

MARCH 2018 MINUTES

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Alan Smith, declared the meeting opened at 6.19pm.

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr A Smith	Shire President
Cr T Borgward	Member
Cr S Crosby	Member
Cr J Germain	Member
Cr C Bamess	Member
Cr K Johnston	Member
Cr KR Stephens	Member

Staff

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

Members of the Public

Apologies

Cr G Collins	Deputy Shire President
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Members on Leave of Absence

3. DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
CBH -4 x Interest in Common
- **Proximity Interest:**
Nil

4. PUBLIC QUESTION TIME:

5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

6.1 Ordinary Meeting of Council held on Wednesday 14 February, 2018

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 14 February, 2018 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4883 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr KR Stephens

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 14 February, 2018 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

**CARRIED 7/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

9.1.1 MONTHLY FINANCIAL REPORTS TO 28 FEBRUARY 2018

DATE:	12 March 2018
SUBJECT:	Monthly Financial Reports to 28 February 2018
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess –Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess –Deputy Chief Executive Officer
FILE NO:	FIN30.20
ASSESSMENT NO:	N/A

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

- Monthly Financial Reports to 28 February 2018 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 28 February 2018)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 28 February 2018

4884 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr J Germain / Cr K Johnston

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 28 February 2018**

**CARRIED 7/0
By Simple Majority**

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 28 FEBRUARY 2017

DATE:	12 March 2018
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$1,017,412.19
Trust Fund	\$0.00
Direct Debits	\$214,025.50
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 21 March 2018.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$1,017,412.19
Trust Fund	\$0.00
Direct Debits	\$214,025.50
TOTAL	\$1,231,437.69

4885 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr J Germain / Cr T Borgward

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund	\$1,017,412.19
Trust Fund	\$0.00
Direct Debits	\$214,025.50
TOTAL	\$1,231,437.69

CARRIED 7/0
By Simple Majority

9.1.3 2017/18 BUDGET REVIEW

DATE:	12 March 2018
SUBJECT:	2017/18 Budget Review
PROPONENT:	Department of Local Government and Communities
LOCATION:	N/A
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Peter Bentley - Chief Executive Officer
FILE NO:	042.6.3
ASSESSMENT NO:	N/A

PURPOSE

In accordance with Regulation 33A of the Local Government (Financial Management) Regulations, a review of the 2017/18 Budget is presented to Council.

BACKGROUND

Council adopted the Annual Budget on 7 August 2017. A review of the budget is required between 1 January and 31 March each year.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996, Section 33A;

33A. Review of budget

(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications as all financial variations will be within the existing Adopted Budget.

STRATEGIC IMPLICATIONS

Nil

COMMENT

A copy of the review is to be sent to the Department of Local Government and Communities within 30 days from Council endorsement.

ATTACHMENTS

- Required variations to 2017/18 Budget. (Provided to Councillors' previously)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Budget Review and the variations as discussed therein be confirmed and adopted.

4886 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr T Borgward

That the Council:

Adopt the Budget Review and the variations as discussed therein.

**CARRIED 7/0
By Absolute Majority**

9.1.4 CO-OPERATIVE BULK HANDLING LIMITED

DATE:	6 March 2018
PROPONENT:	Co-operative Bulk Handling Limited
LOCATION:	Lots 10 and 20 Jolley Road, Pingrup
SUBJECT:	Additions and Alterations to CBH Site (Industry - Rural)
AUTHOR:	Carly Rundle – Planning Consultant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	A – Location Plan
ATTACHMENTS:	B – Development Plans

PURPOSE

A development application has been received from Co-operative Bulk Handling Limited (CBH) to undertake the following works at the existing CBH site at Lots 10 and 20 Jolley Road, Pingrup:

- New grain sampling platform/hut and two spears;
- One new 32,800 tonne capacity open bulkhead and one new 30,000 tonne capacity open bulkhead;
- New hopper pit, grain elevator and ground conveyor between the open bulkheads; and

- New internal roads and stormwater drainage.

Council is required to consider the application proposed.

BACKGROUND

Lots 10 and 20 are 21.007ha and 2.6ha in area respectively and located directly south of the Pingrup town site (see Attachment A). The property contains the existing Pingrup CBH, which is a grain receival site, containing a number of grain storage bins, bulkheads, associated infrastructure and staff accommodation buildings.

It is understood that CBH is undertaking actions outlined in its adopted network strategy which proposes investment and upgrading of its core 100 grain receival sites which includes the Pingrup CBH site. The works proposed in this application are intended to be undertaken in 2018.

The development application received proposes the following additions and alterations to the Pingrup CBH site:

- New grain sampling platform/hut and two spears with a building envelope of 4.2m by 19.6m. The height of the sampling platform/hut is approximately 5.4m from finished ground level;
- One new 32,800 tonne capacity (328m by 35m) open bulkhead and one new 30,000 tonne capacity (300m by 35m) open bulkhead;
- New hopper pit, grain elevator and ground conveyor between the open bulkheads; and
- New internal roads and stormwater drainage.

A copy of the development plans is provided in Attachment B.

The applicant has also provided a 'Site Drainage Report' in support of the application which is discussed further below.

STATUTORY IMPLICATIONS

Development Applications are required to be assessed in accordance with the Shire of York Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 Deemed Provisions.

Shire of Kent Town Planning Scheme No. 2

Lot 10 is partially zoned 'Industrial – Co-operative Bulk Handling', and Lot 20 zoned as 'Industrial' and 'Industrial – Saleyards' by annotation on the Scheme maps of Shire of Kent Town Planning Scheme No. 2 (referred herein as the Scheme).

The Scheme only applies to land within the Nyabing and Pingrup townsites. Lot 10 is only partially located within the Scheme boundary (and townsite boundary) (refer attachment A). The new sampling platform/hut and some modification of internal roads and drainage are located within the Scheme boundary, although the majority of works associated with the

two new bulkheads are outside of the scheme boundary and not subject to the provisions of the Scheme.

Whilst the proposed open bulkheads may be located outside the scheme boundary, it is considered that their construction:

- contributes to an expansion of the existing approved CBH site and has potential to impact vehicular volumes and movement of this approved land use within the Scheme boundary warranting assessment; and
- access and drainage works to accommodate an expansion of the site from increased grain storage are located within the Scheme boundary area requiring assessment.

It is therefore considered necessary to assess the two new bulkheads and works proposed on all of Lot 10 as part of this application to ensure the principles of orderly and proper planning is adhered to for land within the Scheme boundary.

Land Use

The use of Co-operative Bulk Handling is consistent with the definition of 'Industry – Rural' as defined in Schedule 1 of the Scheme which means:

“An industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a work shop servicing plant or equipment used for rural purposes in the locality”

The use of “Industry – Rural” in the Industrial zone is a 'P' use which means that the use may be permitted provided it complies with the relevant standards and requirements laid down in the scheme and all conditions (if any) imposed by the Council in granting planning consent. This application is an extension of the existing CBH use on the site (Industry-Rural).

Clause 5.5 of the Scheme sets out the objectives and provisions applicable in the Industrial zone:

5.5 Industrial Development

5.5.1 Objectives

The Council's objectives for the Industrial zone is to provide for a diverse range of industries in locations where such uses will not have a detrimental impact on the amenity of nearby uses or the environment.

5.5.2 Provisions

The following provisions shall apply to the Industrial zone:

- (i) All sites shall be screened and landscaped to the satisfaction of Council.*
- (ii) Car parking, loading bays and accessways shall be designed to enable vehicles to enter and leave the site in a forward gear.*
- (iii) All effluent and waste products shall be retained within the site and disposed of to the satisfaction of Council.*

The use of the site for 'Industry-Rural' is a permitted land use which has been considered consistent with the intent of the Industrial zone. The new bulkheads are proposed to be

located to the rear adjoining agriculture land used for cropping and grazing and the sample hut is replacing an existing structure of similar height and dimension. The additions are anticipated to be consistent with the established amenity on site and amenity of the locality. The replacement sample hut building and bulkheads to the rear of the site also do not warrant screening and landscaping being implemented, there is sufficient parking space and access proposed to allow vehicles to leave the site in a forward gear and the works do not generate a need for additional effluent or waste management to be implemented. There is minor clearing proposed in conjunction with the relocation of the sample hut and site access although is not anticipated to have an unacceptable impact on the environment.

The proposed development is consistent with the objectives and provisions of the Industrial zone in TPS2.

Planning and Development (Local Planning Schemes) Regulations 2015

Local government is to give due regard to Clause 67 of Schedule 2 – Deemed Provisions of the Regulations in the consideration of any planning application. The following are those relevant to this application:

- m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

The additions and alterations are an extension of the existing CBH use on site which is a permitted 'Industry Rural' land use in the Industrial zone and adjoin land used for agricultural purposes. 'Industry Rural' is also a land use permitted in the Rural zone.

The additions are appropriately located and extension of CBH use on the site is compatible with adjoining land uses. The scale and appearance of the proposed development is consistent with that already located on site and is consistent with the established amenity of the locality.

- (a) The amenity of the locality including the following –*

- i. environmental impacts of the development*
- ii. the character of the locality*
- iii. social impacts of the development*

The proposal is not anticipated to result in any unacceptable detrimental environmental or social impacts.

- (b) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.*

Minor clearing is proposed to accommodate the erection of a new sample hut and access. This will result in the clearing of approximately 1000m². The clearing is minor and not considered to have an unacceptable impact on the environment.

A Site Drainage Report was submitted in support of the application. The report proposes that increased runoff as a result of new impervious area from the open bulkheads will be discharged via culverts into an existing open drain that connects to a dam, within Pingrup Town Lot 49, Reserve 24202 which is a C class reserve vested with the Shire of Kent to manage for the land use of 'Recreation'. The applicant notes that agreement for the discharge, construction and use of the dam by CBH was reached by all parties in 2007. The drain and dam also cross through Lot 336 which is 'Unallocated Crown Land' (UCL). The drainage plan recommends an upgrading of the existing dam which currently can accommodate a 1 in 5 year rainfall event to a 1 in 20 year rainfall event.

The discharge of stormwater through the UCL and to Reserve 24202 requires consent from the Shire and Department Planning, Lands and Heritage and further assessment and investigation from the Shire as to the arrangements that will be put in place for the Shire to accept additional runoff from the development prior to approval of a drainage plan.

Officers are satisfied that drainage from the development can be managed either on-site or offsite and therefore is appropriate to manage as a condition of approval. Upgrades and alterations by the proponent on Lot 336 (UCL) and Pingrup Town Lot 49 (Reserve 24202) may require further planning approval.

(c) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.

The subject site is not located in an area identified as subject to flooding, mapped as bushfire prone and has previously been proven capable of development as it is an extension of the existing CBH land use operating on the property. The land is suitable for development.

(q) The adequacy of –

- (i) the proposed means of access to and egress from the site; and*
- (ii) arrangements for the loading and unloading, manoeuvring and parking of vehicles.*

Existing egress and access to the site are not proposed to be modified as a result of this development. This application proposes construction of new internal roads to access the new sample platform/hut and grids for grain offloading and staff use. The existing access and proposed new internal accessways are appropriate for the development. Existing parking on site is sufficient for staff use, and the nature of the use requires access by trucks to unload which do not require truck parking, other than the queuing area provided at the entry point to the site which is sufficient.

(r) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

The amount of additional traffic proposed to be generated by the development will be minimal and Jolley Street and Tranter Road which has been recently upgraded is sufficient for the increase in traffic.

- (s) *The availability and adequacy for the development of the following:*
- i. *Public transport services;*
 - ii. *Public utility services;*
 - iii. *Storage, management and collection of waste;*
 - iv. *Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - v. *Access by older people and people with a disability.*

The property has access to the towns reticulated water supply and power, and the site is serviced by onsite effluent systems which is sufficient for the development. The requirement for disabled access will be assessed at the building permit stage for the sampling platform/hut.

- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*

The development is anticipated to benefit the community through providing a business servicing the agricultural economy, providing employment and assisting the local economy and vitality of the community.

- (y) *any submissions received on the application;*
 (za) *the comments or submissions received from any authority consulted under clause 66*

The land use is permitted, and the proposed additions and alterations are consistent with the Scheme and Regulations. No public advertising or statutory referrals were required to process the application.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Shire as a result of this proposal. Further assessment and negotiation are required between the Shire, Department of Planning Lands and Heritage and the applicant regarding the proposed discharge through Unallocated Crown Land and to Pingrup Town lot 49, Reserve 24202. Any financial implications for the Shire will need to be discussed and agreed as part of this process.

STRATEGIC IMPLICATIONS

This matter is not specifically dealt with in the Shire of Kent Strategic Plan 2010 – 2015, although is considered consistent with broad strategic goals to provide for increased employment and investment within the town.

COMMENT

The proposed additions and alterations to the existing Pingrup CBH site are considered consistent with objectives and development standards of the Shire of Kent Town Planning Scheme No. 2 and *Planning and Development (Local Planning Schemes) Regulations 2015*, and it is recommended to Council pursuant to clause 68 of the Regulations that planning consent, subject to conditions be granted.

A drainage plan will be conditioned on approval, and any works proposed outside of the Lots subject of this application may be subject to a separate development application.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Approve the development application for the additions and alterations to the Pingrup CBH Site (Industry - Rural) at Lots 10 and 20 Jolley Street, Pingrup subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:**
 - (a) A Drainage Management Plan;**
- 4. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 3 have been implemented.**
- 5. The works undertaken to satisfy Condition(s) 2, 3 and 4 shall be subsequently maintained for the life of the development.**

4887 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr K Johnston

That the Council:

Approve the development application for the additions and alterations to the Pingrup CBH Site (Industry - Rural) at Lots 10 and 20 Jolley Street, Pingrup subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire and have been approved in writing:

a) A Drainage Management Plan;

4. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2 and 3 have been implemented.
5. The works undertaken to satisfy Condition(s) 2, 3 and 4 shall be subsequently maintained for the life of the development.

CARRIED 7/0
By Simple Majority

December 2017 Meeting

9.1.5 POLICY MANUAL REVIEW

4867 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr KR Stephens

Matter lay on the table until next meeting

CARRIED 8/0
By Absolute Majority

4888 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr J Germain

That Council:

Pick the matter up off the table

CARRIED 7/0
By Absolute Majority

RECOMMENDATION

That the Council:

Adopt the Shire of Kent Policy Manual as attached.

4889 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr J Germain

That the Council:

Adopt the Shire of Kent Policy Manual as attached.

CARRIED 7/0
By Absolute Majority

- 10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL
- 12. INFORMATION BULLETIN

4890 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr KR Stephens

That the Information Bulletin be received by Council.

CARRIED 7/0

13. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

14. MEETING CLOSED

There being no further business the Shire President Cr Alan Smith, closed the meeting at 7.04 pm.