and a copy of the public notice are to be forwarded to the Minister for Local Government.
- Council to consider submissions received and advice from the Department of Local Government and Regional Development and follow the rest of the law making process.

At the suggestion of Mr J Gilfellow Council have trialled the meeting procedures contained within the proposed Local Law for the last four months. The only addition to the proposed draft was the inclusion of order of call in debate at the request of the Shire President.

We are not aware of any recent proposals to adopt new Standing Orders in Western Australia since the inception of the Official Conduct Bill and therefore are unaware if there may be potential changes proposed to align with the new legislation, however, we note that a new model local law has not been forwarded at this stage.

### **CONSULTATION**

The Council have reviewed model laws for standing orders and examples from other Shires and engaged Mr J Gilfellow to assist their drafting.

### **STATUTORY ENVIRONMENT**

Section 3.5 of the Local Government Act 1995 provide the power for local governments to make local laws to help perform their functions.

### **POLICY IMPLICATIONS**

There are no known Policy Implications.

### **FINANCIAL IMPLICATIONS**

The cost of advertising and publishing in the Government Gazette will be approximately \$2,000.

### **STRATEGIC IMPLICATIONS**

The Standing Orders Local Law supports good governance, which has been a strategic focus of this Council as part of its rebuilding process.

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

### **OFFICER RECOMMENDATION**

1. That Council note the announcement by the person presiding of the purpose and intent of the proposed Standing Orders Local Law, namely:

#### Purpose

This Local Law provides the rules and guidelines:

- a) for the conduct of meetings of Council and committees of Council; and
- b) otherwise relating to the business conducted at meetings

#### Intent

This Local Law is intended to achieve:

- (a) the orderly and effective conduct of meetings;
- (b) greater community understanding of the meeting process;
- (c) better decision-making by local government; and
- (d) better outcomes from decisions made.

2. That Statewide and Local public notice be given, as prescribed, allowing submissions to be received up to 31 August 2007.

**COUNCIL DECISION**

61/07

**MOVED Cr Bunny seconded Cr Benn**

1. That Council note the announcement by the person presiding of the purpose and intent of the proposed Standing Orders Local Law, namely:

**Purpose**

This Local Law provides the rules and guidelines:

- a) for the conduct of meetings of Council and committees of Council; and
- b) otherwise relating to the business conducted at meetings

**Intent**

This Local Law is intended to achieve:

- (a) the orderly and effective conduct of meetings;
- (b) greater community understanding of the meeting process;
- (c) better decision-making by local government; and
- (d) better outcomes from decisions made.

2. That Statewide and Local public notice be given, as prescribed, allowing submissions to be received up to 31 August 2007.

**CARRIED****7/3**

**The names of the mover and seconder and the voting result was included in the corrected minutes passed 18<sup>th</sup> July 2007**

4.37pm Cr Marsh left the Chamber

## 13.3 EXPRESSIONS OF INTEREST – LOC 162 BLACKWOOD ROAD

**AUTHOR:** Stephen Gash  
**DATE:** 13<sup>th</sup> June 2007  
**FILE NO:** 01.04.02  
**ATTACHMENT:** Map Loc 162 Blackwood Rd

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To consider any conditions of use for Loc 162 Blackwood Rd Kojonup, prior to expression of interest being sought for lease of the land.

**BACKGROUND**

The lease of Loc 162 Blackwood Rd was granted to the Kojonup Football Club until 11 May 2007. The lease gave the opportunity to crop or graze, however, the Shire has been made aware of issues with restrictions on stocking rates and the timeframe for exercising the lease that have limited some of the proposed activities, and increased the fire hazard at various stages.

The Kojonup Football Club has already submitted a request to extend the lease. Although a desire for this renewal option was part of their initial submission to Council in 2005, Council resolved (141/05) to provide a lease for two years.

**COMMENT**

Given the timing of the renewal negating any cropping options for 2007, and discussion about the possible future use of the block the Officers recommendation is to give public notice calling for expressions of interest on the following basis:

- Lease for grazing only
- Term from 20 July 2007 to 15 February 2008

- Maximum stocking rate to be determined by the CEO, based on stock and land condition at the time of any request from the lessee.
- The lessee will be required to comply with the conditions of the Shire Fire Break Order
- The lessee will be required to pay the annual Shire rates (or pro rata proportion of). This will be calculated at the time of advertising.

Selection would be based on the value offered to the Shire (cash and non cash such as fencing etc), ability to comply with required conditions, any additional considerations that a prospective lessee wished to put forward. The highest cash bid, or any bid may not necessarily be accepted.

The Kojonup Football Club has requested that they be allowed to keep the current stock on the property until a Council decision is made. The item will be considered by Council on 17 July 2007. If approved the expression of interest will be advertised in the Great Southern Herald on 27 June 2007 and two weeks will be allowed for submission to be received. These will then be collated in the agenda to Council for the July meeting. Those parties that have already expressed an interest will be contacted directly, due to the inability to advertise in the Kojonup News and meet the required deadline.

Alternatively, if the item is approved by Council on 19 June 2007 the expression of interest could make the 28 June 2007 deadline for the 6 July 2007 edition of the Kojonup News. Allowing for two weeks for submissions this would miss the 17 July 2007 Council meeting and be considered on 21 August 2007.

The term of the lease will allow the next renewal term to give the ability to crop the area as well. It will also provide time for Council to consider future land use for the block.

#### **CONSULTATION**

Nil required

#### **STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995

#### **POLICY IMPLICATIONS**

There are no known Policy Implications.

#### **FINANCIAL IMPLICATIONS**

The lease will generate nominal income for the Shire

#### **STRATEGIC IMPLICATIONS**

The lease will manage the fire risk on the Shire property and for the adjacent industrial estate.

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

#### **OFFICER RECOMMENDATION**

That the Chief Executive Officer be authorised to call for expressions of interest for a grazing lease of Loc 162 Blackwood Road Kojonup until 15 February 2008.

#### **COUNCIL DECISION**

**62/07**                      **MOVED Cr Trethowan seconded Cr Pritchard that the Chief Executive Officer be authorised to call for expressions of interest for a grazing lease of Loc 162 Blackwood Road Kojonup until 15 February 2008.**

**CARRIED**

**9/0**

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

Nil

**15 NEW BUSINESS**

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

**16 CONFIDENTIAL REPORTS**

Nil

**17 NEXT MEETING**17<sup>th</sup> July 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 4.52pm.

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

- |           |   |
|-----------|---|
| Item 10.1 | Monthly Statement of Financial Activity to 31 <sup>st</sup> May 2007  |
| Item 10.2 | Monthly Payment Listing   |
| Item 12.1 | Four submissions received by Council re Lot 1 Location 8784 Kojonup   |
| Item 12.2 | M Owen application for Oversized Outbuilding: <ul style="list-style-type: none"> <li>• Letter of application</li> <li>• Letter of approval from neighbouring owner</li> <li>• Site Plan</li> <li>• Picture of shed of similar construction to that proposed except that the proposed structure will be three bays wide and not two</li> </ul> |
| Item 13.1 | Disability Access and Inclusion Plan  |
| Item 13.2 | Proposed Standing Orders Local Law<br>Guideline 16 – Local Laws   |
| Item 13.3 | Map Location 162 Blackwood Rd Kojonup   |

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 Presiding Member

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 Date