

# SHIRE OF KENT



## ORDINARY MINUTES (UNCONFIRMED)

**DATE:** Wednesday 16 November 2022

**TIME:** 5:30pm

**VENUE:** Council Chambers,  
Richmond Street, Nyabing WA 6341

**ADAM SEILER  
CHIEF EXECUTIVE OFFICER**

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**Adam Seiler**

CHIEF EXECUTIVE OFFICER

## MINUTES

### 16 November 2022

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## 1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:32 pm by the Shire President.

## 2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE

### Members

Cr S Crosby	Shire President
Cr K Johnston	Deputy Shire President
Cr D Gray	Member
Cr G Hobley	Member
Cr J Germain	Member
Cr T Borgward	Member
Cr W Tapscott	Member

### Staff

A Seiler	Chief Executive Officer
C Smith	Manager Corporate
M Tulleken	Manager Infrastructure
N Taekema	Governance Officer

### Members of the Public

Nil

### Apologies

Cr R Jury	Member
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### Members on Approved Leave of Absence

Nil

## 3. DISCLOSURES OF INTEREST

The Chief Executive Officer declared an interest in Item 6.1.4 – Special Meeting of Council Minutes – 12.1.1 - Chief Executive Officer Recruitment & Appointment.

## 4. PUBLIC QUESTION TIME

Nil

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

**6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING****6.1.1 ORDINARY MEETING OF COUNCIL HELD 19 OCTOBER 2022**

**OCM2223/059 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr DP Gray**

**That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 19 October, 2022 be CONFIRMED.**

**CARRIED 7/0**

**6.1.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 12 SEPTEMBER 2022**

**OCM2223/060 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr WD Tapscott**

**That the minutes of the Local Emergency Management Committee Meeting held at the Woodanilling Recreation Centre, on Monday 12 September, 2022 be RECEIVED.**

**CARRIED 7/0**

**6.1.3 GREAT SOUTHERN COUNTRY ZONE MEETING HELD 28 OCTOBER 2022**

**OCM2223/061 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr GW Hobley**

**That the minutes of the Great Southern Country Zone Meeting held at the Woodanilling Recreation Centre, on Friday 28 October, 2022 be RECEIVED.**

**CARRIED 7/0**

*The Chief Executive Officer declared an interest in item 6.1.4 as the subject of the content of the Special Meeting Minutes, and vacated the Chambers at 5:34pm the following item and vacated the meeting.*

**6.1.4 SPECIAL MEETING OF COUNCIL HELD 26 OCTOBER 2022**

**OCM2223/062 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr JN Germain**

**That the minutes of the Special Meeting of Council held at the Council Chambers, on Wednesday 26 October, 2022 be CONFIRMED.**

**CARRIED 7/0**

*The Chief Executive Officer returned to the Chambers at 5:35pm*

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS****9. OFFICER REPORTS**

### 9.1.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – BEST PRACTICE GOVERNANCE REVIEW (BPGR)

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	WALGA
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Peter Clarke – Acting Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Attachment 1 - Background Paper Attachment 2 - Consultation Paper
<b>DISCLOSURE OF INTEREST:</b>	

#### **PURPOSE**

To determine Council's preferred option on the review of WALGA's governance structure.

#### **BACKGROUND**

On Monday, 24 October 2022, the A/CEO forwarded an email to Councillors that had been received from Mr Nick Sloan, CEO of WALGA advising of the processes that a WALGA Steering Committee had been undertaking as part of a Best Practice Governance Review (BPGR) that had been initiated by the WALGA to ensure that its governance model is contemporary, agile and maximises engagement with members.

#### **COMMENT**

Mr Sloan had advised that a significant body of work, which is summarised in a Background Paper has been undertaken by the Project's Steering Committee. Further, Mr Sloan indicated that Member feedback, in the form of a Council decision, is requested from Local Governments on the governance model options presented in the Consultation Paper by **23 December 2022**.

Both the Background and Consultation Papers are provided as attachments to the Agenda document.

In addition, to supplement Council feedback, Mr Sloan had advised that WALGA will be undertaking independent consultation to gain deeper insights from the perspective of CEOs and Elected Members.

The Consultation Paper provides for 5 different options that could be considered.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS .**

Nil

#### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of our community

#### **RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OCM2223/063 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr DP Gray / Cr KV Johnston**

**That Council considers the Options presented in the WALGA Best Practice Governance Review Consultation Paper and informs the CEO of WALGA prior to 23 December 2022 of Council's preferred Option for the proposed restructure.**

**CARRIED 7/0**

**9.1.2 SHIRE OF KENT DRAFT BUSHFIRE RISK MITIGATION PLAN (BRMP)**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	Office of Bushfire Risk Mitigation (OBRM)
<b>LOCATION:</b>	Whole of Shire
<b>AUTHOR:</b>	Peter Clarke – Acting Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	
<b>ATTACHMENTS:</b>	Attachment 1 - Draft Bushfire Risk Management Plan
<b>DISCLOSURE OF INTEREST:</b>	

**PURPOSE**

To present to Council for adoption the Shire of Kent Bushfire Risk Management Plan as required for local governments in Western Australia with significant bush fire risks.

**BACKGROUND**

Under the *State Hazard Plan - Fire*, local governments in Western Australia with significant bushfire risk are required to develop an integrated Bushfire Risk Management Plan that addresses bushfire risk across all land tenures. The BRMP Planning Program is a state-wide initiative led by the Department of Fire and Emergency Services (DFES) to support local governments across WA to develop a contextualised BRMP to reduce bushfire risk within their local community.

**COMMENT**

A BRMP is a strategic document developed by local government to facilitate a coordinated approach towards the identification, assessment and treatment of assets exposed to bushfire risk. The aim of a BRMP is to effectively manage bushfire risk in order to protect people, assets and other things of local value.

The objectives of a BRMP are to:-

- guide and coordinate a tenure blind, multi-agency BRMP program over a five-year period;
- document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- facilitate the effective use of the financial and physical resources available for BRM activities;
- integrate BRM into the business processes of local government, land owners and other agencies;
- ensure there is integration between land owners, BRMP programs and activities; and
- document processes used to monitor and review the implementation of treatment plans to ensure they are adaptable and that risk is managed at an acceptable level.

Specifically, the BRMP and associated data:

- establishes the context for managing bushfire risk in a local government, including defining the risk assessment criteria and process and the level of acceptable bushfire risk;
- identifies assets of value that are at risk from bushfire including communities, infrastructure, economic, cultural and environmental assets;
- captures the risk ratings assigned to assets identified and assessed in the BRMP and their priority for treatment;
- describes and prioritises actions required to treat bushfire risk according to the risk criteria;
- assigns risk ownership and responsibility for implementing treatments; and



- specifies a timeframe for treatment owners to implement the required treatments.

The A/CEO received the following letter on Tuesday, 1 November 2022 from Mr Tim McNaught, Director with the Office of Bushfire Risk Management (OBRM), at DFES:-

*“Thank you for the revised draft Bushfire Risk Management Plan (BRM Plan) for Shire of Kent received on 17 October 2022.*

*I am pleased to inform you that the draft BRMP has been reviewed by OBRM and meets the required standard as per the Bushfire Risk Management Planning –Guidelines for Preparing a Bushfire Risk Management Plan (the Guidelines). The BRMP should now be presented to Council for approval and formal adoption. It would be appreciated if you would advise OBRM in writing of Council’s approval of the BRMP.*

*As per the Guidelines, at the end of each financial year the Shire of Kent will be required to prepare and submit a report to OBRM detailing progress against the BRMP. The annual report is a standard report generated within Bushfire Risk Management System and comments may be added to the report should you wish to provide further context. A reminder will be sent to all Local Governments providing further instructions for the submission of the report”.*

### **STATUTORY IMPLICATIONS**

State Hazard Plan – Fire

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS .**

Nil

### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire’s organisational capacity to service the needs of our community

Outcome 4.1 An efficient and effective organisation

### **RISK IMPLICATIONS**

N/A

### **VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/064 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr JN Germain / Cr WD Tapscott**

**That Council:**

- 1. Approves and formally adopts the Shire of Kent Bushfire Risk Management Plan 2022 - 2027 as presented; and**
- 2. The CEO be authorised to sign the document on behalf of Council to signify such adoption and to officially advise the Office of Bushfire Risk Management (OBRM) that the Shire of Kent Bushfire Risk Management Plan (BRMP) has been adopted.**

**CARRIED 7/0**

**9.1.3 SOUTH WEST NATIVE TITLE SETTLEMENT – NOONGAR LAND ESTATE**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	Department Planning, Lands and Heritage
<b>LOCATION:</b>	Lake Magenta Wildlife Sanctuary
<b>AUTHOR:</b>	Peter Clarke – Acting Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	

**PURPOSE**

For Council to consider the status of Lake Magenta Wildlife Sanctuary Reserve (30,105.47ha) within the Shire of Kent as it involves the referral of land under consideration for inclusion in the Noongar Land Estate under the South West Native Title Settlement.

**BACKGROUND**

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

**COMMENT**

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. The Department would appreciate Council providing comments on the land parcel identified as the Lake Magenta Wildlife Sanctuary within the Shire of Kent (30,105.47ha) in relation to the following:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement? - **Yes**
2. Does the Shire have any interest in the land? - **No**

3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained. - **No**
4. Is the land parcel subject to any mandatory connection to services? - **No**
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe? - **No**
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe? – **No**.
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect? - **No**
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints). - **None**
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement. - **Nil**

The Department seeks comments in respect to the above **by 12 December 2022**.

### **STATUTORY IMPLICATIONS**

South West Native Title Settlement.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Social – Cultural and Heritage Diversity is recognised

### **RISK IMPLICATIONS**

N/A

### **VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/065 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr WD Tapscott / Cr GW Hobley**

**That Council advises the Department of Planning, Lands and Heritage (DLPH) that it has no objections to the Lake Magenta Wildlife Sanctuary within the Shire of Kent, being referred for consideration in the Noongar Land Estate under the South West Native Title Settlement and the responses to DPLH's question as shown above in relation to the Reserve be endorsed by Council.**

**LOST 0/7**

**OCM2223/066 - COUNCIL RESOLUTION****MOVED Cr TD Borgward / Cr GW Hobley**

That Council advises the Department of Planning, Lands and Heritage (DLPH) that prior to providing formal comments in relation to the Lake Magenta Wildlife Sanctuary Reserve within the Shire of Kent, being referred for consideration in the Noongar Land Estate under the South West Native Title Settlement, Council requires additional information and clarification in relation to:

1. Wild Dog Control
2. Fire and Fuel Load Management
3. Native and Feral Animal Management
4. Are Exclusion Fences going to be funded as part of the management?

Further, the Department of Planning, Lands and Heritage seek comments and consultation with potentially impacted neighbouring Councils, being the Shire of Lake Grace and Shire of Jerramungup prior to final consideration.

**CARRIED 7/0**

**REASON FOR ALTERATION TO RECOMMENDATION**

*Council resolution OCM2223/066 is significantly different to the Officers' Recommendation due to the size of the reserve in comparison to the Shire of Kent and wanting to seek further information in relation to management and control.*

**9.1.4 NYABING COMMUNITY CHURCH – DEED OF GIFT OF LAND**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	
<b>LOCATION:</b>	Nyabing Community Church
<b>AUTHOR:</b>	Lots 30, 31 & 32 Aspendale Street, Nyabing
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	Peter Clarke – Acting Chief Executive Officer
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Attachment 1 - Signed Deed of Gift of Land
<b>DISCLOSURE OF INTEREST:</b>	

**PURPOSE**

For Council to endorse the fixing of the Shire of Kent Common Seal on the Deed of Gift by the Nyabing Community Church Association to the Shire of Kent.

**BACKGROUND**

At Council's Ordinary meeting held on 15 June 2022, Council the following in respect to the Nyabing Community Church:-

**OCM2122/145 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr DP Gray / Cr WD Tapscott**

**That Council:**

1. **Notes the correspondence from the Nyabing Community Church Committee dated 6 June 2022 in relation to ongoing discussions relating to the care and maintenance of the Nyabing Community Church building.**
2. **Agrees to assume all control, care and maintenance of the Nyabing Community Church and requests the Minister for Lands to amend the Crown Land Title accordingly;**
3. **Accepts the offer to transfer ownership of Lots 30 and 32 Aspendale Street, Nyabing (DP 79324) at no cost to the Shire; and**
4. **Requests the Chief Executive Officer to arrange for legal services to undertake the land transfer and authorise the Shire President and Chief Executive Officer to sign and apply the Shire Common Seal to all necessary documents.**

**CARRIED 7/0**

**COMMENT**

Since the June 2022 Council meeting the A/CEO has been working with the Nyabing Community Church Committee members and McLeods Barristers and Solicitors to progress the transfer of Lots 30, 31 and 32 Aspendale Street, Nyabing to the Shire of Kent.

A Deed of Gift was prepared by McLeods and has now been executed by all parties and returned to Solicitors for actioning.

As per Council Administration Policy 3.2.2, a report is to be provided to each Ordinary Meeting of Council listing each document with which the Common Seal of the Shire of Kent was executed.

This report is provided as an update on the progress of the transfer of the Nyabing Community Church and its associated Lots and also to meet the requirements of Policy 3.2.2.

**STATUTORY IMPLICATIONS**

*Transfer of Land Act.*

**POLICY IMPLICATIONS**

Shire of Kent Administration Policy 3.2.2.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire’s organisational capacity to service the needs of our community

Outcome 4.1 An efficient and effective organisation

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/067 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr KV Johnston / Cr JN Germain**

**That Council:**

- 1. Notes the actions taken and progress of the Deed of Gift of Land for the transfer of the Nyabing Community Church and its associated lots to the Shire of Kent as prepared by Council’s Solicitors; and**
- 2. Endorses the actions of the Shire President and A/CEO in signing and affixing the Shire of Kent’s Common Seal on the Deed of Gift of Land.**

**CARRIED 7/0**

**9.1.5 GREAT SOUTHERN WALGA ZONE ROADS COMMITTEE – FUNDING REQUEST**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	
<b>LOCATION:</b>	Great Southern Country Zone of WALGA
<b>AUTHOR:</b>	
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	Peter Clarke – Acting Chief Executive Officer
<b>ASSESSMENT NO:</b>	
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	

**PURPOSE**

For Council to consider the request from the Great Southern Roads Committee and the Great Southern Zone of WALGA for a financial contribution of \$4,000 to enable the Committee to progress the preparation of a feasibility study for additional road funding for the member Councils.

**BACKGROUND**

The Shire President represents Council on the Great Southern Country Zone (GSCZ) of WALGA and is also a member of the Great Southern Zone Roads Committee. This Committee has been working to identify strategic roads within the Zone that could potentially be earmarked for additional road funding in the future.

The Committee's Terms of Reference are as follows:-

To investigate the current road infrastructure right across the networks (State, Regional Road Group roads and other local roads) as to their fit for purpose from a freight task and road safety and efficiency perspective both now and in the next 20 years.

- Reviewing the impact and compliance of AMMS concessional loading on the Local Government Road Network; and
- The compliance and implication of RAV access to the Local Government Road network and effectiveness in the Local Government CA07 conditions.

**COMMENT**

At the GSCZ meeting held on Friday, 28 October 2022, the above Committee presented the following report to the Zone:-

*Great Southern Roads Committee Report*

*A meeting of this committee was held last Friday 21 October in Tambellup. Committee members were on hand with MRWA's Brad Lenton, and the GSDC's Pippa Hepburn along with Juliet Grist online from Rural and Regional Economics.*

*Juliet Grist presented her involvement with the Wheatbelt Secondary Freight Network (WSFN) detailing how data was collected and made sense of. She fielded questions after her presentation and is available to work for us in the initial stages should we choose to utilize her services and firsthand knowledge of the WSFN.*

*RDA Great Southern was represented by Andrus Budrikis the Chair and he and RGAGS are supportive of this study and are likely to co-fund a portion of it.*

*The GSDC was represented by Pippa Hepburn who indicated that they could be involved with working with the group to investigate funding pathways going forward.*

MRWA's Brad Lenton supported the groups objectives and suggested that the list of roads be narrowed down to focus on routes with freight as importance. He suggested that the construction standards used in the Wheatbelt region be mirrored for consistency across boundaries.

He advised that the majority of roads in the great southern are rated RAV 7, and that there is a potential increase in length of vehicles in this classification to 42m under the PBS.

Priority Roads: It was agreed that this list be reviewed to ensure there are no double ups and that the data collected informs the final list. Mapping will be used also to inform the list.

The following steps to be taken from here –

- Update the list of roads and mapping, the group to agree on the final list
- Collection of data from Shires, up to 5 years of data if available
- Determine who to send the data to
- Request financial contributions/commitment from Shires

To that end a motion was put and carried by the Great Southern Roads Committee:

#### MOTION

Moved Cr Crosby, seconded Cr Gale that WALGA Great Southern Zone Shires be requested to each make a contribution of \$4,000 to the Great Southern Road Committee as initial seed funding to begin preliminary work for data collation and analysis; and that a formal request be made to Regional Development Australia Great Southern for a contribution of \$10,000.

CARRIED

Therefore, at the GSCZ meeting on the Friday, 28 October the following motion was moved and duly carried:-

**Moved: Cr Scott Crosby**

**Seconded: Cr Kevin Gale**

**That the Great Southern Roads Report be received and the \$4,000.00 per Zone Local Government funding request be forwarded to all Local Governments for their consideration and that a formal request be made to the Great Southern Development Commission as well as RDA Great Southern.**

#### **STATUTORY IMPLICATIONS**

As this is unbudgeted expenditure, an Absolute Majority is required as per Section 6.8 of the *Local Government Act 1995*.

6.8 Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

- (1a) In subsection (1) — *additional purpose* means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.



**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The \$4,000 contribution, if approved, will be adjusted at the Budget review in February 2023.

**STRATEGIC IMPLICATIONS****Community Strategic Plan 2017-2027**

Economy – Support Growth and Progress Locally and Regionally

1.3 – An effective and well maintained transport network

1.3.1 – Investigate funding opportunities to support the delivery of the Long-Term Roads Program

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Absolute Majority

<b>OCM2223/068 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr TD Borgward / Cr KV Johnston**

**That Council:**

- 1. Commits \$4,000.00 to the Great Southern Country Zone of WALGA to enable the Great Southern Roads Committee to progress the development of a detailed report to identify strategic routes within the Great Southern Region with the view to securing additional road funding for these roads; and**
- 2. That this financial commitment is dependent upon all other Member Councils of the Great Southern Country Zone of WALGA contributing to this funding request.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

### 9.1.6 - DEVELOPMENT APPLICATION - THREE (3) NEW PERMANENT GRAIN STORAGE BULKHEADS & ASSOCIATED INFRASTRUCTURE AT COOPERATIVE BULK HANDLING LIMITED'S EXISTING GRAIN HANDLING & STORAGE FACILITY IN NYABING

<p><b>PROPOSED MEETING DATE:</b></p> <p><b>PROPONENT:</b></p> <p><b>LOCATION:</b></p> <p><b>AUTHOR:</b></p> <p><b>REPORTING OFFICER:</b></p> <p><b>FILE NO:</b></p> <p><b>ATTACHMENTS:</b></p> <p><b>DISCLOSURE OF INTEREST:</b></p>	<p>16 November 2022</p> <p>Cooperative Bulk Handling Limited</p> <p>Lot 100 on Deposited Plan 420337, portion of Crown Reserve 37752 &amp; portion of Railway Reserve (Landgate Land ID No.3669132) Bin Road, Nyabing.</p> <p>Mr Joe Douglas – Town Planner</p> <p>Mr Peter Clarke – Acting Chief Executive Officer</p> <p>GOV.106</p> <p>Attachment 1 – Development Application Documentation &amp; Plans</p> <p>Attachment 2 – Preliminary Engineering Design Drawings – Proposed Road Upgrade Works</p> <p>Nil</p>
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#### **PURPOSE**

This report recommends that Council grant conditional approval to a development application submitted by Cooperative Bulk Handling Limited for a number of proposed permanent additions and upgrades to its existing grain handling and storage facility in Nyabing.

#### **BACKGROUND**

Cooperative Bulk Handling Limited (CBH) have submitted a development application seeking Council's approval for the following permanent additions and upgrades to its existing grain handling and storage facility in Nyabing:

- i) Construction and use of three (3) new permanent grain storage bulkheads in the south-eastern portion of Lot 100 comprising a total combined storage capacity of 71,526 tonnes to replace three (3) existing temporary grain storage bulkheads in the same location that were approved by Council in September 2022;
- ii) Minor extensions to three (3) existing approved grain storage bulkheads immediately west of the proposed new bulkheads on Lot 100 referred to in point i) above comprising a total combined storage capacity of 11,400 tonnes;
- iii) Various upgrades to the heavy vehicle accessways surrounding the bulkheads referred to in point i) above as well as the main entry into the facility from Kukerin Road;
- iv) Construction of a new driveway entry at the eastern end of the railway reserve immediately south of Lot 100 to provide another direct connection between all properties the subject of the application via Bin Road and improve the efficiency of all heavy vehicle movements to the grain storage infrastructure thereon;
- v) The temporary closure of Bin Road during all future harvest seasons to further improve the efficiency of all heavy vehicle movements and minimise potential traffic conflicts;
- vi) Construction of a new 500m<sup>2</sup> extension to the existing stormwater drainage basin in the north-western portion of Lot 100 and other associated stormwater drainage upgrades throughout the facility to manage and control all stormwater generated by the proposed development; and
- vii) Installation of all associated incidental infrastructure including those required for power supply purposes.

A full copy of the application submitted, including supporting documentation and plans, is provided in Attachment 1.

It is understood the proposed works will be undertaken in the next two (2) years, including upgrades to the Nyabing-Pingrup Road/Bin Road, Katanning-Nyabing Road/Bin Road and Kukerin Road/Bin Road intersections pursuant to previous approvals granted and agreements reached with the Shire and Main Roads WA.

## **COMMENT**

Assessment of the application in the context of the Shire's current local planning framework, including Town Planning Scheme No.2 (TPS2), proposed Local Planning Strategy and Local Planning Scheme No.3 (LPS3) and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, has confirmed the proposed development is compliant, or capable of compliance, with the following relevant requirements:

- The general aims and objectives of TPS2 and draft LPS3;
- Land use permissibility;
- Land capability and suitability;
- Land use compatibility;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking;
- Key essential services including stormwater drainage; and
- Flood and bushfire risk management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

### 1. Off-Site Vehicle Access & Traffic

Clauses 67(2)(s) and (t) of the Deemed Provisions require decision-makers to have due regard for:

- a) the adequacy of the proposed means of access to and egress from a site and arrangements for the loading, unloading, manoeuvring and parking of vehicles; and
- b) the amount of traffic likely to be generated by a development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

A Traffic Impact Assessment prepared by a suitably qualified consultant was submitted in support of the application and confirmed as follows:

- i) *The estimated traffic generation can be readily accommodated within the capacity of the existing surrounding road network;*
- ii) *The proposed new access to the southern portion of the site is considered acceptable, although it forms a four-way intersection;*
- iii) *The additional traffic generated by the site is not considered likely to increase the likelihood of crashes to unacceptable levels;*
- iv) *Given the availability of alternative routes, it would be desirable to temporarily close Bin Road to the general public through the harvest period (i.e. through temporary traffic management). This will remove the interaction between light and heavy vehicles which would occur due to intra-site movements;*
- v) *There is sufficient sight distance available at the site exist and major intersections;*
- vi) *Based on the relatively low number of peak hour traffic movements, auxiliary lanes are not considered to be warranted at the site entry or major intersections;*
- vii) *After widening the Nyabing-Pingrup Road/Bin Road, Katanning-Nyabing Road/Bin Road and Kukerin Road/Bin Road intersections there will be sufficient width available for RAV7 turning paths;*
- viii) *MRWA swept paths show RAV7 vehicles tracking over the shoulders at the Bin Road / Kuringup Road intersection. It should be note that the MRWA templates used to check the turning movements use radii which are quite conservative, allowing drivers to complete the turn at higher speeds than otherwise would be achievable. As such, and in the context that these movements are currently permitted and being performed, there may not be a need to widen the intersection. It is recommended that this be reviewed on site with the Shire.*

As can be seen from the above conclusions and previous advice received from Main Roads WA, in which no objections were raised by that agency, the proposed development is considered acceptable in terms of the additional volumes of heavy vehicle traffic likely to be generated and is unlikely to increase the likelihood of crashes to unacceptable levels.

Notwithstanding these findings, a number of deficiencies with the local and State road network adjacent to CBH's facility were identified in the Traffic Impact Assessment that need to be considered and addressed to improve the safety of the road infrastructure for all road users, particularly in light of the additional heavy vehicle traffic volumes likely to be generated by the proposed development during harvest periods.

It is understood there has been a lot of previous discussion and negotiation between CBH, the Shire and Main Roads WA regarding the various road upgrade works required to accommodate the future proposed expansion of CBH's facility in Nyabing, including the requirement for CBH to meet all costs associated with those works. Preliminary engineering design drawings for these works have been prepared and submitted in support of the application (see Attachment 2).

It should be noted all works proposed provide for the reconstruction of the Kukerin Road/Bin Road intersection and widening of the Nyabing-Pingrup Road/Bin Road and Katanning-Nyabing Road/Bin Road intersections, including modifications and upgrades to road verges and stormwater drainage infrastructure. CBH has confirmed it has secured external grant funding from State and Federal sources for all the required works which are expected to be completed over the next two (2) years.

It is also understood Main Roads WA and the Shire have provided in-principle support for all proposed road upgrade works subject to the preparation and submission of detailed engineering design drawings. In order to give legal effect to the need for CBH to undertake the required road upgrade works at its own cost and the in-principle agreements reached to-date with respect to the nature and extent of those works, it is recommended Council consider imposing a suitable condition on any development approval that may ultimately be granted requiring the preparation, submission and approval of detailed engineering design drawings for these works with all works required to be completed at CBH's own cost within two (2) years of the date of development approval unless otherwise agreed.

It is also recommended Council impose conditions on any development approval that may be granted requiring the following:

- i) Monitoring of the use of the intersection of Kuringup and Bin Roads by heavy vehicles in consultation with the Shire over the next twelve (12) months to determine and confirm the need for any upgrade works to this intersection. If works are deemed necessary by the Shire, those works shall be designed and undertaken by CBH at its own cost in accordance with detailed engineering design drawings to be submitted to the Shire for approval with all works required to be completed within two (2) years unless otherwise agreed;
- ii) Retention / maintenance of the current bank guarantees provided by CBH with respect to the relevant roads until all required road upgrade works have been completed in accordance with the final approved detailed engineering design drawings;
- iii) Installation and display of suitable signage at approved locations during all future harvest periods in accordance with Main Roads WA's requirements to alert motorists of the potential safety risks until all the required road upgrade works have been completed;
- iv) Installation and display of suitable signage at approved locations during all future harvest periods in accordance with Main Roads WA's requirements to alert motorists to the temporary closure of Bin Road; and
- v) Installation and display of suitable directional signage on the subject land prior to occupation and use of the proposed development to provide for the safe and convenient movement of all vehicles attending the facility.

## 2. Stormwater Drainage Management

Clause 67(2)(o) of the Deemed Provisions requires decision-makers to have due regard for the suitability of land for any proposed new development, including the possible risk of flooding, subsidence, landslip and soil erosion.

The development application for Lot 100 is supported by a comprehensive Stormwater Management Plan prepared by a suitably qualified consultant that provides a detailed analysis of the subject land's drainage conditions in the pre-development and post-developed scenarios to measure, anticipate and mitigate any potential adverse drainage impacts that may arise.

Whilst the Stormwater Management Plan appears to be well founded and acceptable, due to the low permeability of soils on the land, their susceptibility to flooding and erosion, and the fact the proposed drainage design is based upon modelling and a number of associated assumptions that have not been tested, it is recommended Council adopt a precautionary approach to all proposed stormwater drainage management arrangements.

This can be achieved by imposing a condition on any development approval that may ultimately be granted requiring a further report to be prepared by a suitably qualified consultant for submission to the Shire within twelve (12) months, unless otherwise agreed, confirming all measures proposed in the Stormwater Management Plan have been implemented, including ongoing maintenance requirements, as well as details of any additional works that may be required to minimise the risk of flooding and erosion during extreme storm events. The condition would also stipulate the need for CBH to complete all the additional works recommended at its own cost within six (6) months of the Shire's acceptance of the follow up report required.

## 3. Mosquito Management

It is understood the Shire has previously raised concerns with CBH regarding the existing stormwater drainage basin in the north-western portion of Lot 100 which is not free draining and holds water for extended periods of time. In particular, the Shire is concerned about the potential for mosquito breeding in the basin and has requested CBH identify measures that could be implemented to prevent this from occurring.

The Stormwater Management Plan submitted in support of the application provides details of a number of measures that could potentially be implemented to manage the risk of mosquito breeding based on guidance published by the Department of Health. Whilst the report provides some general recommendations, it is considered appropriate to impose a condition on any development approval that may ultimately be granted required CBH to prepare and submit a Mosquito Management Plan with further detailed information for consideration and determination by the Shire's CEO in consultation with the Shire's Environmental Health Officer and implemented thereafter for the life of the development.

## 4. Land Use Compatibility & Potential Amenity Impacts

Clause 67(2)(m) of the Deemed Provisions requires decision-makers to have due regard for the compatibility of any proposed development with its setting, including:

- i) the compatibility of the development with the desired future character of its setting; and
- ii) 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.

Clause 67(2)(n) of the Deemed Provisions also requires decision-makers to have due regard for the amenity of the locality including the following:

- i) environmental impacts of the development;
- ii) the character of the locality; and
- iii) social impacts of the development.

All State Planning Policies of relevance to the proposal reinforce and support the abovementioned Deemed Provisions as well as key objectives and provisions contained in TPS2 and draft LPS3 by requiring consideration of the potential for environmental and off-site impacts, land use conflict, separation distances to sensitive land uses, and potential mitigation measures including statutory buffers.

The reporting officer has considered the proposal in the context of the relevant requirements and formed the view it is generally compatible and suitable in its local setting and will not have a detrimental impact upon the amenity of the locality and the well-being of its inhabitants for the following reasons:

- i) It represents a logical extension to an existing approved, strategically important and widely accepted grain handling and storage facility in a well-established rural setting that is reasonably well removed from existing sensitive land uses and capable of accommodating the proposed development.
- ii) It is acknowledged the proposed development does not strictly comply with the Environmental Protection Authority's (EPA's) Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses' which recommends a minimum buffer separation distance of 500 metres between any form of sensitive land use and grain elevators. Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings.

Notwithstanding this fact, the proximity of CBH's facility to sensitive land uses in the Nyabing townsite has not precluded the issuance of development approvals by Council for the expansion of CBH's existing facility or the development of any sensitive uses within the townsite. Furthermore, the Shire has no record of any complaints from those living or working within 500 metres of CBH's facility. It is fair to say people are generally accepting of such operations in small country towns like Nyabing given their historic development prior to the introduction of contemporary planning controls and the significant economic benefits to their local communities.

As such, the proposed intensification of development and usage arising from CBH's latest proposal is not considered fatal to the issuance of development approval by Council with suitable conditions able to be imposed to help guard against any potential negative impacts;

- iii) It will not compromise the continued use of any immediately adjoining or other nearby properties for extensive agricultural purposes, industrial or public recreation purposes;
- iv) The potential environmental impacts will be minimal given the land has previously been cleared of all native vegetation and developed in accordance with approvals previously granted by Council;
- v) The visual impacts of the proposed development are consistent with what is typically expected for development of this type on land identified and designated in the Shire's local planning framework as being suitable for the purpose. It will also replace existing infrastructure on the subject land of the same type, scale and finish previously approved by Council with due regard for all potential visual impacts and no record of any formal complaints from the local community thereafter;
- vi) Potential issues surrounding noise and dust, particularly during the initial construction phase, are also manageable within the current regulatory framework; and
- vii) It is expected the development will be well supported by the local community for its many perceived and actual benefits, and will not have any detrimental social impacts.

## 5. Land Use Permissibility

Under the terms of TPS2 the southern 4.83 hectare portion of Lot 100 is classified 'Industrial' zone with the balance 19.83 portion located immediately north classified 'Rural Residential' zone.

Council has previously granted approval to develop and use the land for 'Rural Industry' purposes to accommodate CBH's activities which is listed in the Zoning Table of TPS2 as a permitted (i.e. 'P') use on that portion of Lot 100 classified 'Industrial' zone and a discretionary (i.e. 'AA') use on that portion of Lot 100 classified 'Rural Residential' zone.

Under the terms of the Shire's proposed new LPS3 the southern 4.83 hectare portion of Lot 100 will be classified 'General Industry' zone with the balance 19.83 portion located immediately north to be classified 'Rural' zone.

The use class 'Rural Industry' has been excluded from the Zoning Table in draft LPS3 and will no longer apply once LPS3 is finally approved and gazetted. As such, the current and proposed use of Lot 100 by CBH for grain handling and storage purposes must be assigned the use class 'warehouse/storage' which is listed in the Zoning Table of LPS3 as a discretionary (i.e. 'D') use on that portion of Lot 100 to be classified 'General Industrial' zone and a prohibited (i.e. 'X') use on that portion of Lot 100 to be classified 'Rural' zone.

As such, whilst Council can lawfully grant approval to the proposed development of Lot 100 under LPS2 to allow it to proceed, when LPS3 is finally approved and gazetted in the near future that portion of the development on the majority 'Rural' zoned portion of Lot 100 will be classified as a 'non-conforming use' (i.e. a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme). This means any future applications for development approval which include any part of the northern portion of the land will need to be advertised for public comment for a minimum required period of 14 days before Council can make a final determination.

In order to avoid the complexity and additional time and cost associated with dealing with any future development applications that include the northern portion of Lot 100, it is recommended that a suitable amendment to LPS3 be initiated by Council in the short-term future as funding permits to rectify this zoning and land use permissibility anomaly.

Council should note this cannot be done immediately given preparation of LPS3 is now in its final stages with final approval by the Minister for Planning imminent. Any attempt to do so will cause considerable delay and add additional cost to finalising LPS3 due to the need to go back through the environmental clearance and public advertising processes.

### **STATUTORY IMPLICATIONS**

*Planning and Development Act 2005 (as amended)*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Shire of Kent Town Planning Scheme No.2*

*Shire of Kent Local Planning Scheme No.3 (Draft)*

### **POLICY IMPLICATIONS**

- State Planning Policy 2 – *Environment and Natural Resources Policy*
- State Planning Policy 2.5 – *Rural Planning*
- State Planning Policy 2.9 – *Water Resources*
- State Planning Policy 3.7 – *Planning in Bushfire Prone Areas*
- State Planning Policy 4.1 – *State Industrial Buffer*

### **FINANCIAL IMPLICATIONS**

All administrative costs associated with processing the application are provided for in Council's annual budget and have been offset in full by the development application fee paid by the proponent.

All costs associated with the proposed development, including all required road upgrade works, will be met by the proponent.

It is significant to note should the proponent be aggrieved by Council's final decision in this matter they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### **STRATEGIC IMPLICATIONS**

The proposed development is considered to be generally consistent with the Shire's proposed new Local Planning Strategy as it applies to future development within and on the fringes of the Nyabing townsite as well as the following elements of the Shire's *Community Strategic Plan 2017-2027* and *Corporate Business Plan 2021 to 2025*:

*Economic Objective - Support growth and progress locally and regionally.*

*Outcome 1.1 - Growth in business opportunities.*

*Outcome 1.3 - An effective, well maintained transport network.*

*Outcome 1.4 - Agriculture opportunities maintained and developed.*

*Environment Objective - Conserve, protect and enhance our natural and built environment.*

*Outcome 3.1 - A preserved natural environment.*

*Outcome 3.4 - A well-maintained built environment.*

### **RISK IMPLICATIONS**

The main risks associated with the proposed development are traffic safety, flooding, pests (i.e. mosquitos) and potential visual and amenity impacts (i.e. dust and noise). Given the various commitments made by the proponent, Council's ability to impose a range of conditions on any development approval that may ultimately be granted, and other statutory and regulatory controls available, it is concluded all risks are minor, manageable and therefore acceptable.

### **VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/069 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr DP Gray / Cr KV Johnston**

- 1. That Council resolve to approve the development application submitted by Cooperative Bulk Handling Limited for a number of proposed permanent additions and upgrades to its existing grain handling and storage facility in Nyabing subject to the following conditions and advice notes:**

#### **Conditions**

- 1. Prior to the commencement of development the subject of this approval the proponent shall provide the local government written confirmation from the Public Transport Authority of that agency's authorisation and approval to all proposed works on Lot 9231 on Diagram 49964 being Crown Reserve 37752 Bin Road, Nyabing.**
- 2. Prior to the commencement of development the subject of this approval the**



proponent shall provide the local government written confirmation from the Lands Division of the Department of Planning, Lands and Heritage of the State of Western Australia's authorisation and approval to all proposed works on portion of Railway Reserve (Landgate Land ID No.3669132) Bin Road, Nyabing.

3. The proposed development shall be undertaken strictly in accordance with the documentation and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
4. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
5. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
6. Road upgrade works at the Kukerin Road/Bin Road, Katanning-Nyabing Road/Bin Road and Nyabing-Pingrup Road/Bin Road intersections shall be undertaken in accordance with detailed engineering design drawings to be prepared by the proponent at its own cost for consideration and determination by the local government in consultation with Main Roads WA with all approved works required to be undertaken by the proponent at its own cost and completed within two (2) years of the date of this approval unless otherwise agreed.
7. The proponent shall monitor the use of the Kuringup Road/Bin Road intersection in consultation with the local government over the next twelve (12) months to determine and confirm the need for any upgrade works to this intersection. If works are deemed necessary by the local government, those works shall be undertaken in accordance with detailed engineering design drawings to be prepared the proponent at its own cost for consideration and determination by the local government in consultation with Main Roads WA with all approved works required to be undertaken thereafter by the proponent at its own cost and completed within two (2) years of the date of this approval unless otherwise agreed.
8. The proponent shall, within fourteen (14) days of the date of this approval, provide written confirmation to the local government's Chief Executive Officer of its agreement for the local government to retain the \$50,000 bank guarantee bond previously committed pursuant to the approvals granted on 9 August 2021 and 21 September 2022 in respect of any new damage that may occur on Bin Road and the Kukerin Road/Bin Road intersection until this intersection is upgraded in accordance with Condition 6 of this approval, at which point the requirement to retain the bank guarantee bond will be further considered by the local government.
9. The proponent shall at its own cost arrange for the installation and display of road signage at locations to be approved by the local government in consultation with Main Roads WA during all future harvest periods in accordance with Main Roads WA's Index of Signs and Australian Standards AS1742.1:2021, AS1743:2018 and AS1906.1:2017 (as applicable) to alert motorists to the potential traffic safety risks until all road upgrade works required pursuant to Condition 4 of this approval have been completed.

10. The proponent shall at its own cost arrange for the installation and display of road signage at locations to be approved by the local government in consultation with Main Roads WA during all future harvest periods in accordance with Main Roads WA's Index of Signs and Australian Standards AS1742.1:2021, AS1743:2018 and AS1906.1:2017 (as applicable) to alert motorists to the temporary closure of Bin Road.
11. The proponent shall at its own cost arrange for the installation and display of suitable directional signage on the subject land prior to occupation and use of the proposed development to provide for the safe and convenient movement of all vehicles attending the facility.
12. Prior to occupation of the development the subject of this approval, all stormwater drainage works must be completed by the proponent at its own cost in accordance with the Stormwater Management Plan submitted in support of the application (i.e. Shawmac Document Reference No.2205007-REP-001 dated 10 August 2022) and maintained thereafter for the life of the development.
13. The proponent shall, at its own cost, arrange for the preparation of a further report by a suitably qualified consultant for submission to the local government by 30 November 2024, unless otherwise agreed, confirming all measures proposed in the Stormwater Management Plan referred to in Condition 12 of this approval have been implemented, including ongoing maintenance requirements, as well as details of any additional works that may be required to minimise the risk of flooding and erosion during extreme storm events. All additional works recommended in the further report required by this condition shall be undertaken by the proponent at its own cost within six (6) months of the local government's acceptance and endorsement of the report.
14. The proponent shall, at its own cost, arrange for the preparation and submission of a Mosquito Management Plan for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer and/or the Department of Health and implemented thereafter for the life of the development.
15. The proponent shall regularly monitor and manage all dust generated by the proposed development (i.e. works and use) in accordance with the relevant guidelines published by the Environmental Protection Authority and the Department of Water and Environmental Regulation. Should dust become an issue and the local government provides written notification to that effect, the proponent shall, at its own cost, arrange for the preparation and submission of a Dust Management Plan within sixty (60) days of receipt of notification for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer and/or the Department of Water and Environmental Regulation and implemented thereafter for the life of the development.

#### **Advice Notes**

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the proponent and not the local government to investigate any such constraints. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Kent under its Town Planning

- Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the proponent to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**
- 3. The proponent is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Kent Annual Fire Break Notice as it applies to all land within the local government's municipal district.**
  - 4. The proponent is reminded of their obligation to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
  - 5. The proponent should have due regard for the Environmental Protection Authority (EPA) Guidance Statement No. 18 entitled '*Prevention of air quality impacts from land development sites (2000)*' and the Department of Water and Environmental Regulation's publication entitled '*Land development sites and impacts on air quality: A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia (1996)*' to minimise any potential dust impacts.**
  - 6. The proponent is responsible for ensuring the correct siting of all structures on all land the subject of this approval. An identification survey demonstrating correct siting and setbacks of structures may be requested of the proponent by the local government to ensure compliance with this determination notice and all applicable provisions.**
  - 7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Kent Town Planning Scheme No.2 and may result in legal action being initiated by the local government.**
  - 8. If the proponent is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of receipt of notification of the local government's determination.**
- 2. That Council authorise the Shire Administration to undertake those tasks required to provide for the initiation of a 'Standard Amendment' to the Shire of Kent Local Planning Scheme No.3 when funding becomes available to rezone the northern portion of Lot 100 on Deposited Plan 420337 Bin Road, Nyabing from 'Rural' to 'General Industry' zone to recognise and support the future development of the land by Cooperative Bulk Handling Limited for 'warehouse/storage' purposes in a timely and more efficient manner.**

**CARRIED 7/0**

**9.1.7 MONTHLY FINANCIAL REPORTS TO 31 OCTOBER 2022**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	FIN.73
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Monthly Financial Reports to 31 October 2022
<b>DISCLOSURE OF INTEREST:</b>	Nil

**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.

**COMMENT**

The financial reports for the August period have been prepared using the unaudited previous year actuals. Please note no allocation for depreciation and indirect costs will occur at month end until the audit has been finalised.

Some upcoming Expenditure, with purchase orders already being issues, anticipated within the next two months are as follows:

- \$70,746 for payment of the TV room and camp kitchen upgrade at the Pingrup Caravan Park.
- \$41,770 to remove and replace window frame, glass and doors at the Pingrup Pavilion.
- \$30,866 for upgrade of play equipment at Nyabing Memorial Park.
- \$8,157 bull bar for KT045.
- \$16,000 for inspection of sewerage lines in both Nyabing and Pingrup.
- Remainder milestone payments for CLPM

**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**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs of a growing community.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/070 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr WD Tapscott / Cr KV Johnston**

**That Council receive the following Monthly Financial Reports as presented:**

- **Monthly Financial Reports to 31 October 2022**

**CARRIED 7/0**

**9.1.8 SCHEDULE OF ACCOUNTS PAID TO 31 OCTOBER 2022**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Christie Smith – Manager Corporate
<b>FILE NO:</b>	NAM50
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Schedule of accounts paid Attachment 2 - Schedule of direct debits
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

**BACKGROUND**

Details payments made to creditors since last Council Meeting.

**COMMENT**

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 – Section 6.4;*

*Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12*

**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**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs of a growing community

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/071 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr GW Hobley / Cr DP Gray**

**That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 31 October 2022:**

<b>Municipal Fund</b>	<b>\$494,436.17</b>
<b>Trust Fund</b>	<b>\$ 0.00</b>
<b>Direct Debits</b>	<b>\$163,335.26</b>
<b><u>TOTAL</u></b>	<b><u>\$657,771.43</u></b>

**CARRIED 7/0**

**9.1.9 CHRISTMAS CLOSURE 2022/2023**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Christie Smith – Manger Corporate
<b>FILE NO:</b>	NAM50
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

The purpose of this report is to seek approval from Council to close the Administration Office between Christmas and New Year.

**BACKGROUND**

The Council has traditionally closed the Administration Office for this period which is three (3) working days with staff taking annual leave, public holidays and rostered days off.

**COMMENT**

For 2022, it is proposed the Administration Office close during the period between Christmas and New Year and it is requested that Council approve the early close of the Administration Office at 12noon on Friday 23 December 2022. Proposed officer hours over this period are as follows:

Friday 23 December 2022	Early Closure <b>12noon</b>
Monday 26 December 2022	OFFICE CLOSED (Christmas Day Public Holiday)
Tuesday 27 December 2022	OFFICE CLOSED (Boxing Day Public Holiday)
Wednesday 28 December 2022	OFFICE CLOSED
Thursday 29 December 2022	OFFICE CLOSED
Friday 30 December 2022	OFFICE CLOSED
Monday 2 January 2023	OFFICE CLOSED (New Years Day Public Holiday)
Tuesday 3 January 2023	Normal Office Hours 8.30am – 4.30pm

The Chief Executive Officer, Manager Corporate and Manager Infrastructure will be contactable via mobile during this year.

**STATUTORY IMPLICATIONS**

There are no strategic implications for this report.

**POLICY IMPLICATIONS**

There is no policy relating to Administration Office closure.



**FINANCIAL IMPLICATIONS**

No known financial implications.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire’s organisational capacity to service the needs of our community.

Outcome 4.1 An efficient and effective organisation.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

4.1.3 Continue to search out advantageous resource sharing opportunities.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/072 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr DP Gray / Cr JN Germain**

**That Council endorse the following Administration Office closing times for the 2022/2023 Christmas/New Year period as follows:**

<b>Friday 23 December 2022</b>	<b>Early Closure 12noon</b>
<b>Monday 26 December 2022</b>	<b>OFFICE CLOSED (Christmas Day Public Holiday)</b>
<b>Tuesday 27 December 2022</b>	<b>OFFICE CLOSED (Boxing Day Public Holiday)</b>
<b>Wednesday 28 December 2022</b>	<b>OFFICE CLOSED</b>
<b>Thursday 29 December 2022</b>	<b>OFFICE CLOSED</b>
<b>Friday 30 December 2022</b>	<b>OFFICE CLOSED</b>
<b>Monday 2 January 2023</b> <b>Holiday)</b>	<b>OFFICE CLOSED (New Years Day Public</b>
<b>Tuesday 3 January 2023</b>	<b>Normal Office Hours 8.30am – 4.30pm</b>

**CARRIED 7/0**

**9.1.10 APPOINTMENT OF AUDIT COMMITTEE MEMBERS**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Christie Smith – Manager Corporate
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.109
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

In accordance with the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*, Council are to elect three or more persons to be elected to the Audit Committee. At least three of these members, and the majority of the members, are to be council members.

**BACKGROUND**

At the Audit Committee Meeting held 21 September 2022, the current Audit Committee consisting of all elected members adopted the Terms of Reference as was recommended from the Audit Regulation 17 Review and Financial Management Review 2022 completed by Dominic Carbone & Associates and Darren Long Consulting.

In accordance with the adopted Terms of Reference, the Audit Committee is to consist of four members, with three elected being Council members and one external person. All members shall have full voting rights.

As per the Terms of Reference, External persons appointed to the committee are to have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

**COMMENT**

Local public advertising calling for expressions of interest to be an external member on the Audit Committee was advertised on 25 October 2022 with submissions closing on 9 November 2022.

Mrs Jenni Dolan has put forward an expression of interest for the external member position. Jenni is suitably qualified having completed a Graduate Certificate of Education Business Leadership (which includes units on governance and finance) through Deakin University, and a Cert IV in Bookkeeping. Jenni's financial experience spans over 20 years of bookkeeping and BAS reporting in her own farming enterprise, together with 7 years' experience with the Department of Education in her role as Manager of Corporate Services. Over the years Jenni has also undertaken treasurer roles on various community committees and continues to audit the financial records for some local volunteer organisations.

The period of appointment of members to the Audit Committee will expire October 2023, in line with the next Council elections.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996 Regulation 17*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs of a growing community.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That the following be appointed to the Shire of Kent Audit Committee with their terms expiring in October 2023 as per the normal election cycle:

Cr	Elected Member
Cr	Elected Member
Cr	Elected Member
Mrs Jenni Dolan	External Member

*The Chair of the Audit Committee to be elected at the next Audit Committee meeting.*

**OCM2223/073 - COUNCIL RESOLUTION**

**MOVED Cr KV Johnston / Cr JN Germain**

That the following be appointed to the Shire of Kent Audit Committee with their terms expiring in October 2023 as per the normal election cycle:

Cr Darren Gray	Elected Member
Cr Kate Johnston	Elected Member
Cr Tim Borgward	Elected Member
Mrs Jenni Dolan	External Member

*The Chair of the Audit Committee to be elected at the next Audit Committee meeting.*

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**REASON FOR ALTERATION TO RECOMMENDATION**

*Council Resolution OCM2223/073 is slightly different to the Officers' Recommendation to include the names of the nominated elected members to the Audit Committee.*

**9.1.11 STATUS OF COUNCIL DECISIONS – OCTOBER 2022**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Nathanael Taekema – Governance Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Action Sheet Attachment 2 - Outstanding Matters List
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

To inform the Council of the actions taken in relation to Council decisions.

**BACKGROUND**

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

**COMMENT**

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995* – Section 5.41

The CEO's functions are to:-

- c) cause Council decisions to be implemented

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OCM2223/074 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KV Johnston / Cr GW Hobley**

**That the following be received by the Council:**

- 1. The Action Sheet for the Council Meeting 19 October 2022;**
- 2. The Outstanding Matters list dated 16 November 2022.**

**CARRIED 7/0**

**9.1.12 COUNCIL MEETINGS SCHEDULE 2023**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Nathanael Taekema – Governance Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

The purpose of this report is to review and schedule ordinary council meetings of Council for 2023.

**BACKGROUND**

In accordance with the Regulation 12 of the *Local Government (Administration) Regulation 1996*, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings, which will be open to members of the public and held within the proceeding 12-month period.

**COMMENT**

Historically, Council meetings are on the third Wednesday of each month commencing at 5.30pm in Council Chambers, 24-26 Richmond Street Nyabing. There is no Council meeting held during the month of January.

Given all of the above, the proposed meeting schedule for 2023 is as follows:

Wed 15 February 2023  
 Wed 15 March 2023  
 Wed 19 April 2023  
 Wed 17 May 2023  
 Wed 21 June 2023  
 Wed 19 July 2023  
 Wed 16 August 2023  
 Wed 20 September 2023  
 Wed 18 October 2023  
 Wed 15 November 2023  
 Wed 20 December 2023

**STATUTORY IMPLICATIONS**

*Local Government Act 1995* - Section 5.25(1)(g). Regulations about council and committee meetings.

*Local Government (Administration) Regulations 1996* - Section 12. Meetings, public notice of

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire’s organisational capacity to service the needs of our community.

Outcome 4.1 An efficient and effective organisation.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

4.1.3 Continue to search out advantageous resource sharing opportunities.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That:

1. **Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2023 commencing at 5.30pm held in the Council Chambers, Richmond Street Nyabing, with the following exception:**
  - **No scheduled meeting to be held in January**
2. **The following dates be approved for the 2023 year for Council Meetings:**
  - **Wed 15 February 2023**
  - **Wed 15 March 2023**
  - **Wed 19 April 2023**
  - **Wed 17 May 2023**
  - **Wed 21 June 2023**
  - **Wed 19 July 2023**
  - **Wed 16 August 2023**
  - **Wed 20 September 2023**
  - **Wed 18 October 2023**
  - **Wed 15 November 2023**
  - **Wed 20 December 2023**
3. **All meeting dates and times to be advertised pursuant to Regulation 12 of *Local Government (Administration) Regulations 1996*.**

**OCM2223/075 - COUNCIL RESOLUTION****MOVED Cr KV Johnston / Cr TD Borgward****That:**

4. **Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2023 commencing at 5.30pm held in the Council Chambers, Richmond Street Nyabing, with the following exception:**
  - **No scheduled meeting to be held in January**
5. **The following dates be approved for the 2023 year for Council Meetings:**
  - **Wed 15 February 2023**
  - **Wed 15 March 2023**
  - **Wed 19 April 2023**
  - **Wed 17 May 2023**
  - **Wed 21 June 2023**
  - **Wed 19 July 2023**
  - **Wed 16 August 2023**
  - **Wed 20 September 2023**
  - **Wed 25 October 2023**
  - **Wed 15 November 2023**
  - **Wed 20 December 2023**
6. **All meeting dates and times to be advertised pursuant to Regulation 12 of *Local Government (Administration) Regulations 1996*.**

**CARRIED 7/0****REASON FOR ALTERATION TO RECOMMENDATION**

*Council considered Wednesday 25 October 2023 would be a more suitable Council Meeting date as to coincide with the swearing in of elected members following the 2023 Local Government Elections.*



### 9.1.13 PERMISSION TO COLLECT NATIVE PLANT SEED FROM SHIRE RESERVES – FORMOSA FLORA

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	Formosa Flora
<b>LOCATION:</b>	Shire of Kent Vested Reserves
<b>AUTHOR:</b>	Nathanael Taekema – Governance Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – A/Chief Executive Officer
<b>FILE NO:</b>	ENV.41
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Letter of Application
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### **PURPOSE**

Council to consider an application from Formosa Flora to collect native plant seed from reserve land vested in the Shire of Kent for a period of 8 months and 2 weeks.

#### **BACKGROUND**

The following submission was received 4 November 2022 on behalf of Formosa Flora:

*Dear CEO,*

*I am writing to request permission for Keith Smith, Bryce Van Der Heide & Sam Stone of Formosa Flora to collect native seed from the Shire of Kent from November 4th 2022 till June 30th 2023. In particular from those areas that are to be cleared and also from roadsides and reserves for the purposes of obtaining seed for local orders.*

*Formosa Flora currently operates from Torbay near Albany, and fulfills seed revegetation requirements for landcare orders across multiple catchment groups but have specific orders for within the Kent Shire that require provenance seed.*

*Approval to collect from the Kent Shire would enable more complete seed mixes with a greater diversity.*

*All seed is harvested by hand with seed tapped from bushes with tennis racquets, clipped with secateurs, individually plucked or using manual pole secateurs. According to legislation we must not jeopardize the survival of a plant or population. We are required to remove no more than 20% of the available seed set for a year from a plant.*

*Formosa Flora also holds Personal Accident and Public Liability Insurance. I have attached copies of all insurances and current licences. Formosa Flora, Keith Smith and Samuel Stone are all RIAWA Accredited Collectors, Processors and Suppliers of Native Seed. We are currently in the process of renewal of our DBCA permits and can forward once we receive these.*

*Should you wish to discuss any areas of my request please do not hesitate to contact me on the numbers below.*

*Kind Regards  
Keith Smith  
98 451 516  
0428 451 516*

**COMMENT**

The collection of native plant seed is an annual request from either Parks and Wildlife (DBCAs), Greening Australia, Formosa Flora or others working on their behalf. In the past Council has approved permission to collect seed. Last year the shire granted permission to two applicants being the Badgebup Aboriginal Corporation and Formosa Flora, as well as an applicant in July 2022, being Greening Australia, for the purpose of enabling planned revegetation programs that will benefit the local area and region.

Formosa Flora included copies of all insurances, current licenses, and details on all RIAWA Accredited Collectors, Processors and Suppliers of Native Seed.

**STATUTORY IMPLICATIONS**

*Local Government Act (1995)*

*Biodiversity Conservation Act 2016*

*Biodiversity Conservation Regulations 2018*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Environment Objective - Conserve, protect and enhance our natural and built environment

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**OCM2223/076 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr JN Germain / Cr WD Tapscott**

**That Council grant Formosa Flora permission to access reserves vested in the Shire of Kent for the purpose of native seed collection subject to the following conditions:**

- (i) All persons collecting native seed are licensed according to the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulations 2018* and will abide by the conditions of this license**
- (ii) Permission is for an eight month period, commencing November 2022 and concluding July 2023.**
- (iii) This letter allows for collection only by Formosa Flora staff members and supervised affiliates.**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.**
- (v) All care will be taken to avoid the disturbance of fauna habitat.**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.**

**CARRIED 7/0**

**9.1.14 PINGRUP CARAVAN PARK CONCEPT PLAN**

<b>PROPOSED MEETING DATE:</b>	16 November 2022
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michaela Crosby – Project/Grants Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	PRO.304
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Attachment 1 - Concept Plan Attachment 2 - Consultant Report
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

The purpose of this report is to present the Pingrup Caravan Park Concept Master Plan.

**BACKGROUND**

The Shire of Kent owns and manages the Pingrup Caravan Park, with bookings administered by the Pingrup Community Resource Centre in a return for a commission. The caravan park is one of a small number of accommodation options in town, and the only facility that allows for caravans and campervans.

The Pingrup Caravan Park has experienced a substantial increase of guests over the last two years, with the formation of the Pingrup Silo Trail. As the town continues to provide for an increase visitation and tourism, development of the facility to provide quality and value is needed.

Funding from the Local Roads and Community Infrastructure Program funding has been allocated to upgrade the facilities at the Pingrup Caravan Park, with significant project value and benefit to stakeholders expected.

To assist in the development of the project and ensure caravan and camping legislation are followed, the Shire of Kent engaged Marc Halsall and Associates to develop a concept plan for the Pingrup Caravan Park.

**COMMENT**

The draft Concept Master Plan will provide a marked improvement for the experience of guests particularly with respect to the layout of facilities, safety, provision of amenities, and improved recreation spaces. Proposed changes include;

- Construction of ten large designated drive through caravan/camper sites which can accommodate a car, caravan and annexe. Each of these sites will include a concrete slab, suitable for parking a car or an annexe and be angled at 105 degrees to allow for maximum site numbers and provide manoeuvrability for cars towing caravans.
- Installation of cement kerbing around the caravan area.
- Relocation and upgrade of almost all water and electrical connections points.
- Construction of a camping area for up to four tents, including compacted sand tent pads which will include a reticulated grass area complete with a fire pit.
- Creation Four new parking bays to service campers, with a pathway connecting visitors from their vehicles, to the camping area and then onto the ablutions.
- Landscaping upgrades.

The Pingrup Caravan/Camping ground Master Plan improvements utilises existing facilities efficiently but makes improvements for the benefits of guests so that an attractive camping experience will be achieved. This will provide for versatile camping options for groups of various sizes that are moving through the area and visiting Pingrup. The improvements will provide marked improvement for the experience of guests particularly with respect to the layout of facilities, safety and amenity particularly provided by improved recreation spaces and shade trees.

**STATUTORY IMPLICATIONS**

*Caravan Parks and Camping Grounds Act 1995*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Funded under the Local Roads and Community Infrastructure Program (LRCI) 2022-2023

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Economic Objective – Support growth and progress, locally and regionally

Outcome 1.2 Increased Tourism

1.2.2 Upgrade Caravan Parks and Camping Grounds

**RISK IMPLICATIONS**

There are no perceived risk associated with the adoption of the officer's recommendation.

**VOTING REQUIREMENT**

Simple Majority

<b>OCM2223/077 - COUNCIL RESOLUTION (Officer Recommendation)</b>
--

**MOVED Cr DP Gray / Cr TD Borgward**

**That Council:**

**Endorses the Concept Plan for the Pingrup Caravan Park, as developed by Marc Halsall and Associates, and instruct staff to begin the project.**

**CARRIED 7/0**

- 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. **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.

**13. MEETING CLOSED**

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:29pm.

I certify these minutes were confirmed at the Ordinary Meeting of Council held 21 December 2022.

.....  
Cr Scott Crosby – Shire President

.....  
Date