

SHIRE OF KOJONUP

Kojonup



MINUTES

SPECIAL COUNCIL MEETING

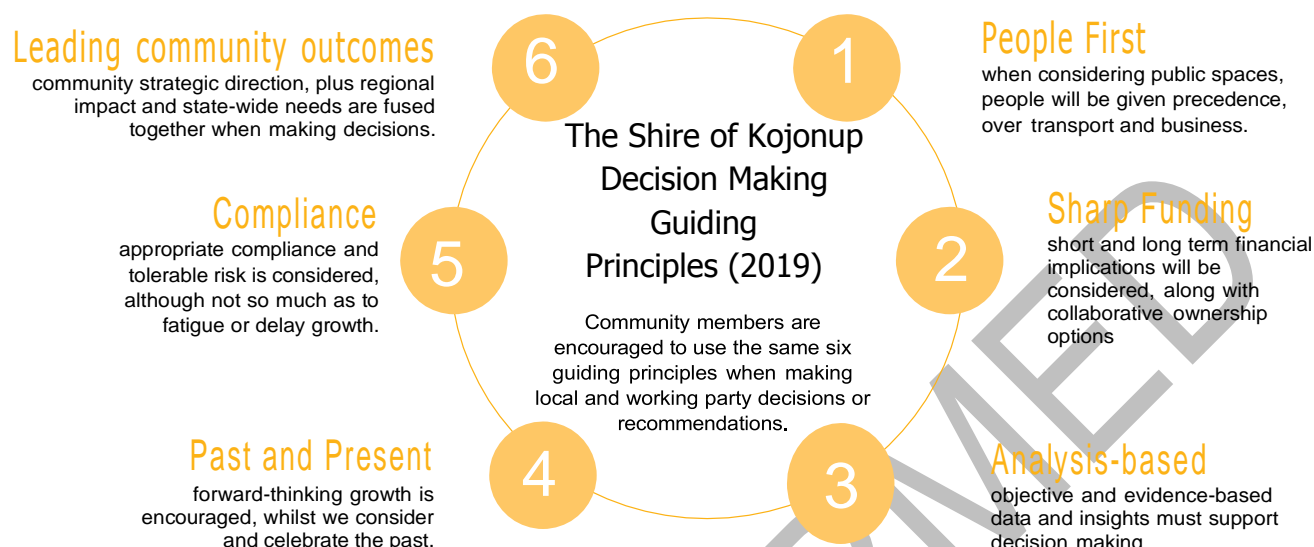
2 JULY 2024

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 2 JULY 2024

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



MINUTES

1 **DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President shall declare the meeting open at 3.00pm and draw the meeting's 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.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging.

Prayer

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

3 **ATTENDANCE**

COUNCILLORS

Cr Bilney	Shire President
Cr Wieringa	Deputy Shire President
Cr Radford	Councillor
Cr Webb	Councillor
Cr Egerton-Warburton	Councillor
Cr Mathwin	Councillor
Cr Mickle	Councillor

STAFF

Grant Thompson	Chief Executive Officer
Tonya Pearce	Governance and Rates Officer

3.1 **APOLOGIES**

3.2 **APPROVED LEAVE OF ABSENCE**

4 **DECLARATION OF INTEREST**

Nil

5 **PUBLIC QUESTION TIME**

5.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Not applicable

5.2 **PUBLIC QUESTION TIME**

Nil

6 **CONFIRMATION OF MINUTES**

Nil

7 **PRESENTATIONS**

7.1 **PETITIONS**

7.2 **PRESENTATIONS**

7.3 **DEPUTATIONS**

7.4 **DELEGATES' REPORTS**

8 METHOD OF DEALING WITH AGENDA BUSINESS

9 REPORTS

9.1 KEY PILLAR 'LIFESTYLE' REPORTS

UNCONFIRMED

9.2 KEY PILLAR ‘ECONOMICS’ REPORTS

9.2.1 PHASING OUT LIVE SHEEP EXPORTS – ADVOCACY POSITION

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Tuesday, 25 June 2024
FILE NO	GR.LRL.2
ATTACHMENT(S)	9.2.1.1 – 022b Draft Letter to Feds re Live Sheep Exports 4 June'24 9.2.1.2 – 023 Submission House of Reps Standing Committee 11 June'24 9.2.1.3 – 009c Econisis Report - Upper Great Southern Live Sheep Impact FINAL (005)

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>“The Cultural Experience Centre of the Great Southern”</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Economics	4. Grown Existing Business	4.1 Economic support program

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for the Council to consider endorsing a proposed advocacy position regarding the phasing out of live sheep exports.

BACKGROUND

On 11 May 2024, the Federal Minister for Agriculture introduced the Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024 (Bill) to Federal Parliament outlining the transition plan to phase out live sheep exports by 2028 and the provision of a \$107 million transition package to mitigate economic impacts and develop alternative markets.

COMMENT

Affected stakeholders have contacted the Shire and highlighted issues with the live sheep ban, in particular;

- the timeline to transition being short;
- the feasibility of transitioning to alternative markets;
- infrastructure for chilled and frozen meat exports; and
- an insufficient transition package amount to address the significant income losses, the high costs of infrastructure upgrades, and the slow development of new markets.

Based on data from the 2020-21 Value of Agricultural Businesses, the Central Great Southern Region (Region) accounts for over 20% of sheep in Western Australia. Consequently, the phasing out of live sheep exports has potential to impact the Shire’s community from an economic and social perspective.

In response to the Bill introduction, the Shire of Kojonup has aligned with neighbouring Shires in the region encompassing the Shires of Broomehill-Tambellup, Katanning, Woodanilling,

Gnowangerup, Cranbrook, and Jerramungup to engage an economic consultant, Econisis, to quantify and report the economic impact of the ban for the region. The report is attached *9.2.1.3 – 009c Econisis Report - Upper Great Southern Live Sheep Impact FINAL (005)*.

On 31 May 2024, the group was briefed by Econisis on the key findings contained within the report. The report identified that it is possible that over a 20-year period, in net present value terms, the economic impact on the Region is possibly in the range of \$474.9 million to \$1 billion.

Regardless of the quanta of impact value this live sheep export ban will have an economic impact on the communities of the relevant Shires. As a result of the forecast impact on communities the following proposed advocacy position was collectively agreed at a meeting between the aligned Shires for endorsement by each council:

- The Shires of Broomehill-Tambellup, Katanning, Woodanilling, Kojonup, Gnowangerup, Cranbrook, and Jerramungup will be collectively known as the Alliance of Central Great Southern Councils.
- We support the wide distribution of the Econisis Report.
- The Central Great Southern Alliance of Councils doesn't recognise as valid the federal government's reasons for banning the live sheep export trade.
- We note that due to the high concentration of sheep production within our region, the communities represented by Alliance shires will bear the brunt of the economic losses that this trade ban will create.
- We note that in addition to the impacts on direct supply chain participants, there will be significant consequential impacts on our communities, on household spending and on the future viability of many services.
- We support a broader transition package informed by an objective measure of the impacts the ban will have on our local communities especially our retail sector, essential medical and educational services and sporting clubs.
- In addition to the \$107 million federal transition package, we support the federal government funding an investment package to facilitate community economic development to off-set the negative economic impacts caused by the transitioning of regional communities.
- We also support a Senate Inquiry into the adequacy of the transition package that these points of agreement and a draft letter to Minister Watt (attached) advocating for the implementation of these outcomes be circulated to Alliance shires for endorsement.
- That an engagement strategy with federal government, Coalition members and the state government be developed once the letter is endorsed and the Alliance's advocacy position is agreed.
- That following endorsement of the letter and agreement by Presidents to an engagement strategy, that the letter to Minister Watt be issued.
- That Katanning Shire President, Kristy D'Aprile be the Alliance spokesperson.

A standardised group approach in advocating for greater compensation will strengthen the argument and more likely result in an improved outcome for each member of the Central Great Southern Alliance of Councils.

CONSULTATION

VROC

Shire President
Shire of Katanning
Shire of Woodanilling
Shire of Broomehill-Tambellup
Shire of Gnowangerup
Shire of Cranbrook
Shire of Jerramungup

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

71/24 Moved Cr Mathwin

Seconded Cr Mickle

That Council:

1. endorses the following advocacy position on the 'ending of live sheep exports by sea':
 - a) The Shires of Broomehill-Tambellup, Katanning, Woodanilling, Kojonup, Gnowangerup, Cranbrook, and Jerramungup will be collectively known as the Alliance of Central Great Southern Councils (Alliance).
 - b) The Alliance supports the wide distribution of the Econisis Report.
 - c) The Alliance doesn't recognise as valid the federal government's reasons for banning the live sheep export trade.
 - d) The Alliance notes that due to the high concentration of sheep production within our region the communities represented by Alliance Shires will bear the brunt of the economic losses that this trade ban will create.
 - e) The Alliance notes that in addition to the impacts on direct supply chain participants, there will be significant consequential impacts on our communities, on household spending and on the future viability of many services.
 - f) The Alliance supports a broader transition package informed by an objective measure of the impacts the ban will have on our local communities especially our retail sector, essential medical and educational services and sporting clubs.
 - g) In addition to the \$107 million Federal transition package, the Alliance supports the Federal Government funding an investment package to facilitate community economic development to offset the negative economic impacts caused by the transitioning of regional communities.
 - h) The Alliance also supports a Senate Inquiry into the adequacy of the transition package.
 - i) That the attached draft letter to Minister Watt advocating for the implementation of these outcomes be sent (*attachment 9.2.1.1 – 022b Draft Letter to Feds re Live Sheep Exports 4 June'24*)
 - j) That an engagement strategy with federal government, Coalition members and the state government be developed.
 - k) That following endorsement of the letter and agreement by Presidents to an engagement strategy, that the letter to Minister Watt be issued.
 - l) That Katanning Shire President, Kristy D'Aprile be the Alliance spokesperson.
2. Retrospectively endorse the attached Submission to the House of Representatives Standing Committee 11 June 2024 submission (*attachment: 9.2.1.2 - 023 Submission House of Reps Standing Committee 11 June'24*).

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

9.2.2 PROPOSED TREE FARM (PINE PLANTATION) – LOTS 351 & 6390 MOBRUP ROAD, MOBRUP

AUTHOR	Steve Thompson - Consultant Planner, Edge Planning & Property
DATE	Monday, 24 June 2024
FILE NO	A4101
ATTACHMENT(S)	9.2.2.1 - Location plan 9.2.2.2 - Plans and information from applicant 9.2.2.3 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be <i>"The Cultural Experience Centre of the Great Southern"</i> STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Economics	4. Grown Existing Business	4.1 Economic support program

DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

SUMMARY

A Development Application for a tree farm (pine plantation) on Lots 351 and 6390 Mobrup Road, Mobrup is recommended for conditional approval.

BACKGROUND

Proposal

The applicant has lodged a Development Application seeking approval for a tree farm (pine plantation) to be established on Lots 351 and 6390 Mobrup Road, Mobrup (the 'site'). The site is outlined in Attachment 9.2.2.1 which is approximately 45 kilometres south-west of the Kojonup townsite.

Details submitted by the applicant are provided in Attachment 9.2.2.2. The applicant proposes to plant 980 hectares of *Pinus Radiata* (pine plantation). Thinning is proposed after approximately 15 years, a further thinning at 22 years with the final harvest at 30 years of age.

The site

Details relating to the site:

- Consists of two titles. One lot is located north of Mobrup Road and other lot is south of Mobrup Road;
- Has a combined area of 1392.2 hectares in area and is generally cleared;
- Around 142 hectares has previously been established for a pine plantation; and
- Contains a dwelling and sheds.

Planning Framework

There are various planning policies and environmental documents relevant to the application including State Planning Policies and industry guidelines. In summary, the policy framework supports plantations (tree farms) on Rural zoned land.

The site is not classified as priority agricultural land by the State Government.

The site is zoned 'Rural' in the *Shire of Kojonup Town Planning Scheme No. 3* (TPS3). A 'plantation' is a 'P' use in the Rural Zone as set out in the TPS3 Zoning Table. The local government is not able to refuse a 'P' use.

The *Shire of Kojonup Strategic Community Plan* supports a diversified economic base.

The site is partially located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

COMMENT

It is recommended that Council approve the Development Application subject to conditions. This follows assessment against the planning framework (including State guidance), TPS3, and information provided by the applicant. It is noted that:

- The application is consistent with the planning framework including the objectives and requirements of the Rural zone in TPS3;
- The site is not within a Landscape Protection Special Control Area and the Shire of Kojonup does not contain land classified as State priority agricultural land;
- There are expected to be minimal environmental impacts;
- There are manageable bushfire risks;
- No clearing of native vegetation is proposed;
- Timber resources are important to the district and areas further afield;
- There are no objections from other Shire officers/units; and
- Subject to the plantation being suitably managed in accordance with the *Code of Practice for Timber Plantations in Western Australia* and development conditions are met, that environmental considerations, bushfire management, and impact on the Shire road system can be appropriately addressed.

While noting the above, there are planning considerations that need to be considered by the Council. Some of these are outlined below:

- Length of development approval - the applicant estimates the project life will be approximately 30 years. It is recommended that the development approval be issued for a single rotation rather than including a second rotation or being an 'opened ended' approval. Should the landowner or applicant seek a second rotation or wish to replant the plantation area, they will be required to submit a new Development Application prior to beginning any works;
- On-going bushfire management - the applicant will need to address on-going bushfire management including implementing the Plantation Manager's Fire Agreement. This includes maintaining firebreaks in accordance with the requirements of the Annual Firebreak Notice issued by the Shire under the *Bush Fires Act 1954*. The applicant's Fire Management Plan to set out risks and management responses; and
- Harvesting impacts – recommended conditions seek to ensure local roads are suitably reinstated to pre-harvest conditions by the plantation owner.

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

1. *Not approve the proposal*

The Council can choose to not approve the application and advise the applicant giving reasons. This is not recommended given a plantation is a 'P' (permitted) use in the Rural zone.

2. *Approve the proposal*

The Council can choose to approve the application, in part or whole and with or without conditions. If this option were chosen, the development can proceed.

3. *Defer the proposal*

The Council can choose to defer the matter and seek additional information from the applicant before proceeding to make a decision. This has implications given the applicant's due diligence period shortly runs out.

The applicant has a right to request a review of any decision and/or condition made by the local government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

No consultation is required given a plantation is a 'P' (permitted) use in the Rural zone. Internal comments were received including from the Community Emergency Services Manager.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015* - the processing of the Development Application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the provisions of the Act and Regulations.

Attachment 9.2.1.3 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application.

The Shire has no planning policy guidelines or local laws on tree plantations.

POLICY IMPLICATIONS

There are various supporting documents which are relevant in assessing the Development Application including *State Planning Policy 2.5 Rural Planning*, *Rural Planning Guidelines*, *Code of Practice for Timber Plantations in Western Australia*, *Guidelines for Plantation Fire Protection*.

Nil at this stage. If the amount of plantations increases in the Shire (for harvesting or carbon capture), there may be a need to prepare a Local Planning Policy on tree farms.

The Council may wish to review the instrument of delegation for plantations over 200 hectares.

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making Ineffective monitoring of changes to legislation	Professional accreditation / certification maintained	Nil
6 – Engagement	Inadequate documentation or procedures	Public notices / local papers / website communication	Nil
7 – Environment	Inadequate local laws / planning schemes	Environmental management compliance	Nil
8 – Errors, Omissions and Delays	Complex legislation Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Applicants need to ensure that Development Applications accord with the intent of the Shire of Kojonup Planning Scheme. Council in assessing applications needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

72/24 Moved Cr Egerton Warburton

Seconded Cr Radford

That Council grant Development Approval for a tree farm (pine plantation) on Lot 351 on Deposited Plan 144895 and Lot 6390 on Deposited Plan 224139 Mobrup Road, Mobrup, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the submitted plans and specifications (including the Plantation Management Plan) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. The plantation is managed and implemented in accordance with the Plantation Management Plan.
3. Fire management measures outlined in the application shall be implemented in accordance with the submitted plan and accompanying details and are required to meet the performance standards in the *Guidelines for Plantation Fire Protection* document published by the Department of Fire and Emergency Services. Required infrastructure and mitigation measures are required to be established at the same time as planting.
4. The installation and maintenance of firebreaks and low fuel zones are to be implemented in accordance with the requirements of the annual *Shire of Kojonup Fire Break Order*, issued by the local government under the *Bushfires Act 1954*.
5. The plantation operator/manager shall notify the local government, a minimum of 12 months prior to any anticipated commercial harvesting occurring, so that the proposed access/haulage routes may be inspected by both parties.
6. The provision of a Plantation Harvest Plan is to be prepared in accordance with the latest *Code of Practice for Timber Plantations in Western Australia* (or equivalent that is applicable at that time) and submitted to and approved by the local government prior to the commencement of harvesting. The approved Plantation Harvest Plan is then to be appropriately implemented to the satisfaction of the local government in accordance with the latest *Code of Practice for Timber Plantations*.
7. This development approval is for a single rotation only. The applicant or landowner will be required to submit a new Development Application prior to beginning any replanting of the plantation area.

Advice:

- A) In relation to Conditions 5 and 6, the local government will undertake an audit of the local road system proposed to be used for plantation harvesting transport prior to, and following, plantation harvesting so as to ascertain any remedial works required (and funds recoupable). Additionally, the local government will require the plantation operator/haulage contractor to reimburse the cost of any road repairs that become necessary as a result of wear and other damage to the local road network caused by heavy haulage vehicles associated with the transport of harvested plantation trees.

- B) The attention of the plantation operator/manager is drawn to the need to comply with the requirements of any Bushfire Risk Compliance Notice issued by the Shire of Kojonup under the *Bush Fires Act 1954*. Additionally, the plantation operator/manager is required to advise the Shire's Chief Bush Fire Control Officer of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.
- C) Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit issued by the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- D) Any works should ensure Aboriginal heritage values are respected and are appropriately addressed. The applicant has an obligation under the *Aboriginal Heritage Act 1972* to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.
- E) The local government:
- i) Recommends that large mature paddock trees be retained given they provide important roosting and nesting sites for a number of species including the threatened cockatoos;
 - ii) Supports the applicant's commitment to rehabilitate creek lines that run through the property with necessary buffers established to minimise disturbance to existing vegetation; and
 - iii) Recommends that the cultivation of land, spraying of pesticides or herbicides, or the application of nitrogenous fertilisers does not occur within 30 metres of any creek. This advice not preclude the carrying out of weed control in accordance with Department of Primary Industries and Regional Development recommendations or standard practices.
- F) If the applicant 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 made within 28 days of the determination.

CARRIED 6/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

Against: Cr Webb

AMENDMENT TO THE MOTION

73/24 Moved Cr Mathwin

Seconded Cr Egerton Warburton

1. That the Development Approval includes the following conditions;

- a. A self propelled fire unit holding a minimum of 2000 litres be available and maintained on the property at all times and be made available for fire management events.
- b. A water storage tank holding a minimum of 300,000 litres be available for fire management and close to the Mobrup road for ease of access by firefighters.

- c. Prior to commencing any development, the applicant is to lodge a Creekline and Waterway Management Plan, identifying all areas to be fenced, and a corresponding rehabilitation plan to be created for implementation, and to the satisfaction of the Chief Executive Officer of the Shire of Kojonup.
- d. Prior to commencing any development the applicant is to lodge a Vermin and Pest Control Management Plan for implementation, and to the satisfaction of the Chief Executive Officer of the Shire of Kojonup.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

UNCONFIRMED

9.2.3 PROPOSED MULTI-PURPOSE BUILDING – LOT 3 (No. 11) KOJONUP – KATANNING ROAD, KOJONUP – ST BERNARDS CATHOLIC PRIMARY SCHOOL

AUTHOR	Steve Thompson - Consultant Planner, Edge Planning & Property
DATE	Monday, 24 June 2024
FILE NO	A6551
ATTACHMENT(S)	9.2.3.1 - Plans and letter from applicant 9.2.3.2 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be “The Cultural Experience Centre of the Great Southern” STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Economics	4. Grown Existing Business	4.1 Economic support program

DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

SUMMARY

To consider an application for development approval for a multi-purpose building at St Bernard’s Catholic Primary School (the ‘School’).

BACKGROUND

The application site contains an established school. The site is 2.29 hectares in area.

The applicant advises the school hours of operation are 8:15am – 3:30pm, class times are between 8:45am - 2:55pm. There are currently 21 staff and 69 kindergarten to year 6 students.

Proposal

The applicant seeks approval to construct one new single storey multi-purpose school building, adjacent to the existing administration building. The scale and form of the proposed building is intended to match the existing administration building. The proposed multi-purpose building is 118m² in floor area. The materials, of the new building, are proposed to match the more recent buildings on site with a mix of Colorbond cladding and highlight pre-finished aluminium panels. Colours of the highlight cladding are to match the existing palette of yellow and red. Details provided by the applicant are set out in Attachment 9.2.3.1.

The plans show the proposed building will be setback approximately 30m from the front boundary (to Kojonup-Katanning Road), 52m to the northern property boundary, 127m to the eastern property boundary and 106m to the western boundary.

There are no planned changes to the existing car parking area as part of the proposed works.

There are no anticipated changes to the staff/student numbers with the addition of this building, nor any changes to the operational hours.

The proposed multi-purpose building is located within the designated bushfire prone area.

COMMENT

Following an assessment of the Development Application against the planning framework, it is recommended that Council conditionally approve the Development Application given:

- It is consistent with the planning framework;
- The multi-purpose building has generous setbacks from property boundaries;
- The proposed multi-purpose building is not considered to create any significant amenity impacts;
- The external design is consistent with existing school buildings;
- There are manageable bushfire risks;
- There are expected to be minimal environmental impacts;
- There are no objections from other Shire officers/units;
- It provides an important additional facility for the students; and
- Development conditions can assist to control the use and management of the development.

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

The Council has a number of options available to it, which are discussed below:

1. *Not approve the proposal*

The Council can choose to not approve the application and advise the proponent giving reasons. If this option were chosen, the multi-purpose building would not be able to be constructed.

2. *Approve the proposal*

The Council can choose to approve the application, with or without conditions. If this option were chosen, the development can proceed subject to gaining a Building Permit.

3. *Defer the proposal*

The Council can choose to defer the matter and seek additional information from the applicant before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the local government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 - the processing of the Development Application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the provisions of the Act and Regulations.

The school is reserved as 'Public Purposes' under the *Shire of Kojonup Town Planning Scheme No. 3*. It is not standard to reserve land in a Scheme which is privately owned.

Clause 2.3.2 of the Scheme states 'The objectives for land shown as Public Purposes on the Scheme Map are:

- (a) To protect areas already set aside for public purposes by Crown Reserves.
- (b) To enable the Council to control development in public purpose reserves.'

Significantly, there are compensation implications if Council refuses planning consent on land reserved in the Scheme.

Attachment 9.2.3.2 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making Ineffective monitoring of changes to legislation	Professional accreditation / certification maintained	Nil
6 – Engagement	Inadequate documentation or procedures	Public notices / local papers / website communication	Nil
7 – Environment	Inadequate local laws / planning schemes	Environmental management compliance	Nil
8 – Errors, Omissions and Delays	Complex legislation Incorrect information	Development Approval performance report	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
Applicants need to ensure that Development Applications accord with the intent of the Shire of Kojonup Planning Scheme. Council in assessing applications needs to adopt a similar approach that reflects present and future requirements without compromising amenity or establishing precedents.			

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

74/24 Moved Cr Mathwin

Seconded Cr Wieringa

That Council grant Development Approval for a multi-purpose building at Lot 3 on Diagram 14796 (No. 11) Kojonup-Katanning Road, Kojonup, subject to the following conditions:

1. The development hereby approved must be carried out in accordance with the submitted plans and specifications (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. The provision of details with the Building Permit application as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that all stormwater from the building and other impervious areas are collected and detained on site to the satisfaction of the local government prior to occupation. Connection to the Shire's drainage system is at the applicant/owner's cost to the specification and satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
3. The development is connected to the reticulated water system prior to occupation.
4. The development is connected to the reticulated sewerage system prior to occupation.
5. A Bushfire Attack Level Assessment is to be submitted with the Building Permit Application. The development is to be constructed in accordance with *AS3959 Construction of Buildings in Bushfire Prone Areas*. The Asset Protection Zone is to be permanently maintained around the building in accordance with the Bushfire Attack Level assessment.
6. A Bushfire Emergency Evacuation Plan is to be prepared and/or updated to the satisfaction of the local government and then implemented prior to occupation. All measures contained in the Plan are to be maintained to the satisfaction of the local government. The Bushfire Emergency Evacuation Plan is to be prominently displayed at all times in the approved building.

Advice:

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) Attention is drawn to the need to comply with the requirements of Part D3 of the *Building Code of Australia – Access for People with Disabilities*, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.
- C) The applicant is advised that the approved development must comply with all relevant provisions of the of the *Public Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911*, the *Shire of Kojonup Health Local Law* and the *Building Code of Australia*.
- D) Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.
- E) The development may be impacted by road and rail noise as set out in *State Planning Policy 5.4 Road and Rail Noise* which is outlined at <https://www.wa.gov.au/government/publications/state-planning-policy-54-road-and-rail-noise>. You may wish to consider mitigation measures to minimise noise impacts.
- F) If the applicant 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 made within 28 days of the determination.

CARRIED 7/0

For: Cr Bilney, Cr Wieringa, Cr Radford, Cr Webb, Cr Egerton-Warburton, Cr Mathwin, Cr Mickle

9.3 KEY PILLAR ‘VISITATION’ REPORTS

9.4 KEY PILLAR ‘PERFORMANCE’ REPORTS

10 APPLICATIONS FOR LEAVE OF ABSENCE

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE
MEETING

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.50pm.

16 **ATTACHMENTS (SEPARATE)**
 (USC – Under Separate Cover)

- | | | |
|-------|---------|---|
| 9.2.1 | 9.2.1.1 | Location plan |
| | 9.2.1.2 | Plans and information from applicant |
| | 9.2.1.3 | Extract from Planning and Development
(Local Planning Scheme) Regulations
2015 |
| 9.2.2 | 9.2.2.1 | 022b Draft Letter to Feds re Live Sheep
Exports 4 June'24 |
| | 9.2.2.2 | 023 Submission House of Reps Standing
Committee 11 June'24 |
| | 9.2.2.3 | 009c Econisis Report - Upper Great
Southern Live Sheep Impact FINAL (005) |
| 9.2.3 | 9.2.3.1 | Plans and letter from applicant |
| | 9.2.3.2 | Extract from <i>Planning and Development
(Local Planning Scheme) Regulations
2015</i> |