

SHIRE OF KOJONUP



Council Minutes

16th November 2010

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 16th November 2010****TABLE OF CONTENTS**

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SHIRE OF KOJONUP

MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting opened at 3:04pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

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

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

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

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin
Cr Jane Trethowan
Cr Ian Pedler
Cr Frank Pritchard
Cr John Benn
Cr Greg Marsh
Cr Rosemary Hewson
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

Nil

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 19th October 2010

Corrections:

On Page 4 under Part 7 – Cr Benn also attended the Hidden Treasures Launch in Nyabing & the words attended by Cr Mathwin were removed from the Official Opening of the Kojonup Co-op

COUNCIL DECISION

97/10 MOVED Cr Pedler seconded Cr Benn that the Minutes of the Ordinary Meeting of Council held on 19th October 2010 be confirmed as a true record with the above correction being noted.

CARRIED 8/0

Please note this correction has been changed in the official signed copy of the 19th October 2010 minutes.

7 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Monday, November 08, 2010
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July 2010 to 31st October 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 31st October 2010.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statement of Financial Activity for the period of 1st July 2010 to 31st October 2010 shows a solid position with 78.55% of rates collected and a total amount of cash holdings of \$4,037,558.97 of which \$2,090,878.99 is held in fully cash backed Reserves as at 31st October 2010. Of these cash holdings \$1,500,000 of Municipal funds and \$1,500,000 of Reserve funds have been invested in short term deposits, due to mature 19th November 2010.

Outstanding Rate amounts can be explained by the following table:

Payment Option	# Rate Payers	Total Outstanding	Due 05/01/2011	Due 09/03/2011
No Instalments	912	\$341,232		
2 Instalments	80	\$128,487	\$128,487	
4 Instalments	146	\$240,801	\$139,459	\$101,342
Totals	1,138	\$710,520	\$267,946	\$101,342

For Council's information, of the 21.45% total Rates outstanding as at 31st October 2010 16.5% or \$117,000 relates to four (4) tree company holdings. I am able to advise that Council Officers have received written communication from the Appointed Receivers, McGRATHNICOL, requesting details of all outstanding amounts and advising that they are currently running a sale process on the properties in question. They have stated that all rates and charges, including late payment penalty interest, will be paid in full at settlement.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 31st October 2010, as attached, be accepted.

COUNCIL DECISION

98/10 MOVED Cr Marsh seconded Cr Hewson that the Monthly Statement's of Financial Activity for the periods of 1st July 2010 to 31st October 2010, as attached, be accepted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Thursday, November 11, 2010
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments that were made from 1st October 2010 to 31st October 2010.

BACKGROUND

Not applicable.

COMMENT

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

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/10/2010 to 31/10/2010 comprising of Municipal Cheques 11373 to 11428, EFT's 6184 to 6318 and Internal Payment Vouchers 2348 to 2457 totalling \$690,071.69 and as attached to this agenda, be received.

COUNCIL DECISION

99/10 MOVED Cr Benn seconded Cr Hewson that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/10/2010 to 31/10/2010 comprising of Municipal Cheques 11373 to 11428, EFT's 6184 to 6318 and Internal Payment Vouchers 2348 to 2457 totalling \$690,071.69 and as attached to this agenda, be received.

CARRIED

8/0

3:21pm Mrs Heather Marland left the Chamber.

11 ENGINEERING & WORKS REPORTS

11.1 FORWARD CAPITAL WORKS PLAN 2010/2011 TO 2014/2015

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: Thursday, November 11, 2010
FILE NO: FM.BUD.1
Attachments: Draft Shire of Kojonup Forward Capital Works Plan 2010/2011 to 2014/2015

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to adopt the Shire of Kojonup's Forward Capital Works Plan (FCWP) 2010/2011 to 2014/2015.

BACKGROUND

The primary objective of the Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector by providing additional money for the purposes of infrastructure provision and renewal.

State Cabinet approved the 2010/11 CLGF Guidelines, these guidelines support the requirement for preparation of a FCWP for individual Local Governments and provision of an adequate FCWP is a prerequisite to access the allocations from the CLGF.

Each country local government is eligible to receive up to \$35,000 to develop a FCWP that is consistent with strategic plans and asset management plans. The Shire of Kojonup received \$35,000 in June 2010.

The Department of Regional Development and Lands (RDL) has overall responsibility for administering CLGF and have published the following Guide and Components that the Plan can and cannot include:

GUIDE

1. The plan is to address infrastructure items only, not plant and equipment.
2. The infrastructure should be owned by Council. If not, reasons should be provided for Council wishing to spend funds on assets which it does not own.
3. The plan will cover expenditure for 5 years, commencing in 2010-11.
4. The plan must be approved by Council and written evidence of this must be provided.
5. Information on capital works expenditure by Council in 2009-10 should be provided.

COMPONENTS OF THE PLAN

1. Opening Statement on what the plan covers and confirms Council approval for it. It should include a commitment to review the plan each year. The signature of the Shire President and Chief Executive Officer should be included as part of the statement.
2. Table which provides an overview of the Forward Capital Works Plan by grouping of projects (eg Roads and Bridges, Footpaths, Drainage, Open Space, Buildings, Commercial Activities, Foreshores and Marine Safety, Waste, Recreation, Other). The table should also include a total expenditure figure for each year to identify whether capital works expenditure is either for, Renewal, New Assets or Asset Expansion or Upgrade.
3. For each individual sub-project in the plan provide the following information:
 - Purpose of the project, including information on whole-of-life costing, whether the project involves recurrent expenditure, expenditure for maintenance or renewal of infrastructure or expenditure on new infrastructure.

- Background on the project.
 - Explain how the project meets the intent of the Council's strategic plan. Expenditure (actual and budgeted) on the project in 2009-10.
 - Breakdown of funding sources and amount of funding from each source for each out year, including where Council has identified the Country Local Government Fund as a funding source.
 - A risk management assessment of each project, including an analysis which addresses scenarios where one or more funding source for a project is reduced, not available or delayed.
 - An indication of whether a project involves expenditure for renewal, new assets, or asset expansion or upgrade.
 - Any other issues relating to the project.
4. Identification of projects which have funding gaps.
 5. Prioritisation of projects for 2010-11
 6. Each country local government is to provide a contact person should RDL or an independent assessor need to discuss the plan in detail.

COMMENT

The Shire of Kojonup's FCWP has been developed in accordance with the RDL guidelines and is also intended to provide the Shire with a sound planning document that assists in the delivery of the broader objectives of the Councils Plan for the Future and Council's Strategic planning vision.

The adopted FCWP is required to be submitted to RDL by no later than 31st December 2010.

CONSULTATION

The Shire of Kojonup Council held two separate planning days to consider the inputs into the FCWP and systems for prioritising projects. This included a review of previous strategic planning processes and outcomes, financial performance, current asset condition, and renewal priorities based on condition.

The community was consulted on the subsequent draft capital works program and priorities, with notice of the consultation on the plan was mailed to all ratepayers, published in the 'Kojonup News', and posters placed on relevant notice boards around the district. The notice included a full program for the planning day with nominated session times to allow people to attend individual sessions if they wished.

The community consultation opportunities were:

1. A booth set up at the annual Kojonup Show on 16 October 2010. The CEO manned the booth to answer questions, seek feedback, and raise awareness of the Community Planning Day on 25 October 2010. On display were road, bridge, footpath and drainage maps, listing of building and other projects, and the program for the planning day.
2. Community planning day on 25 October 2010.
3. Suggestion box at both of the forums above and remaining at the foyer of the Shire of Kojonup administration centre.

Feedback from the forums was considered and incorporated into the FCWP. The summary from the planning day was then published in the Kojonup News on 5 November 2010

STATUTORY ENVIRONMENT

A FCWP is currently not a statutory requirement; however is a prerequisite to access the allocations from the CLGF.

POLICY IMPLICATIONS

There are no known Policy Implications.

FINANCIAL IMPLICATIONS

The FCWP is a prerequisite to access the allocations from the CLGF.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Shire of Kojonup's Forward Capital Works Plan 2010/2011 to 2014/15, as attached, and authorise the Chief Executive Officer and Shire President to execute the document.

COUNCIL DECISION

/10	MOVED Cr	seconded Cr	
			CARRIED/LOST /

Note: The Chief Executive Officer advised that Item 11.1 was withdrawn to allow a further briefing session with Councillors and that a request for a Special Meeting would be made to Consider adoption of the Forward Capital Works Plan. Attachment 11.1 was not attached to the Agenda and therefore will not be attached to these minutes.

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Nil

13 CORPORATE & COMMUNITY SERVICES REPORTS

13.1 CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2010/2011 CHRISTMAS/NEW YEAR

DATE: Wednesday, November 10, 2010
 AUTHOR: Heather Marland – Senior Finance Officer
 FILE NO: CM.PRO.1
 ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

To approve the Office and Library closure over the 2010/11 Christmas and New Year period.

BACKGROUND

Closing the Office and Library temporarily for a few days over the Christmas and New Year holiday period has become normal practice in recent years. A similar approach is once again suggested for the 2010/11 period.

COMMENT

It is proposed that the Office will be closed for the Christmas / New Year break from 4.30pm Thursday 23rd of December 2010 and reopen on Tuesday 4th January 2011 at 8.30am.

CONSULTATION

The proposed closures will be advertised in the local press once approved by the Council.

STATUTORY REQUIREMENTS

There are no known statutory requirements.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The financial costs will be minimal – advertising.

STRATEGIC IMPLICATIONS

As the annual Christmas/New Year period is usually quiet and is an opportunity for staff to take annual leave, as required. This has been accepted practice in the past.

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION**

That approval be granted to close the Office and Library for the period Thursday 24th December 2010 to Monday 3rd January 2011 inclusive and that local notice be given as required.

COUNCIL DECISION

100/10 MOVED Cr Pritchard seconded Cr Benn that approval be granted to close the Office and Library for the period Thursday 24th December 2010 to Monday 3rd January 2011 inclusive and that local notice be given as required.

CARRIED 8/0

13.2 PLAN FOR THE FUTURE

AUTHOR: Stephen Gash - Chief Executive Officer
 DATE: Thursday, November 11, 2010
 FILE NO: CM.PLN.2
 ATTACHMENTS: Plan for the Future; Strategic Directions 2010-2015

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the reviewed "Plan for the Future".

BACKGROUND

Local Governments are required to develop a "Plan for the Future", which must be considered when setting the annual budget. The plan has also been used for performance measurement on how well the Shire of Kojonup is fulfilling its strategic objectives.

The term of the plan covers 5 years but it is reviewed every two years and soon after any general election.

This review mainly focused on the strategic objectives and the format and vision, mission statements are unchanged from the document that Council developed in 2008. This component will be considered again at the next review.

The document also had regard to the longer term future vision for the town, summarised in the document “Kojonup Can...” which looked at thirty aspirational goals towards the year 2030 and was developed in August 2009.

COMMENT

The revised plan for the future has only minor changes from the previous version. This acknowledges the thorough process last time but also the inclusive nature of the plan that adequately captures most issues and objectives.

An annual operational plan will be developed that will detail the action items to achieve the goals of the strategic plan and this will be used as a performance measure for the organisation.

CONSULTATION

The previous plan and objectives were reviewed during various Councillor briefing sessions over the last year and the community consultation was undertaken at the community planning day held on 25 October 2010. No adverse comments or suggestions have been received.

STATUTORY REQUIREMENTS

The Local Government Act (1995)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications but the Plan for the Future will guide future budget allocations.

STRATEGIC IMPLICATIONS

The Plan for the Future is the main guide for the strategic objectives of the Shire of Kojonup.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That Council adopt the Strategic Directions 2010 – 2015 as its “plan for the future”.

COUNCIL DECISION

101/10 MOVED Cr Pedler seconded Cr Baulch that Council adopt the Strategic Directions 2010 – 2015 as its “plan for the future” with amendment to the attached plan on Page 5, at Item 4.3 to read ‘Promote Kojonup and Preserve our Heritage’ and to add item 4.3.4 to read ‘Preserve and promote our history and culture’.

CARRIED

8/0

REASON FOR CHANGE

To Reflect the full revised plan

Please note these amendments have been made on the attached plan.

Cr Marsh then thanked the Chief Executive Officer for the amount of work he has put in to the plan.

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16

NEW BUSINESS

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

COUNCIL DECISION

102/10 MOVED Cr Trethowan seconded Cr Marsh that the Wind Farm Application – Various Rural Properties Potts Road, Bilney Road & Kojonup-Broomehill Road, Shire of Kojonup be discussed.

CARRIED 8/0

3:28pm Cr Baulch left the Chamber.

16.1 WIND FARM APPLICATION – VARIOUS RURAL PROPERTIES POTTS ROAD, BILNEY ROAD & KOJONUP-BROOMEHILL ROAD, SHIRE OF KOJONUP

AUTHOR: Phil Shephard – Town Planner
 DATE: 12 November 2010
 FILE: DB.BDA.8
 OWNER: Various
 LOCATION: Various
 ATTACHMENTS: 16.1 Flat Rocks Wind Farm Development Application – Planning and Environmental Report (November 2010)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider an application to develop a 150MW wind farm comprising approximately 74 wind turbines and associated infrastructure on various rural locations within the Shire and adjoining Shire of Broomehill-Tambellup as shown on the attached plans.

The recommendation is to undertake consultation on the proposal in accordance with the town planning scheme requirements.

BACKGROUND

Nil.

COMMENT

The proposal is to develop a wind farm as outlined in the attached submission. The Executive Summary submission outlines the application and the preliminary processes completed to date. The proposed life of the wind farm is 20 years after which it may either be refurbished and continue production or decommissioned and removed.

The proponents will be providing a briefing to Council at this month's meeting.

The wind farm is proposed for various rural locations within the Shires of Kojonup and Broomehill-Tambellup with the final sites to be determined following selection of the most appropriate turbine model for the project. The sites shown are the preferred locations for the turbines and only minor changes are expected due to micro-climatic factors; to minimise any environmental/social impacts; or meet any conditions of approval.

The sites of the turbines are cleared agricultural land and currently used for livestock and cropping activities. The total area of the windfarm covers approximately 6,800ha's with approximately 30ha's (0.4%) being required for the turbine sites and associated infrastructure and which would be precluded from agricultural purposes. All other areas would still be used for agriculture.

The development of the wind farm will include the following components:

- 74 wind turbines
- On-site access/service tracks (approx. 40km)
- Cabling (96km predominantly underground)
- Operations/Maintenance buildings
- Power Substation
- Meteorological equipment (monitoring masts).

During construction works various compounds and construction areas will be required including a temporary construction batching plant. The proponents estimate that approximately 200 jobs may be created during this phase of the project with 10 persons estimated to be required to manage the wind farm over its 20-year life.

The proponents have summarised their investigations and outcomes (aviation, construction traffic, grid connection, consultations with landowners/nearby landowners/community, landscape assessment, noise impacts, flora/fauna impacts, cultural factors, social impacts (interference, flicker) and socio-economic) completed to date relating to the environmental and economic aspects of the proposals. The outcomes to date support the proposal and have not identified any fatal flaws in the project. Final endorsement/approvals from those relevant government agencies are now being progressed.

The proponents have also identified a possible opportunity to develop one of the sites within the wind farm area to combine some interpretation of the wind farm with a viewing platform and rural-themed museum.

Given the scale of the proposal, it is important that the community has an opportunity to comment prior to the Council determining the application. The proposal will also need to be considered by the Shire of Broomehill-Tambellup as part of the wind farm is within their municipality. It is also clear that the proposal does have some substantial environmental and financial spin-offs including local employment opportunities. This would be enhanced by the inclusion of an interpretation centre/tours/viewing platform etc. within the overall development.

The proponents also advise of their intention to participate in a scheme where parts of the funds received will be used to support community programs and activities.

CONSULTATION

Should Council agree for the proposal to be advertised, the following consultations are recommended:

- The proposal is referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine for comment.
- The proposal is referred to the Shire of Broomehill-Tambellup for comment (Note: They will consider and determine their own part of the proposal within their Shire area).
- The proposal is advertised within the Great Southern Herald and Kojonup News.
- The application is referred to the Environmental Protection Authority, Department of Environment and Conservation, Civil Aviation Authority, Air Services Australia, Electricity Provider/Economic Regulation Authority, and Main Roads WA for comment and advice.
- A sign be displayed at a prominent location on each property to be developed as part of the wind farm advising that Council is seeking comment.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – The Shire of Kojonup Town Planning Scheme No. 3 is an operative planning scheme under the Act. The land is zoned Rural within Town Planning Scheme No. 3 and the objectives (clause 3.2.7) for the rural zones are as follows:

- (a) *The zone shall consist of predominantly rural uses.*
- (b) *To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.*
- (c) *To protect the land from closer development which would detract from the rural character and amenity of the area.*
- (d) *To prevent any development which may affect the viability of a holding.*
- (e) *To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's Policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.*

There is no particular land use class within the Scheme that defines a wind farm or wind energy facility. The Model Scheme Text (prepared under the Act) and used in the preparation of town planning schemes does not include a definition either. The WA Planning Commission prepared the 'Guidelines for Wind Farm Development' (Planning Bulletin No. 67 May, 2004) which includes the following definition:

'Wind Farm or Wind Energy Facility means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used primarily to supply electricity for a domestic property, rural use of the land or anemometers.'

Clause 3.3.5 'Zoning Table' of the Scheme states:

3.3.5 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may:*

- (a) *Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an Application for Planning Consent.*

The proposal for the wind farm does not compromise the objectives for the rural zone and it is recommended the proposal should be referred to adjoining landowners and advertised for public comment in accordance with Clause 6.2 prior to the application being determined.

Clause 6.2.3 'Advertising of Applications' of the Scheme states:

6.2.3 *Where the Council is required or decides to give notice of an Application for Planning Consent the Council shall cause one or more of the following to be carried out:*

- (a) *Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within 21-days of the service of such notice;*
- (b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within 21-days from the publication thereof;*
- (c) *A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of 21-days from the date of publication of the notice referred to in paragraph (b) of the clause.*

6.2.4 *The notice referred to in clause 6.2.3(a) and (b) shall be in the form contained in Schedule III(b) with such modifications as circumstances require.*

6.2.5 *After the expiration of 21-days from the serving of notice of the proposed development, the publication of the notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

Clause 6.3 'Determination of Applications' of the Scheme states:

6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*

6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.*

The options available to Council in considering the application can be summarised as follows:

- a) *Defer the application and seek additional information from the applicants;*
- b) *Determine the application is not consistent with the rural zone and refuse the proposal (giving reasons); or*

- c) Determine by absolute majority that the proposal may be consistent with the rural zone and give public notice and seek comment on the proposal;

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The proponents have paid the application fee as required under the Shire of Kojonup 2010/2011 Budget 'Schedule of Fees and Charges'. Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal.

All advertising costs will be recouped from the applicants.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That Council determine the proposed wind farm (as set out in the Moonies Hill Energy Pty Ltd - Flat Rocks Wind Farm Development Application – Planning and Environmental Report (November 2010)) may be consistent with the objectives for the rural zone and advertise the proposal in accordance with clause 6.2 of the Scheme as follows:

- (a) The proposal is referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine for comment.
- (b) The proposal is referred to the Shire of Broomehill-Tambellup for comment.
- (c) The proposal is advertised within the Great Southern Herald and Kojonup News.
- (d) The application is referred to the Environmental Protection Authority, Department of Environment and Conservation, Civil Aviation Authority, Air Services Australia, Electricity Provider/Economic Regulation Authority, and Main Roads WA for comment and advice.
- (e) A sign be displayed at a prominent location on each property to be developed as part of the wind farm advising that Council is seeking comment.

COUNCIL DECISION

103/10 MOVED Cr Trethowan seconded Cr Benn that Council determine the proposed wind farm (as set out in the Moonies Hill Energy Pty Ltd - Flat Rocks Wind Farm Development Application – Planning and Environmental Report (November 2010)) may be consistent with the objectives for the rural zone and advertise the proposal in accordance with clause 6.2 of the Scheme as follows:

- (a) The proposal is referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine for comment.**
- (b) The proposal is referred to the Shire of Broomehill-Tambellup for comment.**
- (c) The proposal is advertised within the Great Southern Herald and Kojonup News.**
- (d) The application is referred to the Environmental Protection Authority, Department of Environment and Conservation, Civil Aviation Authority, Air Services Australia, Electricity Provider/Economic Regulation Authority, and Main Roads WA for comment and advice.**
- (e) A sign be displayed at a prominent location on each property to be developed as part of the wind farm advising that Council is seeking comment.**

CARRIED BY ABSOLUTE MAJORITY

7/0

3:30pm Cr Baulch returned to the Chamber.

The Shire President then advised Cr Baulch of the Decision.

17 **CONFIDENTIAL REPORTS**

Nil

18 **NEXT MEETING**

Tuesday, 14th December 2010 commencing at 3:00pm.

19 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3:31pm.

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 st July 2010 to 31 st October 2010
Item 10.2	Monthly Payment Listing 1 October 2010 to 31 October 2010
Item 13.2	Plan for the Future
Item 16.1	Flat Rocks Wind Farm Development Application – Planning and Environmental Report (November 2010)

Presiding Member

Date