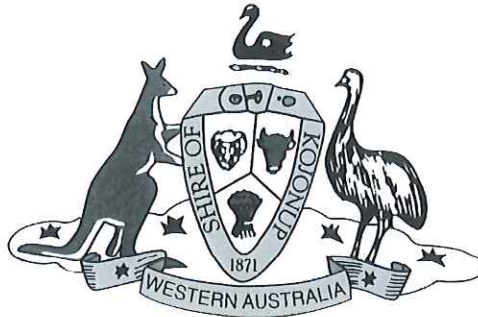


SHIRE OF KOJONUP



Council Agenda

15th September 2015

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 15th September 2015 commencing at 3:00pm.

Qualified Persons Advice etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.

A handwritten signature in blue ink, appearing to read 'Rick Mitchell-Collins', written over a horizontal dotted line.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

9 September 2015

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 15th September 2015****TABLE OF CONTENTS**

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A G E N D A

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

The Shire President shall declare the meeting open and alert 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**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Ian Pedler	
Cr Jane Trethowan	
Cr John Benn	
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory Services
Mr Craig McVee	Manager of Works & Services
Mrs Susan Northover	Manager of Aged Care Services
Ms Zahra Shirazee	Manager, Community Development & Tourism
Miss Miranda Wallace	Executive Assistant
Miss Dominique Hodge	Records Officer
Mrs Michelle Dennis	Development Services Coordinator
Mr Phil Shephard	Town Planner

APOLOGIES

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

Nil

4 **PUBLIC QUESTION TIME**

5 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

6 **APPLICATIONS FOR LEAVE OF ABSENCE**

7 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 18th August 2015

COUNCIL DECISION

/15 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 18th August 2015 be confirmed as a true record.

CARRIED/LOST /

8 **ANNOUNCEMENTS** by the Presiding Member without discussion

Thank you from the Shire President to Cr Jane Trethowan for serving the Kojonup Community from 2003 - 2015.

Best wishes to Cr's Benn, Mathwin & Pedler whose four year term is coming to an end.

9 DECLARATIONS OF INTEREST

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Anthony Middleton – Manager of Corporate Services
DATE: Monday, 7 September 2015
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 August 2015.

BACKGROUND

In addition to good governance, the presentation to the Council of monthly financial reports is a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

COMMENT

The attached Statement of Financial Activity for the period 1 July 2015 to 31 August 2015 represents two (2) months, or 17% of the year. The following items are worthy of noting:

- Surplus position of \$3.98m;
- Operating results:
 - 48% of budgeted operating revenue received (rates raised and some significant grants invoiced); and
 - 14% of budgeted operating expenditure spent (excludes depreciation);
- Capital expenditure achieved 5% of budgeted projects;
- The value of outstanding rates equates to 24.3% of 2015/2016 rates raised, which includes instalments 2, 3 & 4, previous years arrears but excludes deferred rates (refer to page 17);
- Cash holdings of \$7.2m of which \$3.6m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This item reports on the current financial position of the Shire. The recommendation does not in itself have a financial implication.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013-2023 Focus Area 1 - Being Well Governed

Corporate Business Plan 2013-2017

Strategy 1.1.2 Maintain a structured forward planning process in accordance with legislation and community aspirations

Strategy 1.1.4 Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for this report.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2015 to 31 August 2015, as attached, be noted.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Brodie Potter – Finance Officer
DATE: Wednesday, 2 September 2015
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/08/2015 – 31/08/2015

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the period 1st August 2015 – 31st August 2015.

BACKGROUND

Not applicable.

COMMENT

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

In accordance with the previous briefing session any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services via email prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

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 1/08/2015 to 31/08/2015 comprising of Municipal Cheques 13492 - 13507, EFT's 14491 - 14610 and Direct Debits 17959 – 17990.1 totalling \$931,599.87 and as attached to this agenda, be received.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

11 WORKS & SERVICES REPORTS

Nil

12 REGULATORY SERVICES REPORTS**12.1 REQUEST FOR CONSIDERATION OF ROAD CLOSURE**

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 4 September 2015
FILE NO: RO.RDC.2; A20586
ATTACHMENT: [12.1.1 Request from proponent \(including plan\)](#)
[12.1.2 General area plan \(Map from Landgate\)](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the formal closure of an unmade, unnamed road that traverses Lot 11 on Plan 23562; part of the farm referred to as “Cheviot Hills”.

BACKGROUND

The Shire is in receipt of a request from the landowner and potential developer of Lot 11 Albany Highway (copy attached) requesting the Shire’s consideration for the formal closure of the unmade, unnamed road that traverses the lot. They have indicated their willingness to purchase the resultant land and have it amalgamated into Lot 11.

Road closures are a statutory process prescribed by the *Land Administration Act 1997* and Regulations. Road closures are carried out by the Department of Lands at the request of Local Authorities. The Act prescribes that Council must first agree to consider the formal road closure, advertise the proposal and consider all submissions prior to making a formal request to the Department. Public utility providers are also required to be informed of the proposal and be provided with an opportunity to comment prior to a request for formal road closure being made.

COMMENT

Lots 11, 7066 and 7417 are currently in common ownership. This unmade, unnamed road traverses Lot 11 from Crapella Road at the North and may provide access to Lots 7066 and 7417 (see attachment 12.1.2) to the South if it were to be constructed. Lot 7066 currently has direct access to Albany Highway and Lot 7417 is also served by another unmade, unnamed road that eventually terminates at Isaksen Road. Isaksen Road is currently constructed North from Cherry Tree Pool Road, along the Western boundary of the land parcel noted as 643 on the attachment.

As none of the lots appear to be “landlocked”, it is recommended that the Shire commence the necessary consultation to close the road.

The outcome of the consultation will be the subject of a further report to Council.

CONSULTATION

Phil Shephard, Town Planner
Shannon Alford, Department of Lands

STATUTORY REQUIREMENTS

Land Administration Act 1997

POLICY IMPLICATIONS

Nil - There are no policies within the existing Policy Manual that relate to requests for road closures.

FINANCIAL IMPLICATIONS

There are provisions within the current budget that will be used to carry out the requisite advertising and consultation.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

Consolidation of unmade road reserves and unused Crown Land enables the land to be made available for private land uses

RISK MANAGEMENT IMPLICATIONS

Nil identified within the Risk Management Plan for this first step of the process. There are potential financial risks should the matter proceed but not be finalized.

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil. This road reserve is currently unmade and unnamed so is not currently included on the Shire's Road list.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council agree to initiate the road closure process for closure of the unmade, unnamed road reserve across Lot 11 on Plan 23562 and instructs the Chief Executive Officer to undertake the requisite advertising of same.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



12 August 2015

By email and post:
Mr Rick Mitchell-Collins
Chief Executive Officer
Shire of Kojonup
ceo@kojonup.wa.gov.au
Shire of Kojonup
PO Box 163
Kojonup WA 6395

Dear Sir

**Closure of unmade, unnamed road across Lot 11 on
Plan 23562 (Cheviot Farm)**

We refer to an email sent by Andrew Rado to Michelle Dennis on 17 July and our previous discussions about whether the road that runs through Lot 11 on Cheviot Farm in a north south direction (see **attached** map) could be closed and amalgamated into Lot 11.

We understand that the road in question has been dedicated or reserved for public use and that the Shire must follow the process in section 58 of the *Land Administration Act 1997 (WA)*, if it is willing to close the road.

The intention of this letter is to request confirmation from the Shire of Kojonup, whether it is willing to consider closure of the road and pursue the process in section 58.

The road in question is inconveniently located through the centre of Lot 11 and may create problems for the location of current and future proposals to develop the site.

We are not aware of any reason why the road should not be closed. The road is unnamed, unmade and does not provide the only access to any land parcel – as indicated on the attached map, there is another road accessing Southern Lake (Lot 7417) and multiple other ways to access Crapella Road. No land parcel will be left land-locked if the road is closed. Furthermore, we are not aware of any



landowner who would suffer detriment to the value or utility of their land parcel if the road were to be closed.

If the road is closed, we would seek to purchase the land so that it can be amalgamated into Lot 11.

We look forward to hearing from you at your earliest convenience.

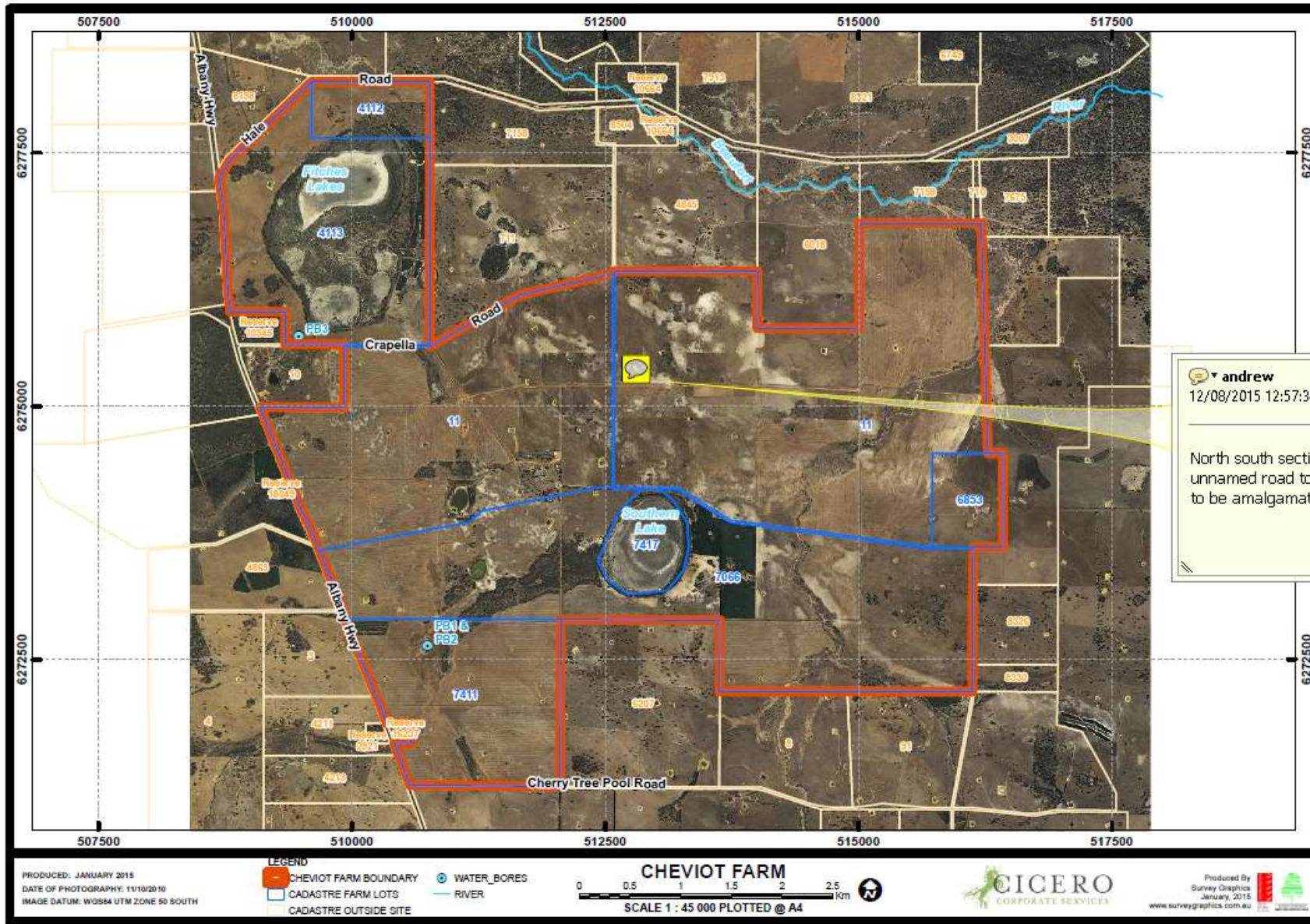
Yours faithfully




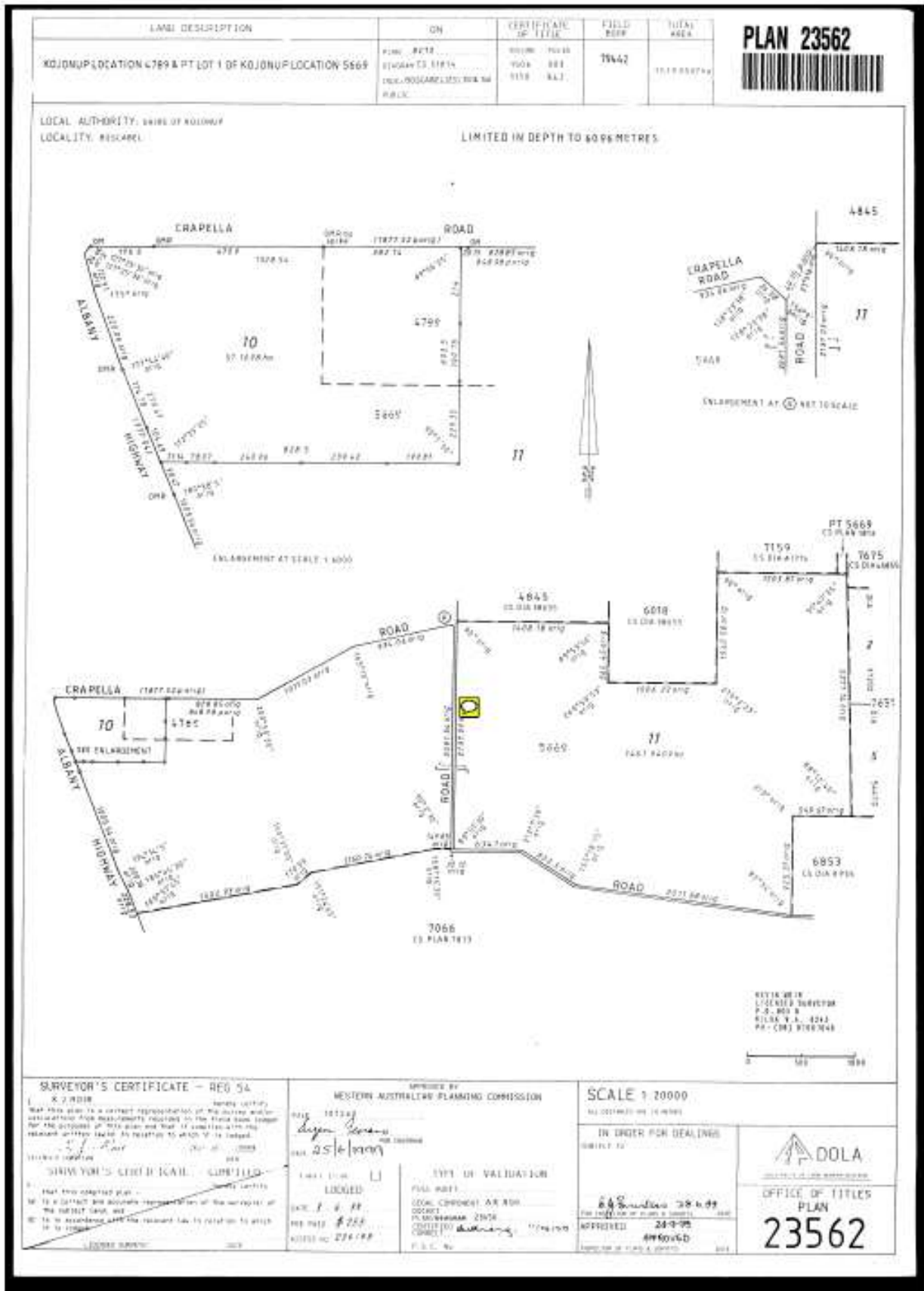
Mathew Walker
Stone Axe Pastoral Company



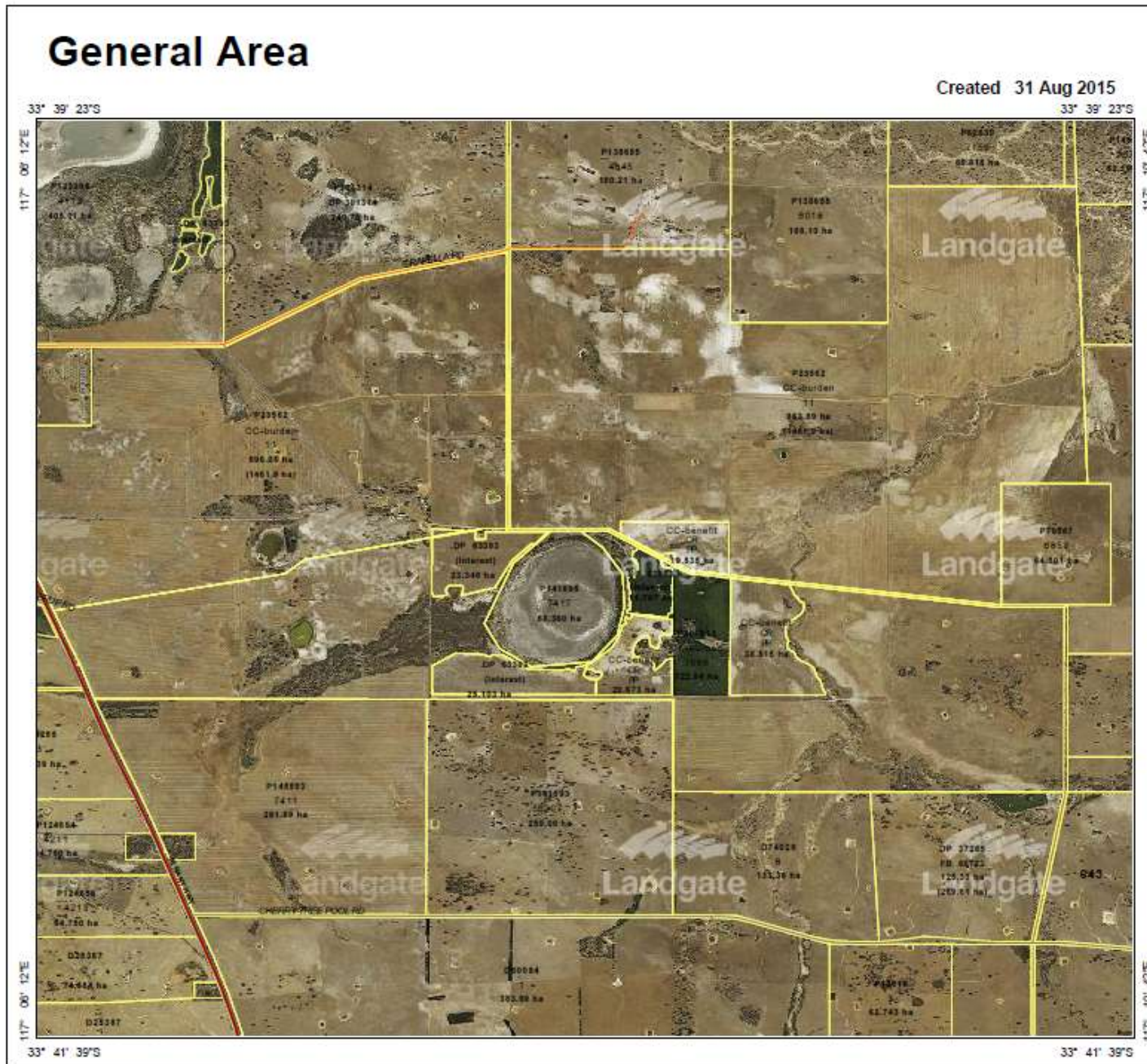
Michael Shields
Owner of Chevlot Farm



 **andrew**
 12/08/2015 12:57:34 PM
 North south section of the unmade, unnamed road to be closed and the land to be amalgamated into Lot 11.



LANDGATE COPY OF ORIGINAL NOT TO SCALE Tue Dec 24 10:00:55 2013 JOB 43563936



Scale: 1:34,664

Description

Crapella Road
Cherry Tree Pool Road

Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia
1994

1 Midland Square
Midland WA 6056
(08) 9273 7341
customerservice@landgate.wa.gov.au
www.landgate.wa.gov.au



© Western Australian Land Information Authority 2007

12.2 PROPOSED PIGGERY EXPANSION – CONSIDERATION UNDER *SHIRE OF KOJONUP HEALTH LOCAL-LAWS 2000*

AUTHOR: Michelle Dennis – Development Services Coordinator
 DATE: Friday, 4 September 2015
 FILE NO: DB.BDA.8
 ATTACHMENT: [12.2.1 Site Plan General Layout](#)
[12.2.2 Department of Health correspondence \(ICR20282\)](#)
[12.2.3 Waste Treatment Flow Chart](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the proposed piggery expansion with reference to the *Shire of Kojonup Health Local-Laws 2000*.

BACKGROUND

The Shire is in receipt of a development application for a proposed expansion of the existing piggery located at Lot 10 Crapella Road, Boscabel. The expansion includes new piggery sheds, a feed mill, a waste water treatment plant and associated evaporation ponds as illustrated in the site plan attached (Attachment 12.2.1). As the estimated cost of development exceeds the threshold prescribed by the *Planning and Development (Development Assessment Panels) Regulations 2011*, the development application cannot be determined by a local government. The proposal was considered and conditionally approved by the Southern Joint Development Assessment Panel on the 10 August 2015, with minutes of this meeting available from: <http://www.planning.wa.gov.au/7906.asp>.

In addition to consideration of the development under planning legislation there exist Health regulations for consideration by local government. The *Piggeries Regulations 1952* prescribe areas of local governments where piggeries are required to be registered, prior to operating. In the case of Kojonup, registration is required where piggeries are to be located:

1. Within the Kojonup townsite "...and all that land contained within a strip 4 kilometres wide surrounding and contiguous to the boundary of the Kojonup townsite".
2. Townsite of Muradup

The *Piggeries Regulations 1952* are not considered to be applicable to this application as the piggery is located approximately 18 kilometres North of the Kojonup townsite.

Section 5.6.2 of the *Shire of Kojonup Health Local-Laws 2000* (Local Laws) state: "No premises shall be used as a piggery unless approved by Council". The Local Laws contain separation requirements (i.e. set back distances) or buffer distances to which variations can be approved subject to Council being satisfied "...that approving the piggery will not give rise to a health nuisance". This application is being referred to Council under the Local Laws as the proposed separation distances do not meet those prescribed by the Local Laws.

COMMENT

At its Ordinary meeting on 21 February 2012 Council considered an application for a refurbishment of the existing premises. This included consideration of reduced buffer distances as outlined below:

Buffer	Distance	Comment
Townsite boundaries	5, 000m	Piggery achieves buffer
Isolated rural dwellings, dairies and industries	1, 000m	Piggery achieves buffer
Public roads and recreation areas	100m	Piggery does not achieve buffer [is approximately 50m from Crapella Road]

Neighbouring rural property boundaries	50m	Piggery does not achieve buffer [is approximately 45m]
Major watercourse and water impoundments	300m	Piggery achieves buffer
Bores, wells or soaks used for drinking, stock or irrigation	300m	Piggery achieves buffer
Minor watercourses	100m	Piggery achieves buffer

Table 1 – Buffer Distances February 2012 report

At this meeting Council resolved:

That Council, in accordance with the Shire of Kojonup Health Local Law 2000, approve the Piggery on Lot 10 Crapella Road, Boscabel including the reduced buffer distances to Crapella Road and neighbouring property boundary as outlined in this report.

Council considered a further application in June 2013 for new Eco-shelters with a reduced buffer to a bore. At this meeting Council resolved

“... in accordance with the Shire of Kojonup Health Local Law 2000, approve the piggery on Lot 10 Crapella Road Boscabel including the reduced buffer distance of 251m to the stock watering bores on the property”.

Both decisions were linked to a planning determination that required a site management plan to be developed and landscaping between the development and the property boundaries.

As this new proposal relates to what is defined under the Local Laws as an “intensive piggery” i.e. where “pigs are housed, fed and watered in breeding and growing pens in sheds”, Table 3 of the Local Laws require the following minimum separation distances from every portion of a piggery to be achieved.

Buffer	Distance	Comment
Townsite boundaries	5, 000m	Piggery achieves buffer as it is located approximately 18km from the Kojonup townsite
Isolated rural dwellings, dairies and industries	300m	Piggery achieves buffer; excluding houses located on the farm
Public roads and recreation areas	200m	The piggery is setback approximately 50 from Crapella Road. All new development associated with this proposed expansion will be located further from Crapella Road. There is therefore no change to this setback distance as considered by Council in 2012
Neighbouring rural property boundaries	50m	Piggery does not achieve buffer. The existing infrastructure of the piggery is approximately 45m from the property boundaries. The new development associated with this proposed expansion includes new silos and a feed mill as well as an evaporation pond for liquid waste from the Waste Treatment Plant that will be within 50m of the neighbouring property boundary
Surface water supply catchments	Not permitted	Not applicable
Water courses/rural water impoundments	300m	Not applicable
Bores, wells or soaks used for drinking water supplies	300m	Not applicable. However Council considered a reduced setback of 251m in June 2013
Stock irrigation supply	100m	Piggery achieves buffer

The above Table identifies that the piggery does not meet the minimum setback distance to the neighbouring property. Council is able to vary these distances provided it is satisfied that approval “will not give rise to a health nuisance”. To ensure that all potential health issues were identified the proposal was referred to the Department of Health for comment. A copy of the Department’s response is attached (Attachment 12.2.2) and the three potential items of concern are considered below.

- “How are emissions for the bio digester going to be managed/treated?”

The waste receiving area for the waste treatment plant (also termed an “anaerobic digester” or “digester”) is open. As outlined in the flow chart (Attachment 12.2.3) this receives spent deep litter, liquid effluent from the proposed new sheds (automatically) and mortalities from within the farm. Information from the applicant indicates that the digester is to be run by software that draws on this tank constantly (termed a “feeder tank”), limiting the time and therefore the odour potential from this area of the operations.

Software is also used to monitor the temperature of the plant that assists to achieve optimum gas production. As this waste treatment plant will be the first in Western Australia (and the third installed in Australia) the company that has been engaged to install the plant has developed a working relationship with Murdoch University who will provide research assistance to the project and periodically monitor the systems function.

Methane produced through the digester is colourless and odourless and if not managed can be dangerous for workers and visitors to the site. The applicant has a duty of care under the *Occupational Safety and Health Act 1984* to provide a safe working environment and it is therefore considered that risks from the gases will be effectively managed.

Discussions with Dr Stephan Tait, Research Fellow from the Advanced Water Management Centre at the University of Queensland, identifies that the key to reducing odour and therefore managing emissions is an efficient maintenance and operation system for the digester. As pigs are particularly sensitive to changes in environment and given the proximity of the worker’s accommodation to the operational piggery, it is considered that the applicant will ensure that this system is managed well to reduce localized impacts thereby reducing the potential for offsite impacts. As the piggery will rely on the production of gas for electricity, the applicant is further encouraged to ensure optimal operation of the digester.

- “Has a pest management plan been developed?”

As part of the farm’s quality assurance system, rats and mice are routinely managed. When flies become an issue, the farm is treated. The farm has not had any issues with stable fly since operation.

- “Wastes (post bio digester) – what or how is it going to be used/disposed and what management plans are in place to address any adverse health impacts?”

The waste treatment plant produces gas, separated pressed manure and treated liquid. The gas will be used to fire generators and produce electricity for use on farm. If surplus, it will be dispensed via a flare. The pressed manure will be stored within a concrete bund until disposal offsite and the liquid waste will be discharged to a large evaporation pond.

There are over 77 malodourous compounds found in pig manure. Information from the applicant as well as various university papers suggest that the resultant solid waste through an anaerobic digester has a reduced organic load that is stabilized and can result in a 79% reduction of odour emission than un-digested waste. Data in a paper by Wilkie¹ indicates that “Being a completely closed system, an anaerobic digester allows more complete digestion of the odourous organic intermediates found in stored manure to less offensive compounds”.

As the liquid evaporation ponds will have a reduced setback (i.e. 30m) Dr Stephen Tait was asked to provide information on the likely quality of the liquid effluent (or filtrate). Dr Tait provided the following:

Data in the paper by Hansen et al. clearly suggests that anaerobic digestion reduces odour potential and that the filtrate from a subsequent solid-liquid separation step of the digestate has even less odour potential.

However, a couple of important qualifiers, the study did add a small percentage 3% of other industrial wastes with the pig manure being digested (should have minimal effect), and also, the solid-liquid separation was performed with a decanter-centrifuge which may perform differently (in terms of odour potential) than other solid-liquid separation techniques.

While this method of waste treatment is new to WA, the applicant has indicated a considerable financial level of commitment to ensure efficient operations on site, without detrimentally affecting their stock's health or worker's amenity.

Should the liquid effluent prove to be odourous, there are products that can be used, similar to what the Shire has used previously at the Turkey Nest Dam, to treat the odour. The reduced neighbour property boundary setback to the evaporation pond is therefore supported.

- Other potential health effects eg noise and dust

The proposed feed mill and silos will also be located within 50m of the neighboring property boundary. As the feed mill will be contained within an enclosed shed, dust and noise should be largely contained. Dust from access tracks throughout the farm can be managed by utilizing collected stormwater and this contingency measure is already included in the Environmental Management Plan submitted as part of the planning application for this development. The reduced setback to the feed mill and silos are therefore supported.

CONSULTATION

Phil Shephard, Town Planner

Mort Wignall, Manager of Regulatory Services

Torben Soerensen, Managing Director, GD Pork

Terrel MacGregor, Licensing Officer, Licensing and Approvals, Department of Environment Regulation

Patrick Page, Senior Development Officer, Department of Agriculture and Food

Janine Price, Australian Pork Limited Manager, Environment and Climate Change – Research and Innovation

Dr Stephan Tait, Research Fellow, Advanced Water Management Centre, University of Queensland

Vic Andrich, Scientific Officer, Department of Health

¹ Wilkie, A (2000). *Anaerobic digestion: Holistic bioprocessing of animal manures*, Proceedings of the Animal Residuals Management Conference, p.1-12

STATUTORY REQUIREMENTS

Piggeries Regulations 1952

Shire of Kojonup Health Local-Laws 2000

Planning and Development Act 2005 and Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

This proposed expansion has the potential to create additional employment within the Shire of Kojonup.

RISK MANAGEMENT IMPLICATIONS

This proposal also requires approval by the Department of Environment Regulation, reducing the Shire's risk somewhat as the applicant is required to meet additional statutory requirements.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council, in accordance with the *Shire of Kojonup Health Local-Laws 2000*, approve the proposed piggery expansion at Lot 10 Crapella Road, Boscabel including the reduced neighbouring rural property boundaries to the proposed liquid waste evaporation pond and new silos and feed mill as identified on the “Site Plan General Layout” plan dated January 2015.

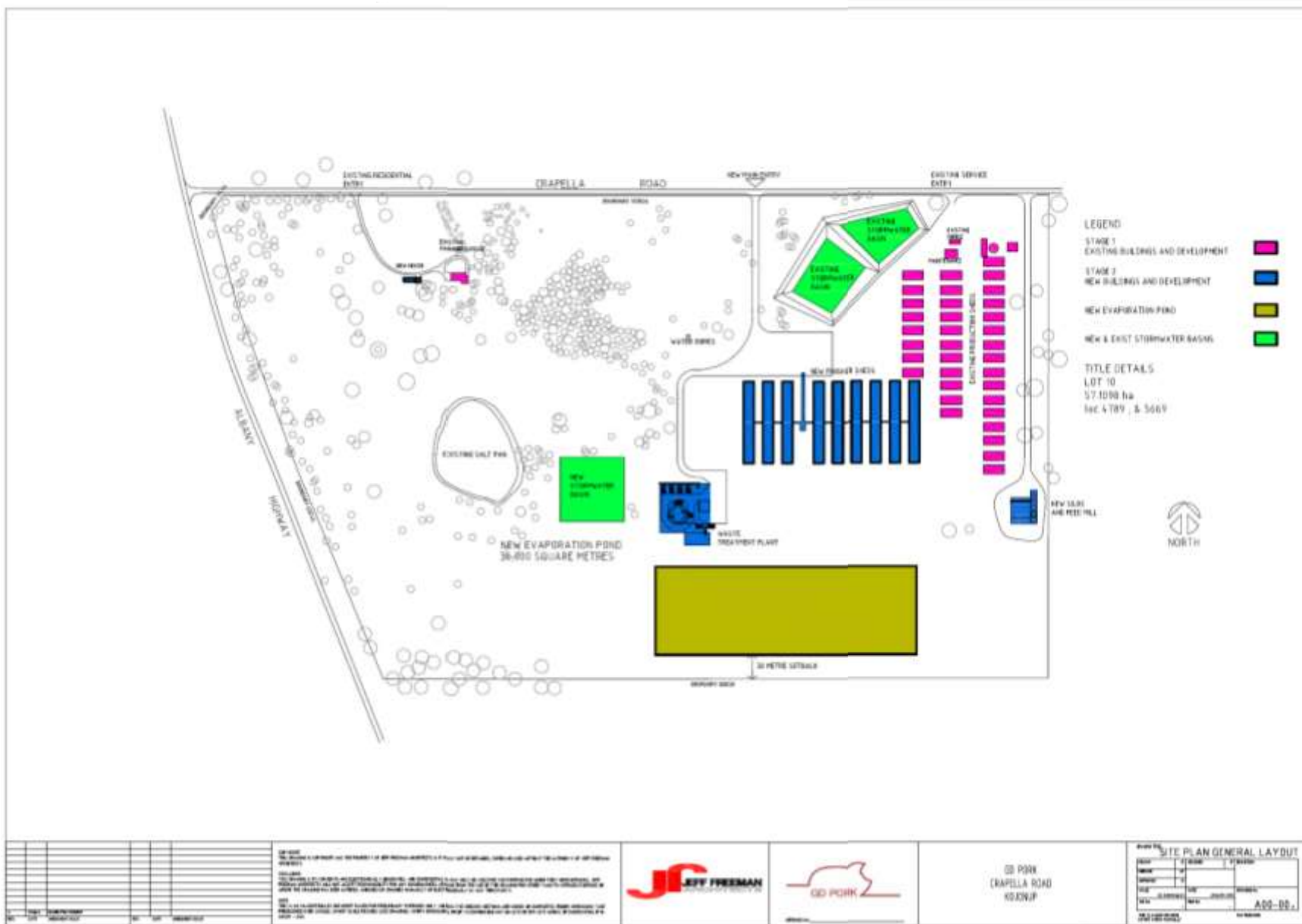
COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



26 AUG 2015



Government of Western Australia
Department of Health

Your Ref: GD Pork – Piggery Expansion
Our Ref: EHB-02788 EHB15/1537
Contact: Vic Andrich
Phone: 9388 4978

ICR 20282

SHIRE OF KOJONUP				
FILE:	DB BDA 8			
GEO	EC or HC	NFA	MCS	APCS
AGE	SFO	WM	CDPO	IB
NISM	SHW	PLAN	DSC ✓	

Mr Rick Mitchell-Collins
Chief Executive Officer
Shire of Kojonup
PO Box 163
KOJONUP WA 6395

Attention: Ms Michelle Dennis, Development Services Coordinator

Dear Mr Mitchell-Collins

PROPOSED PIGGERY EXPANSION – GD PORK KOJONUP

Thank you for your correspondence dated 3 August 2015 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

The Shire of Kojonup should use this opportunity to request and approved management plans to address potential negative impacts of the expansion such as noise, odour, light and other associated activities.

Potential issues of concern are:

- How are emissions from the bio digester going to be managed/treated?
- Has a pest management plan been developed?
- Wastes (post bio digester) – what or how is it going to be used/disposed and what management plans are in place to address any adverse health impacts.

The proposal should also be referred to the Department of Agriculture and Food (Mr Ian McPharlin) in relation to stable fly management.

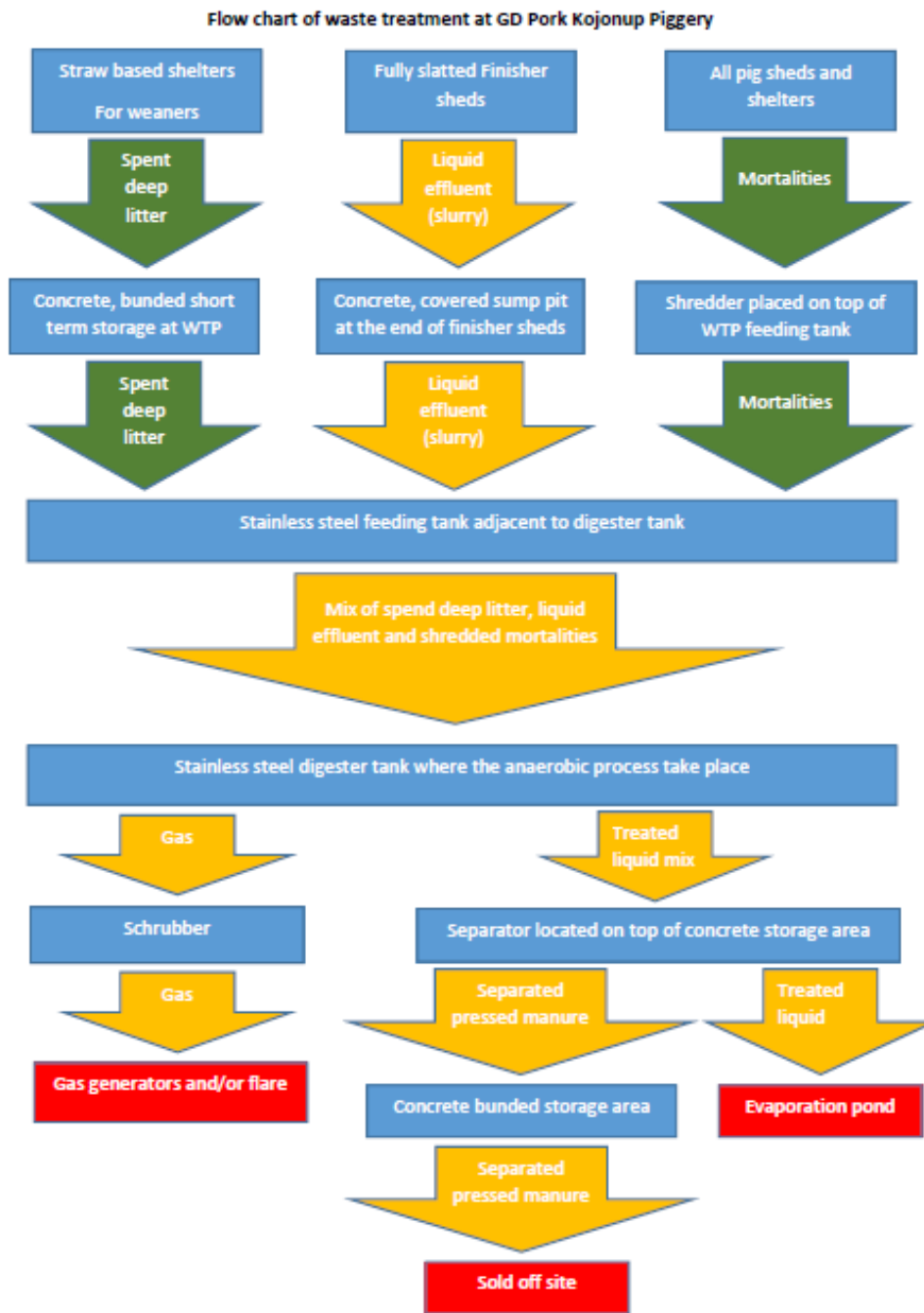
Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely

Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

20 August 2015

Environmental Health
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
wa.gov.au
28 684 750 332



Blue Box: Fully contained vessel, Red Box: Final termination point for treated waste
 Green Arrow: Indicates moved with a loader, Orange Arrow: Indicates moved by pumping

12.3 REQUEST FOR EXTENSION OF PLANNING CONSENT APPROVAL PERIOD – MOONIES HILL ENERGY PTY LTD

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 3 September 2015
FILE NO: DB.BDA.8
ATTACHMENT: 12.3 Application Letter

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the request to extend the planning consent for the approved windfarm for an additional 4-years until December 2019.

The recommendation is to grant the extension.

BACKGROUND

The windfarm was originally approved by Council at a Special Council Meeting held on the 23rd November 2011 with planning approval granted for a 4-year period up until 21 December 2015.

COUNCIL DECISION

109/11 MOVED Cr Benn seconded Cr Mathwin that Council approve the development of the Moonies Hill Energy Pty Ltd wind farm on those locations within the Shire of Kojonup shown within the attached Development Area plan subject to the following conditions:

- i) This approval is for an overall development area within which the final detailed design and wind turbine siting will be completed. The final micro-siting of the wind turbines shall ensure that the altered site does not increase any impacts (in particular the noise levels) from those levels identified within the proponents reports at all times for adjoining properties not comprising part of the development area.**
- ii) The proponents providing detailed plans of the development area (including turbines (maximum of 30), crane hardstand areas, cabling, fencing, access/egress points and service roads and ancillary temporary or permanent buildings, concrete batching plant, construction compounds/materials storage, car parking areas, fire fighting equipment, water tanks, security lighting, landscaping/screening, directional/safety signs etc.) for endorsement by the Chief Executive Officer. The development shall comply with the detailed plans endorsed by the Chief Executive Officer. Minor modifications to the endorsed plans shall only be permitted where the modification is consistent with the terms of this approval and the proposed modification is ancillary or incidental to the operation and approved by the Chief Executive Officer.**
- iii) The maximum height of the turbines must not exceed:**
 - 140m, relying upon the Landscape and Visual Assessment Report lodged with the application; or**
 - 150m, after the lodgement of an updated Landscape and Visual Report, to be approved by the Chief Executive Officer.**
- iv) The transformer associated with each turbine shall be located beside each tower or enclosed within the tower.**
- v) The turbines and rotors to be constructed utilising light grey colour.**
- vi) The turbines towers to be fully enclosed (to prevent birds perching or nesting).**
- vii) The development (including turbines, cabling, fencing, access/egress points and service roads and ancillary buildings etc.) to be undertaken within existing cleared areas, unless it is demonstrated to the satisfaction of the Chief Executive**

- Officer that it is impracticable to do so. Impracticable includes situations where locating the development in a cleared area may impact adversely on noise requirements, landscape values, or the technical performance of the infrastructure.**
- viii) **All service roads etc to be located, designed, constructed and drained to minimise impact on local drainage systems, landscape and farming activities.**
- ix) **Electricity reticulation/transmission powerlines:**
- **Between groups of turbine towers (called “gangs”) shall be placed underground, unless it is demonstrated to the satisfaction of the Chief Executive Officer that it is impracticable to do so;**
 - **Between the “gangs”, preferably underground, but over-head in circumstances where it is impracticable or uneconomical to install underground. Details to be provided in the detailed plans in condition ii;**
 - **Shall not be placed on or over land outside the development area without the permission of that land owner.**
- x) **The assessment of compliance with noise standards in relation to this approval was based upon the use of the Vestas V100 1.8MW wind turbine. Where use of an alternative turbine is proposed, a revised Noise Impact report assessing the noise impact of the proposed alternative turbine shall be submitted to the Chief Executive Officer to confirm compliance with condition xi can be met. If the proposed alternative turbine is likely to exceed the assessed noise levels for the Vestas V100 1.8MW wind turbine, the alternative turbines shall be relocated within the approved development area to reduce the noise impact to comply with condition xi.**
- xi) **The operator shall ensure that the operation of the wind farm complies with the following noise levels at noise sensitive buildings as follows:**
- **Will not exceed 40dB(A); or**
 - **Will not exceed the background noise ($L_{A90, 10\text{minutes}}$) by more than 5dB(A), which ever is greater.**
- xii) **The operator shall submit an acoustic compliance report prepared by a suitably qualified and independent acoustic engineer to demonstrate compliance with noise limits specified in condition xiii) as follows:**
- **Within 3-months of operating each gang of turbines; and**
 - **12-months from commencing full operations;**
 - **At any other time where complaints are received and are considered by Council to warrant the preparation of a report.**
- Acoustic testing will take place at the relevant noise-sensitive building. That is, the noise sensitive building shown in the Herring Storer Report as being most likely to be affected in dot points 1 and 2, and the location of the complaint in dot point 3.**
- xiii) **The preparation, to the satisfaction of the Chief Executive Officer, and implementation of a satisfactory documented complaint receipt and resolution procedure during the operation of the wind farm. The complaint receipt and resolution procedure shall require the Shire to be advised of all complaints received, investigation process, communications with complainant and the measures in place to respond to the complaint/breach in an expeditious manner. Where, in the opinion of the Council, a complaint/breach is not resolved in a satisfactory manner, the Council may require an independent review of the process to be completed at the operator’s cost to arbitrate the matter.**
- xiv) **The proponents to implement the recommendations from the ‘Flat Rocks Wind Farm Landscape and Visual Assessment’ report to the satisfaction of the Shire. The report will be required to be modified to incorporate any changes to the siting greater than 100 metres and the location of the sub station.**
- xv) **The turbines to be unlit (unless required to comply with CASA regulations or the recommendations of the proponents risk management strategy).**

- xvi) The proponents to advise CASA, Airservices Australia, RFDS and the Royal Australian Air Force of the turbines construction to be included on aeronautical charts.
- xvii) The proponents to advise (in writing) all known private airstrip owners within 20km of any wind turbine and known aerial agricultural operators (including the Aerial Agriculture Association of Australia) of the construction of the wind farm including timeframe for construction and tower/rotor height to assist flight planning.
- xviii) The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine plus 20 metres to any adjoining property boundary or road reserve.
- xix) The preparation of a Decommissioning Plan for the wind farm showing the proposed works or actions to be undertaken, together with applicable time schedules.
- xx) The preparation and implementation of a Fire Management Plan covering all stages of the wind farm development including pre-construction, construction, commissioning, operational and decommissioning phases, in consultation with the Fire and Emergency Services Authority and to the satisfaction of the Chief Executive Officer.
- xxi) The preparation and implementation of a Traffic Management Plan covering all stages of the wind farm development including construction, operational and decommissioning phases for the use of roads under the control of the Shire of Kojonup with any upgrading required to be funded by the proponents. The Plan shall be prepared in consultation with Main Roads WA, and to the satisfaction of the Chief Executive Officer of the Shire, and shall address haulage routes, inspections/maintenance program, heavy vehicle movements scheduling, speed limits, road upgrading requirements, use of escort vehicles, school bus routes and other relevant matters. The Proponents, prior to the commencement of constructions, are also required to provide a Road Condition Report (“pre-construction Road Condition Report”) , documenting the condition of the roads within the Shire of Kojonup which will be used to transport the infrastructure to the development area. After the transportation of the infrastructure is completed, the Proponents are required to provide a further road condition report (“post-construction Road Condition Report”). Where any damage to the roads has occurred which is attributable to the transportation of the infrastructure or construction vehicles, the Proponent is to make-good the roads to the condition outlined in the pre-construction Road Condition Report.
The Road Condition Report can be provided in stages which reflect the staging of the development.
- xxii) The preparation and implementation of a Site Management Plan to the satisfaction of the Shire, which shall require:
- Any imported fill used in construction and/or road works to be obtained from disease and weed free sources.
 - All stormwater to be disposed of on-site.
 - Dust and other construction impacts shall be effectively managed.
 - Weed infestations to be effectively treated.
- xxiii) The preparation and implementation of a Landscaping Plan for the operational buildings/car park areas, to the satisfaction of the Chief Executive Officer.
- xxiv) The proponents acknowledge in writing to the satisfaction of the Shire that they are responsible for the remedying of any electromagnetic interference to pre-construction quality of signals directly attributable to the operation of the wind farm.
- xxv) The proponents constructing a viewing area/platform and information/interpretative signage suitable for resident and visitor/tourist use at a turbine location to be agreed with the Shire.

- xxvi) **All habitable buildings shall require an adequate potable water supply and on-site effluent disposal system to be provided prior to the buildings being used.**
- xxvii) **Submission of plans for the proposed electricity substation and associated infrastructure to the satisfaction of the Chief Executive Officer ensuring:**
- **Minimum set back of 100 metres from the perimeter of the substation to the boundary of the location within the nominated development area.**
 - **Maximum height of the substation building and infrastructure within the substation area to be less than 20 metres, excluding masts, poles, or infrastructure required by a separate regulatory authority.**
 - **The area of the substation does not exceed 2 Hectares, with the area to include the substation, perimeter fencing and excluding fire breaks or vegetation buffer planting.**
 - **The substation will not exceed 150MW power transfer to the grid.**
- xxviii) **The development must be substantially commenced within 4 years of the date of the approval.**

Advice Notes:

- A1 The proponents are advised they should seek permission and/or a Clearing Permit from the Department of Environment and Conservation for any proposed clearing.*
- A2 The proponents are advised they are required to obtain approval from Main Roads WA for the transport of any oversized loads associated with the construction of the proposed wind farm on roads under their control such as Albany Highway.*
- A3 The construction of the wind turbines and other supporting infrastructure such as sub-station and operations buildings shall not commence until the necessary Building Licence has been issued.*
- A4 The use of the substation is ancillary to the wind farm development and should not be extended to electricity generators outside the Flat Rocks Wind Farm development area without the approval of Council.*

CARRIED 6/0

Following an approach from Moonies Hill to the Shire in August 2014 regarding the possibility of an extension to the approval period, a scheme amendment was completed in August 2015, including a number of updated standard provisions including one that would enable the Council to consider an extension to an existing approval.

COMMENT

Proposal

The Managing Director of Moonies Hill Energy Pty Ltd (Dr. Sarah Rankin) recently provided a briefing to Councillors regarding the progress made to date on developing the windfarm and to provide some background to the request for an extension.

The proponents have made solid progress through the financial and regulatory processes towards the construction of the windfarm and an extension is considered appropriate for an additional 4-years. Whilst the proposal has been refined and is likely to be smaller than originally proposed, none of the existing conditions of the approval are recommended to be changed.

TPS3 Scheme Controls

Clause 6.3.7 of TPS3 advises:

6.3.7 Term of Planning Consent

6.3.7.1 Where the local government grants Planning Consent for the development of land:

- (a) *The development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
- (b) *The approval lapses if the development has not substantially commenced before the expiration of that period.*
- 6.3.7.2 *A written request may be made to the local government for an extension of the term of Planning Consent at any time prior to the expiry of the approval period in clause 6.3.7.1.*

Alternate Options

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

- 1 *Not approve the extension*
The Council can choose to refuse to approve the extension and this would mean that the approval will lapse in December 2015. The proponents would then need to seek a new approval if they wanted to proceed with the windfarm.
- 2 *Approve the extension*
The Council can choose to approve the extension, with or without conditions.
- 3 *Defer the extension*
The Council can choose to defer the matter for a period of time and seek additional information, or seek public submissions, if deemed necessary to complete the assessment 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

Dr. Sarah Rankin (Managing Director of Moonies Hill Energy Pty Ltd) provided a briefing to Councillors on Tuesday 1 September 2015.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

Nil applicable.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant planning consent for the	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
extension to the planning approval period for the windfarm				application of resources. Grant the extension

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council pursuant to Clause 6.3.7 of Town Planning Scheme No. 3 grant a 4-year extension to the planning approval period for the Moonies Hill Energy Pty Ltd windfarm proposal until 21 December 2019 subject to the same conditions on the original planning approval determined by Council at its 23 November 2011 meeting.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



Moonies Hill Energy Pty Ltd
 78 Pensioner Road Kojonup WA 6395 E: info@mhenergy.com.au
 PO Box 151 Kojonup WA 6395 W: www.mhenergy.com.au

2 September 2015

Mr Rick Mitchell-Collins
 Chief Executive Officer
 Shire of Kojonup
 93-95 Albany Highway
 Kojonup WA 6395

Dear Rick

RE: Extension of current development approval for Flat Rocks Wind Farm

The Shire of Kojonup granted development approval for the Flat Rocks Wind Farm at a Special Council Meeting 23rd November 2011 with final confirmation received by Moonies Hill Energy Pty Ltd (MHE) on 20 December 2011. Planning approval was granted for the construction of up to 30 wind turbine generators and associated infrastructure within a period of 48 months of the approval. This translates to the requirement of substantial commencement before the 21 December 2015.

Since granting the development approval MHE has worked very hard to ensure that this time period could be met. However due to circumstances beyond the control of MHE, the project development has been delayed and as a result MHE would like to request an extension of the current development approval for an additional 4 year period with the same conditions.

Below I have outlined a brief explanation of events which have led to delays in the project;

- Delayed planning approval process in Shire of Broomehill-Tambellup;
 - MHE withdrew the Flat Rocks wind farm planning application in Broomehill-Tambellup (July 2011) when a conflict in Town Planning Scheme land use classification was identified
 - This action triggered the need for a scheme amendment process in Broomehill-Tambellup to allow re-lodgement of planning application – scheme amendment passed 31 May 2012
 - Joint Great Southern Development Assessment Panel (GSDAP) assessed and rejected planning application – no grounds given – 26 February 2013
 - MHE attended SAT proceedings with GSDAP requesting reconsideration of planning application – reconsideration meeting held 12 July 2013
 - GSDAP unanimously granted development approval for up to 44 wind turbines and associated infrastructure on 26 July 2013
- Federal Government review of the Renewable Energy Target (RET);
 - Despite an election promise to maintain the current RET, the Abbott Government called for a review and scrapping of the RET in February 2014
 - This created a significant level of uncertainty across the renewable energy industry which resulted in an Australia wide stalling of project finance negotiations
 - Since the renewed bipartisan support for the RET, project finance discussions have recommenced



Moonies Hill Energy Pty Ltd
78 Pensioner Road Kojonup WA 6395 E: info@mhenergy.com.au
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- WA State Government review of the WA Energy Market;
 - WA Energy Minister called for review of the WA Energy Market in March 2014 with possible reform to capacity market, management of the market and network access
 - The review created an additional level of uncertainty in the WA energy market and stalled power offtake negotiations and further confused project finance discussions
 - Western Power was forced to stall ongoing connection works due to uncertainty as to how a "new" WA electricity market would operate – ongoing connection path stalled
 - In July 2015 the connection process was reopened and a path to connection is now clear

MHE has worked tirelessly through this period of political and project uncertainty and is pleased to inform the Shire we have made excellent progress since the barriers have been removed. The board is now very confident of the project reaching financial close and bringing the Flat Rocks wind farm to fruition. It is hoped the Shire Council will continue to support the development of the Flat Rocks wind farm and the hard work undertaken to date by granting an extension to the current development approval with the same conditions and allow this exciting project to be realised.

Yours sincerely

Dr Sarah Rankin
Managing Director
Moonies Hill Energy Pty Ltd

12.4 PROPOSED SCHEME AMENDMENT FOR MATTHEWS TRANSPORT DEPOTS LOTS 1, 2, 3 & PORTION OF LOT 32 ALBANY HIGHWAY, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Wednesday, 2 September 2015
FILE NO: LP.PLN.11
ATTACHMENT: 12.4 Application Letter

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for a scheme amendment to add additional land to the transport depot and modify the Concept Site Plan for the property as set out in the attachments.

The recommendation is to support the preparation of a draft scheme amendment.

BACKGROUND

The proponents are purchasing some additional land (2,757m²) from the surrounding farm to the South and East of the existing yard for use within the approved transport depot.

The Shire has previously supported the subdivision in November 2014 and advised the WA Planning Commission that whilst it supported the proposal that portion of Lot 32 to be amalgamated into Lot 3, it is zoned Rural under the Shire's Town Planning Scheme No.3 (TPS3) and a transport depot is not permitted in the zone.

COMMENT

Present Zoning

Council is not able to approve any extension of the present transport depot use over the land being purchased unless a scheme amendment to enable the use has been prepared by the proponents and approved by the WA Planning Commission/Minister for Planning under the *Planning and Development Act 2005*.

Zoning Proposal

The proposed scheme amendment would include Lot 2 (which was the site of a now demolished residence) and the portion of Lot 32 mentioned above (see image below).



Additional areas for transport depot bordered in red (image Google earth)

The modifications to the Concept Site Plan include:

- Relocating the silos to the South of the property.
- Planting a buffer to the rural land to the South/East.
- Increase the width of the access point onto Albany Highway.
- Construct workers accommodation on Lot 2.
- Complete levelling of the site to the new boundaries.

The transport depot has been successfully operated by Matthews Transport for over 20-years and the proposed land additions are a modest expansion of the present activities. The existing land was included through a scheme amendment to TPS3 within Schedule VII Additional Uses to allow for the transport depot use in 2012 and no changes to the existing Special Conditions in TPS3 are recommended.

The amendment documents should include the additional land within the Additional Uses boundary and the modified Concept Site Plan should also be included to enable comments to be made on the future developments for the site.

New Scheme Amendment Rules

The State Government have recently introduced new *Planning and Development (Local Planning Schemes) Regulations 2015* that control planning instruments including scheme amendments (gazetted 25 August 2015) and commencing operation on 19 October 2015. The regulations introduce classes of scheme amendments including Basic, Standard and Complex that require different consultation processes/periods to be undertaken.

Staff expect that the proposed amendment will be determined as either a Standard or Complex amendment. This will need to be confirmed with the WA Planning Commission.

Alternate Options

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

1 *Not support the amendment*

The Council can choose to refuse to support the amendment. If this option was chosen, the amendment would not proceed and the transport depot use would be restricted to the existing approved areas.

2 *Support the amendment*

The Council can choose to support the proposed amendment and commence the process of preparing and advertising a draft amendment for submissions. At the completion of the advertising period, Council will need to consider any submissions received and resolve to seek final approval (with or without modifications), or not, from the WA Planning Commission/Minister for Planning.

3 *Defer the proposal*

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary, to complete the assessment before proceeding to make a decision.

CONSULTATION

If the amendment proceeds it will be referred to the Environmental Protection Authority for assessment and then advertised as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* either as a Standard amendment for 42-days or as a Complex amendment for 60-days.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Planning and Development (Local Planning Schemes) Regulations 2015 – control the preparation and administration of a scheme amendment to a local planning scheme.

Planning and Development Regulations 2009 – enables Council to recoup staff costs for administering the amendment process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant is required to pay \$88p/h for staff hours as set out in the adopted 2015/2016 Schedule of Fees and Charges used to administer the scheme amendment. By “administer” this means considering draft scheme amendment documents, advertising/referrals, considering submissions, reports to Council, liaison with WAPC, liaising with the proponent and executing the Scheme Amendment. Shire staff do not intend to prepare the Scheme Amendment document. If the proposal proceeds, staff will prepare an estimate for the proponent as required under the *Planning and Development Regulations 2009*.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not support the proposed scheme amendment and the transport depot cannot expand	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Support the preparation of a draft scheme amendment document

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) **Advise Matthews Transport that:**
 - (a) **It is supportive of a scheme amendment to include Lot 2 and Portion of Lot 32 into the Schedule VII Additional Uses in Town Planning Scheme No. 3 for transport depot use and modifications to the Concept Site Plan as proposed and request they prepare a draft scheme amendment document for formal consideration by Council.**
 - (b) **They will be required to pay the planning charges for administering the scheme amendment process as set out in the adopted 2015/2016 Schedule of Fees and Charges.**

- 2) **Direct the Chief Executive Officer to seek advice from the WA Planning Commission whether the proposed amendment is a standard or complex amendment.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

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Statewide Cartage Contractors
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28 JUL 2015

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Phone: (08) 98 311 021
Fax: (08) 98 311 496
Email: matthewstrans@wn.com.au

PO Box 38
Kojonup W A 6395

17th July 2015

Shire of Kojonup
PO Box 163
Kojonup W A 6395

ICR 2011

SHIRE OF KOJONUP				
FILE	LP.PLN.11			
ICPO	ICUP	ICM	ICMS	ICMS
ICM	ICPO	ICM	ICMS	ICM
ICM	ICM	PLAN	✓	

Re: Lots 1, 2 3 and new Subdivision at Albany Highway, Kojonup

Following on from our approval to use Lots 1 & 3 for Transport Depot in 2012 we now wish to have the following amended as per our updated concept Site Plan

We have purchased Lot 2 and demolished the residence.

We are in the process of purchasing a portion of Lot 32 to square up our existing property

We seek council approval to include Lot 2 and the addition to Lot 3 for use as a transport depot

As council would be aware we have gone to considerable expense to bitumen Lot 1(601)

The small alterations to the existing site plan include relocating the silos to the Southern Boundary edge of the existing Lot 3 for better access.

Shifting the Buffer zone to the new joint boundary with Lot 100

Increase the width of the existing access on Albany Highway

Changing the proposed Drivers accommodation to Lot 2

We also plan to finish levelling the back of Lot 3 out to the existing boundary to enable better access for our fleet

We include a new hand drawn concept plan

We are seeking a site meeting with Town Planner Phil Shephard to go over proposed changes



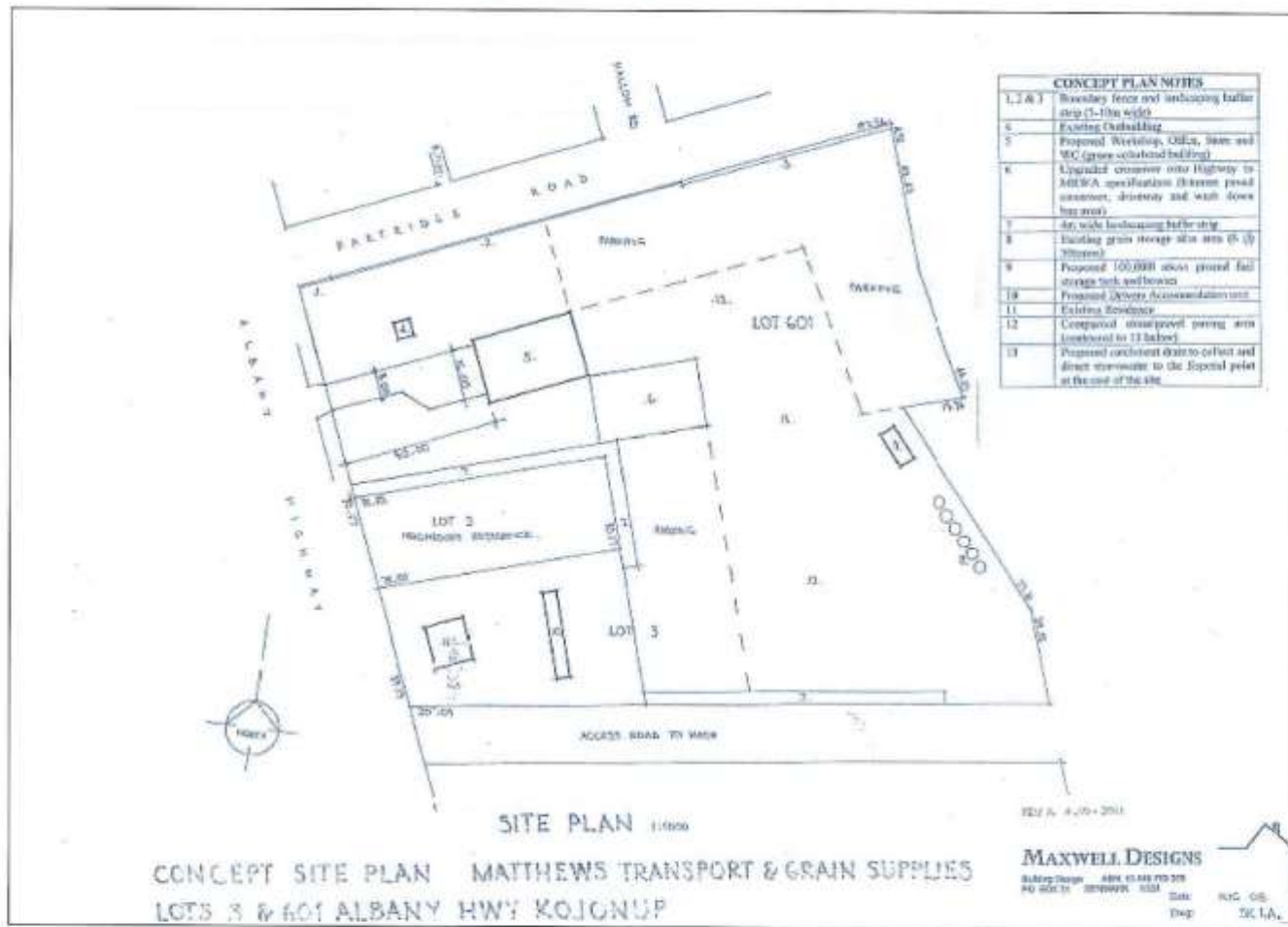
For and on behalf of
Neville Matthews
Director



Concept Plan Notes

- 1, 2 & 3 **Boundary fence and tree buffer**
 - 4 **Existing Outbuilding**
 - 5 **Proposed Workshop**
 - 6 **Upgraded crossover and driveway onto Alban Hwy**
 - 7 **New Buffer zone**
 - 8 **Silo relocation**
 - 9 **Proposed Fuel Tank**
 - 10 **Proposed Drivers Accommodation Unit**
 - 11 **Existing Residence**
 - 12 **Compacted gravel parking area**
 - 13 **Drain**
 - 14 **New addition to Lot 3**
-

FIGURE 4 – CONCEPT SITE PLAN



12.5 PROPOSED SCHEME AMENDMENT FOR CHEVIOT FARM/STONE AXE PASTORAL COMPANY LOT 11 ALBANY HIGHWAY/CRAPELLA ROAD, BOSCABEL

AUTHOR: Phil Shephard – Town Planner
DATE: Wednesday, 2 September 2015
FILE NO: DB.BDA.8
ATTACHMENT: 12.5 Application Letter

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for a scheme amendment to allow for the development of an abattoir in conjunction with a planned beef feedlot as set out in the attachments.

The recommendation is to support the preparation of a draft scheme amendment.

BACKGROUND

The proponents are developing a cattle feedlot and propose to include an abattoir centrally within the feedlot to cater for the lack of any beef processing facility in the Great Southern. They advise the abattoir would be able to process other beef for producers.

COMMENT

Present Zoning

The farm is presently zoned Rural under the Shire's Town Planning Scheme No. 3 (TPS3). The proposal for an abattoir falls within the land use definition of Industry: Noxious under TPS3 which is defined as:

means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

This land use is not permitted within the Rural zone under TPS3. The only way it can be considered by Council, if supported, is to undertake an amendment to TPS3 and change the zone to Industrial (in which an abattoir is permissible under TPS3) or include the land within either the Additional Use or Special Uses provisions.

Potential New Zonings

Staff do not consider an Industrial rezoning to be appropriate in this instance and would recommend an Additional Use for the abattoir as this would better reflect the primary purpose for the land being rural.

An Additional Use designation would retain the land within the Rural zone and include it within Schedule VII of TPS3 and, subject to compliance with any condition specified in the Schedule with respect to the land, it can be used for the abattoir purpose set against that land. The abattoir use would be in addition to all other uses normally permitted in the Rural zone.

The amendment documents should include land capability/suitability studies, traffic impact assessment and environmental assessments that support the proposal. It should also include an overall Site Plan to guide the development of the abattoir and associated infrastructure such as yards, office/admin, parking areas, landscaping, road access/egress etc.

Future Subdivision

The future subdivision of the abattoir when developed from the feedlot could be supported by the Shire although the ultimate decision is for the WA Planning Commission to make. The inclusion of

the land within the Additional Uses in TPS3 would be expected to enhance the chances of a successful application.

New Scheme Amendment Rules

The State Government have recently introduced new *Planning and Development (Local Planning Schemes) Regulations 2015* that control planning instruments including scheme amendments (gazetted 25 August 2015) and commencing operation on 19 October 2015. The regulations introduce classes of scheme amendments including Basic, Standard and Complex that require different consultation processes/periods to be undertaken.

Staff expect that the proposed amendment will be determined as a Complex amendment. This will need to be confirmed with the WA Planning Commission.

Alternate Options

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

1 *Not support the amendment*

The Council can choose to refuse to support the amendment. If this option was chosen, the amendment would not proceed and the abattoir would not be permitted to be developed.

2 *Support the amendment*

The Council can choose to support the proposed amendment and commence the process of preparing and advertising a draft amendment for submissions. At the completion of the advertising period, Council will need to consider any submissions received and resolve to seek final approval (with or without modifications), or not, from the WA Planning Commission/Minister for Planning.

3 *Defer the proposal*

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary, to complete the assessment before proceeding to make a decision.

CONSULTATION

If the amendment proceeds it will be referred to the Environmental Protection Authority for assessment and then advertised as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* as a Complex amendment for 60-days.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Planning and Development (Local Planning Schemes) Regulations 2015 – control the preparation and administration of a scheme amendment to a local planning scheme.

Planning and Development Regulations 2009 – enables Council to recoup staff costs for administering the amendment process.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

The applicant is required to pay \$88p/h for staff hours as set out in the adopted 2015/16 Schedule of Fees and Charges used to administer the scheme amendment. By “administer” this means considering draft scheme amendment documents, advertising/referrals, considering submissions, reports to Council, liaison with WAPC, liaising with the proponent and executing the Scheme Amendment. Shire staff do not intend to prepare the Scheme Amendment document. If the proposal proceeds, staff will prepare an estimate for the proponent as required under the *Planning and Development Regulations 2009*.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not support the proposed scheme amendment and the abattoir cannot proceed to be developed	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Support the preparation of a draft scheme amendment document

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

- 1) **Advise Cheviot Farms/Stone Axe Pastoral Company that:**
 - (a) **It is supportive of a scheme amendment to include Lot 11 into the Schedule VII Additional Uses to enable the development of an abattoir as proposed and request they prepare a draft scheme amendment document for formal consideration by Council.**
 - (b) **They will be required to pay the planning charges for administering the scheme amendment process as set out in the adopted 2015/16 Schedule of Fees and Charges.**
- 2) **Direct the Chief Executive Officer to confirm with the WA Planning Commission that the proposed amendment is a complex amendment.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



13 August 2015

By email and post:
council@kojonup.wa.gov.au
Shire of Kojonup
PO Box 163
Kojonup WA 6395

Dear Madam Shire President

Potential beef processing facilities on Cheviot Farm

You may be aware from our previous discussions with the Shire, Stone Axe Pastoral Company is currently preparing an application for planning consent to develop a beef feedlot on Cheviot Farm (on Lot 11 on Plan 23562). Related to, but completely separate from, that application, we are now considering the potential for development of an abattoir next to the feedlot. Although the proposal is still in very preliminary stages, the intention of this letter is to formally raise it with the Shire now, for the Shire's preliminary consideration, in the knowledge that the approval process would be a lengthy one requiring a planning scheme amendment.

Cheviot Farm is a large landholding of about 3,130 hectares (see **attached** map). The intention would be to develop the abattoir near the centre of the Farm, next to the proposed feedlot site (in the centre of Lot 11). This location would allow for a substantial on-site buffer of at least 1.5 kilometres to the nearest neighbour (on Lot 4845 north of the site), protecting against the amenity issues potentially associated with abattoirs.

The key reason we are pursuing this proposal is the lack of existing beef processing plants in the Great Southern region. There are only eight beef processing abattoirs in the South West of WA, and none of them are located in the Great Southern (see **attached** regional map showing all beef abattoir locations). Currently, all cattle in the Great Southern must leave the region for processing. This is inefficient and a missed economic opportunity for the region. It is intended that the proposed abattoir would service other cattle owners in addition to our own.



Furthermore, we believe that Cheviot Farm is the ideal location for a beef processing plant. Not only does the scale of the landholding allow for an adequate on-site buffer, as discussed above, but the site's access to significant on-site water resources, electricity and the highway make it ideal and unique in the region.

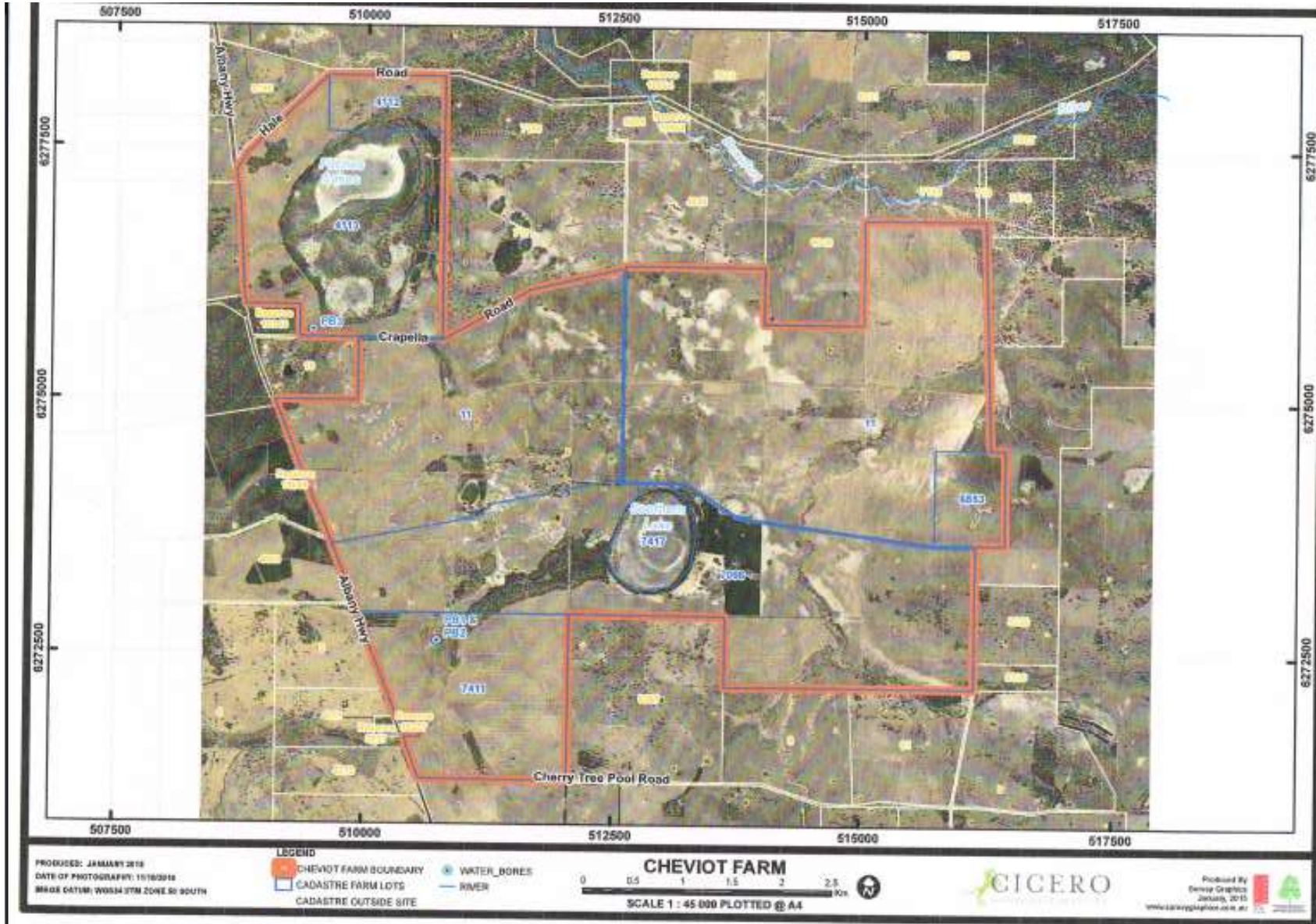
We acknowledge that Cheviot Farm is currently zoned Rural, which prohibits the development and use of an abattoir. As I'm sure you are aware, the only zoning that does not prohibit an abattoir is Industrial. We understand that there are only two areas within the Shire of Kojonup zoned Industrial, both within the Kojonup townsite – a clearly inappropriate location for a beef processing plant. As such, we request that the Shire give preliminary consideration to the re-zoning of Lot 11 on Plan 23562 (or part of Lot 11 in conjunction with a subdivision) to Industrial or some other form of planning scheme amendment to allow the development of an abattoir on that site.

We hope our suggestion for the growth of Kojonup is well received by the Shire. We look forward to further discussion about our proposal, and to playing our part in the Shire's vision for a community of prosperity.

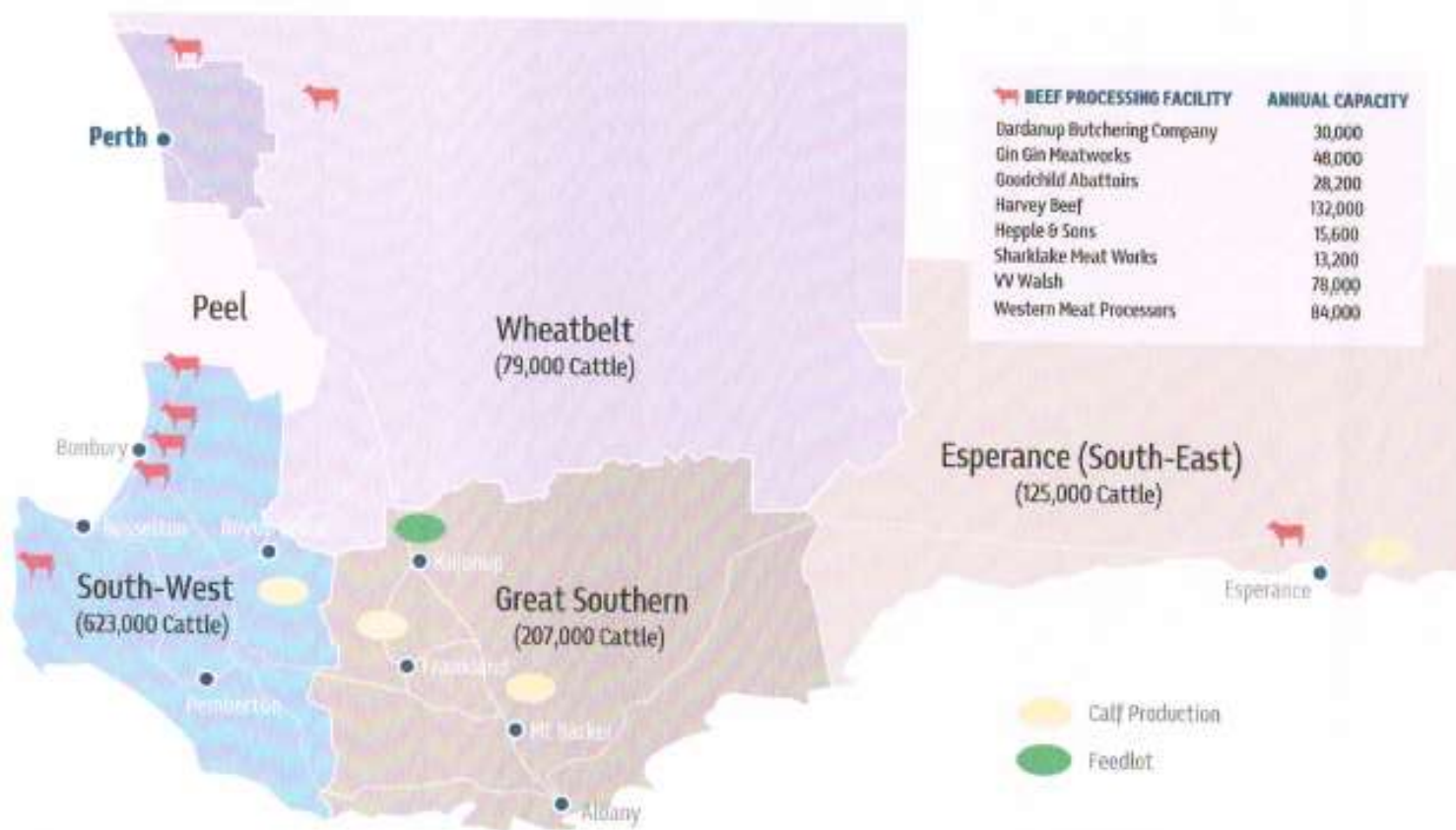
Yours faithfully

Mathew Walker
Stone Axe Pastoral Company

Michael Shields
Owner of Cheviot Farm



Processing facility



Source: WAPWA (2014), Dept. Food & Agriculture (2013)



12.6 PROPOSED STORAGE SHED ON VACANT LOT AT LOT 401 LARSEN STREET, MURADUP

AUTHOR: Phil Shephard – Town Planner
 DATE: Wednesday, 2 September 2015
 FILE NO: DB.BDA.8
 ATTACHMENT: 12.6 Shed & Site Plan

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a proposal to construct a new storage shed on the above property. The property is vacant and no delegated authority is available to staff to consider the application and it must be presented to Council for a decision.

The recommendation is to refer the application to adjoining/nearby landowners and advertise the proposal for public comment for a period of 21-days prior to making a decision.

BACKGROUND

Nil.

COMMENTProposal

The proposal is to construct a new 12m x 7m gable roof shed (wall height of 3m and ridge height of 3.94m) on the above lot as shown below. The shed will be constructed of steel frames and will be clad with 'deep ocean' colorbond metal sheeting for the walls, 'zincalume' colorbond metal sheeting for the roof and 'dune' colorbond metal sheeting for the doors/gutters.



Lot 401 cnr. Larsen/Randle Streets, Muradup (image Google earth)

The proposed site for the storage shed is cleared. The applicant advises the shed will be used for general store and storage of building materials for a future separate dwelling.

Zoning and Land Use/Development

The land is zoned Residential under the Shire of Kojonup Town Planning Scheme No. 3 (TPS3) and has a density code of R10.

The objectives for the Residential zone is set out in c.3.2.1 of TPS3 as follows:

- (a) *The zone shall be predominantly residential.*
- (b) *Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.*
- (c) *A non-residential use shall only be permitted if the use does not detract from the amenity of the area.*

Given there is no dwelling on the site, the proposal cannot be considered as an outbuilding, as these must be ancillary to a dwelling. The proposal is consistent with the definition of warehouse/storage under the *Planning and Development (Local Planning Schemes) Regulations 2015* which means premises including indoor or outdoor facilities used for: (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;

This land use is not listed in Zoning Table (Table 1) of TPS3 and c.3.3.5 advises:

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.*

In accordance with c.5.4, any development shall conform to the requirements for that use, specified in Table II - Development Table. There are no particular requirements for the use of the land for storage and these shall be determined by Council. These are discussed below:

Setbacks

The proposed shed substantially exceeds the side (6.5m) and rear (9.5m) boundary setback requirements of 1m/1.5m for the R10 density code under the R-Codes.

Plot Ratio

The plot ratio will be less than 0.01 which is well below the maximum of 0.4 permitted.

Landscaping

There is no additional landscaping proposed with the application. No additional landscaping is considered necessary in this instance.

Car Parking

The site is over 4,000m² in area and adequate areas are available for this purpose.

The proposed shed is considered to satisfy the objectives for the Residential zone, given that:

- The shed complies with the development standards (floor area and height) in TPS Policy No. 5;
- The proponent intends to build a dwelling on the site in the future;
- The siting of the shed is to the rear of the lot and will not restrict a house being developed on the lot in the future;
- The purpose of the shed is for general storage and to store building materials for the future dwelling;
- The proposed setbacks to adjoining boundaries exceed the minimum setbacks required in the zone; and
- The lot is over 4,000m² in area and much larger than the standard Residential R10 sized lot of 875/1,000m² expected in this zone.

Alternate Options

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

1 Not approve the proposal

The Council can choose to refuse to support the proposed shed. If this option was chosen the shed would not be able to be constructed.

2 Advertise the proposal

The Council can, following completion of the advertising process, choose to approve the proposal, with or without conditions.

3 *Defer the proposal*

The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary, to complete the assessment before proceeding to make a decision.

Staff recommend option 2) be adopted to enable comments to be received to ascertain the local acceptability of the proposal.

Council is also requested to delegate authority to the CEO to approve the application including the placement of appropriate conditions, should no objections be received, at the conclusion of the 21-day advertising period. Any submission received providing a valid objection to the proposal would be referred to Council for consideration and the delegation would not be used.

CONSULTATION

In accordance with c.6.2 of TPS3 it is recommended that the proposed shed be advertised including referral to nearby/adjoining landowners, being advertised in the local newspaper and displayed on the notice board and website for a period of 21-days.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

The item is affected by adopted Town Planning Scheme Policy No. 5 ‘Outbuildings in the Residential, Residential Development and Special Rural Zones’. The relevant parts affecting this proposal are as follows:

Policy Objective

- a) *To set controls on the size of outbuildings permitted within the Residential, Residential Development and Special Rural zoned areas of the Shire.*
- b) *To achieve a balance between providing for the various legitimate needs of residents for outbuildings for storage and minimising any adverse impacts outbuildings may have on neighbours or a street/neighbourhood.*

Policy

1 *Introduction and Background*

Outbuildings are Class 10a non-habitable buildings under the Building Code of Australia. The Council acknowledges that landowners have varying needs for outbuildings for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. Council accepts that as a general principle, people expect to be able to have larger outbuildings on larger lots.

The Council is also aware that in some instances outbuildings may result in problems including:

- *The use of outbuildings for unapproved commercial or industrial purposes, which can result in adverse impacts from noise and traffic for neighbours and the locality; and*
- *The illegal use of outbuildings as residences, which often incorporate inadequate health and building standards.*

With the exception of those approved for other purposes, outbuildings shall be used for domestic storage or hobby purposes.

2 *Policy Requirements*

Vacant Lots

An outbuilding is not permitted to be constructed on vacant lots. If there is no habitable residence existing on the lot that a person wishes to erect an outbuilding on and no house plans are submitted with the outbuilding plans, the application will be treated as a 'use not listed' for storage purposes.

If house plans are submitted for approval with the outbuilding plans, the outbuilding may be approved prior to the construction of the dwelling.

When considering a proposal for an outbuilding, Council will have regard to:

- a) Any approved land use and activities operating on the site and the need and purpose for the outbuilding;*
- b) The compatibility of the outbuilding with its surroundings and any other existing approved outbuildings in the street/area;*
- c) Whether the outbuilding complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area; and*
- d) Whether rationalisation or reduction in the number of existing outbuildings can be achieved.*

Council will not approve any outbuilding that in its opinion will have an adverse visual or social impact on surrounding land and buildings, streetscape and/or overall locality

The proposed shed complies with the development standards in the Policy.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147 as set out in the adopted 2015/2016 Schedule of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the advertising of the planning application for the storage shed	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Advertise the planning application in accordance with TPS3 requirements

ASSET MANAGEMENT IMPLICATIONS

Nil Applicable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION**That Council:**

- 1) **In accordance with Clause 3.3.5 of Town Planning Scheme No. 3 determine that the proposed 84m² storage shed on Lot 401 Larsen Street, Muradup may be consistent with the objectives and purpose of the Residential zone and advertise the proposal for a period of 21-days as set out in Clause 6.2 for submissions as follows:**
 - **Directly refer to nearby/adjoining landowners;**
 - **Advertise in the local newspaper; and**
 - **Display on the notice board and website.**
- 2) **Delegate authority to the Chief Executive Officer to approve the application following the completion of the submissions period subject to no objections being received.**

COUNCIL DECISION

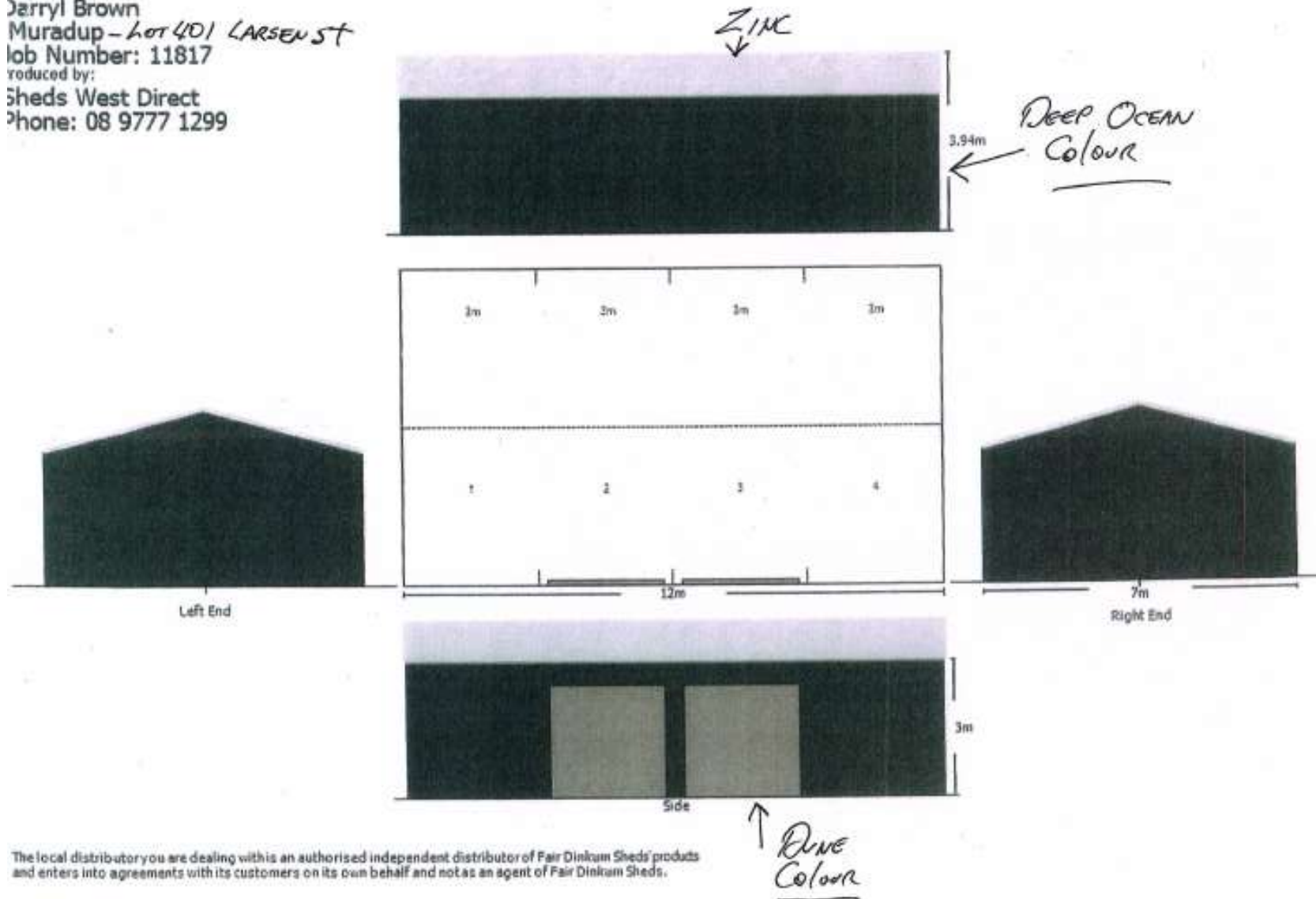
/15 Moved Cr

, seconded Cr

CARRIED/LOST

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Building For:
Darryl Brown
Muradup - Lot 401 LARSEN ST
Job Number: 11817
Produced by:
Sheds West Direct
Phone: 08 9777 1299



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12.7 NEW GARDENS AT KOJONUP MILITARY BARRACKS

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 3 September 2015
FILE NO: CT.MTC.34
ATTACHMENT: [12.7.1 Letter from Kojonup Historical Society](#)
[12.7.2 Letter from Ronald Bodycoat \(Architect\)](#)
[12.7.3 Letter from National Trust of Australia \(WA\)](#)
[12.7.4 Letter from Shire](#)
[12.7.5 MHI Listing for Barracks](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the recent garden beds developed at the Barracks.

The recommendation is to grant planning consent subject to conditions.

BACKGROUND

Shire staff were made aware of new garden beds being developed at the Barracks and contacted the Kojonup Historical Society (KHS) who were completing the works. The KHS provided the attached correspondence (dated 5 August 2015) and staff responded on 24 August (see attached correspondence).

COMMENT

The KHS have long been the custodians of the Barracks on behalf of the community and their efforts and dedication in preserving and enhancing these local heritage places in Kojonup is acknowledged. However, the Barracks are included in the Shire's Municipal Heritage Inventory (Place No. 3) and any development, including works such as the rose gardens, require approval under the Town Planning Scheme No. 3 (TPS3).

The Barracks have always appeared to have garden beds attached with them changing over time. The recent low height loose-form rubble walls completed by the volunteers are not cemented and utilise local stone sympathetic to the setting. The new rose garden bed seems to replicate a previous garden bed area shown in the image below.





Rose Garden wall

In preparing this report, staff sought comment from relevant heritage authorities on the proposed gardens. At the time of writing this report, 2 submissions (from Ron Bodycoat (Architect) and National Trust of Australia (WA)) have been received, both cautioning that any development of garden beds should be undertaken to reflect/restore/conservate the original landscape setting of the site. They advise that plant types should be selected that represent the period and are validated through a landscape study or documentary evidence.

Should a response be provided by the State Heritage Office, this will be tabled at the Council meeting.

The review of the Shire's existing Municipal Heritage Inventory (MHI) has highlighted the cultural heritage significance of the Barracks and it is likely that the place will be recommended by the Review Committee to the Council for it to be nominated for inclusion on the State Register of Heritage Places for its architectural, historical and social heritage significance.

As mentioned, the Barracks is contained on the MHI and the listing advises:

The old Barracks building has architectural, historical and social significance. The style of the stone building is similar to many of the crofts of Scotland and is typical of the constructions built throughout Western Australia by the early pioneers. The history of the building reflects the development of the district. In its time it has been a barracks, meeting hall, dance and social centre, church, school, school-teacher's residence and private residence. It is the oldest surviving building in the district. In 1963 it was purchased by the Kojonup Shire Council and given in trust to the Kojonup Historical Society as a museum.

The listing includes reference to the peppermint (peppercorn) trees but does not include any references to the garden beds on the site. The nomination of the Barracks onto the State Register of Heritage Places would see the State Heritage Office undertake an assessment of the place to confirm its heritage importance. This would be expected to also consider the site and the existence of gardens beds and the plant types etc.

Clause 5.16.1 of TPS3 advises:

The purpose and intent of the heritage provisions are to:

- (a) *Ensure the conservation of any place, area, building, object or structure of heritage value;*
- (b) *Afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality;*
- (c) *Ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.*

Clause 5.16.2 of TPS3 requires the Council to establish and maintain a Heritage List of buildings, objects, structures and places considered to be of heritage significance and worthy of conservation and in this case, the Municipal Heritage Inventory, serves that purpose.

Clause 5.16.4.4 of TPS3 requires:

Notwithstanding any other provision of the Scheme, no person shall commence or carry out any development affecting any building, object, structure or place listed in the inventory or contained within a heritage precinct without first having applied for and obtained the Planning Consent of the Council pursuant to the provisions of clause 5.16.5 of the Scheme.

Clause 5.16.6.1 of TPS3 advises:

Without affecting the generality of any other provision of the Scheme specifying the manner in which the Council is obliged or permitted to deal with an application for Planning Consent, the Council in dealing with any such application may, for reasons related to the conservation of a place of cultural heritage significance or a heritage precinct:

- (i) *Refuse approval;*

- (ii) *Grant approval without conditions; or*
- (iii) *Grant approval with conditions including conditions aimed at the conservation of the place or precinct.*

Clause 6.3.2 of TPS3 requires the Council have regard to a number of matters which are discussed below in considering whether to approve/refuse the application:

Matter to be Considered	Response
Any matter which it is required by the Scheme to consider	The proposal garden beds are considered to be minor development. Given they are not cemented in place they could be removed if deemed inappropriate in any future heritage assessment for the place. It is appropriate that the plant types used should be selected to represent the period.
The purpose for which the land is reserved, zoned or approved for use under the Scheme	The land is reserved for public purposes under TPS3 and the garden beds at the Barracks is considered consistent with the objectives for the reserve.
The purpose for which the land in the locality is used	The land is within an area containing the hospital, Springhaven, Loton Close APU's and Kojonup Spring.
The orderly and proper planning of the locality	The proposal is considered consistent with the orderly and proper planning of the locality.
The preservation of the amenities of the locality	The proposal is not expected to produce any adverse impacts in terms of emissions or adversely affect the amenity of the locality.

Alternate Options

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

- 1 *Not approve the proposal*
The Council can choose to refuse to approve the proposal. If this option was chosen, the garden beds would not proceed.
- 2 *Approve the proposal*
The Council can choose to approve the proposal, with or without conditions.
- 3 *Defer the proposal*
The Council can choose to defer the matter for a period of time and seek additional information, if deemed necessary, to complete the assessment 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

Comments sought from State Heritage Office and National Trust of Australia (WA). Comments received from Ron Bodycoat (Architect) and National Trust of Australia (WA).

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

Heritage of Western Australia Act 1990 – outlines the functions/responsibilities and provides the controls to protect to heritage places within WA.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147 as set out in the adopted 2015/2016 Schedule of Fees and Charges. The Kojonup Historical Society (applicants) are a community group and will use volunteers to complete the works. It is requested that Council waive payment of the fees.

STRATEGIC/CORPORATE IMPLICATIONS

The item covers a number of areas in the Community Strategic Plan 2013 – 2023 as follows:

Being Well Governed	
Shire's Commitment	Timeframe
Undertake an asset management planning process to review and rationalise Shire buildings to maximise their use and value to the community.	Short term

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant planning consent for the garden beds	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific application of resources. Grant planning consent subject to conditions

ASSET MANAGEMENT IMPLICATIONS

The building is included on the Shire's Asset Management Strategy.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION**That Council:**

- 1) **Grant planning consent for the proposed small garden beds at the Barracks subject to the planting to be with species that reflect the heritage of the building and site.**
- 2) **Waive the required planning application fee of \$147 on the basis the applicants are a local community group undertaking an improvement to a community asset with noted local heritage values.**

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/



COPY

Kojonup Historical Society
ICR 20148

CP.MTC.34

P.O. Box 244
Kojonup W.A. 6395

Mr Rick Mitchell-Collins
CEO
Shire of Kojonup
PO Box 163
Kojonup 6395

5th August 2015

Dear Rick,

BARRACKS GARDEN

Firstly, the Kojonup Historical Society would like to convey our thanks to the Shire gardeners who have done a magnificent job pruning the roses that had been encroaching on the Barracks for some time and cleaning up the area.

It has come to our attention that the Society was remiss in not informing the Shire of the intention of establishing a new garden at the front of the Barracks. This garden bed is now built with a small retaining wall made from local rock material in the hope that it will retain the soils better than in past attempts of garden beds. The volunteers who are planning this garden are going to place heritage roses within this garden – as befits the building's age and status.

Please be assured that the Barracks has had gardens come and go over many years. Certainly in more recent times there were the large peppercorn trees and smaller gardens, and when the 100th anniversary of the planting of those trees occurred, the younger peppercorns were planted by descendants of the children who planted the original trees. At that time lavenders and roses were also planted in the area – along with the plants along the wall of the nearby Hospital car park, by School Children and Shire workers. Most of the plants at the Barracks did not survive, hence the need for a raised garden bed.

We apologise for not informing the Shire of our intentions and we trust that these efforts will not impede, but rather enhance, any future plans for the Barracks and its Heritage status.

Regards,

Arthur A. Collins

Arthur Collins

(President, Kojonup Historical Society)



11 AUG 2015

11 AUG 2015

Member
Australian Institute
of Architects

RONALD BODYCOAT · ARCHITECT
7b Pensioner Guard Road, North Fremantle, WA 6155
M: 0418 917 757
E: ronaldbodycoatarchitect@inet.net.au

4 August 2015

Frank Pritchard
Kojonup

Dear Frank

RE: Kojonup WA
Old Barracks

ICR20155

SHIRE OF KOJONUP

CP.MTC-34

REC'D	✓	EC	WPC	NPL	WCS	MEDS
27	27	27	27	27	27	27
27	27	27	27	27	27	27

COPY

We discussed by phone on 27 July 2015 the proposal to construct a dry-stone wall as a garden element in the grounds of the Old Barracks.

In my professional opinion as a heritage/conservation architect with past experience in conservation work at the Old Barracks, I record my recommendations as follows:

- It is unlikely that sophisticated gardens would originally have been in place in the grounds of the Old Barracks building; a cottage garden, maybe, for vegetables and possibly a small area for flowers for cutting; the entire property must be interpreted authentically to demonstrate its original purpose;
- as a consequence, it would be out-of-character to introduce elaborate or extensive flower gardens in the grounds of the building; retaining walls to create planting beds **should not proceed** and any planting should be solely **known** plant types dating from the 1850's and validated from historic research;
- a professional study should be carried out to identify the significant elements of all planting on the lot, the elements which are not appropriate, and a programme to manage and properly restore/conservate the landscape setting for this highly significant heritage place;
- **no new elements** should be introduced, however well-meaning by volunteers, until a proper professional landscape study has been carried out.

The Old Barracks have survived since the 1850's.
This place is of such high cultural heritage significance that only **proper** management and conservation works should apply.

Regards

Ronald Bodycoat

RONALD BODYCOAT AM KSJ LFRAIA
Conservation and Heritage Architect

Phil Shephard

From: Dominique Hodge
Sent: Monday, 31 August 2015 9:28 AM
To: Phil Shephard
Subject: FW: ICR20253 - Attn: Phil Shepard - Kojonup Barracks

SynergySoft: ICR20253

Dominique Hodge
Records Officer
 SHIRE OF KOJONUP

93 Albany Highway Kojonup WA 6395 | PO Box 163 Kojonup WA 6395
 Tel: 9831 2400 | Fax: 9831 1566 | www.kojonup.wa.gov.au

**FOR RECIPIENTS EXTERNAL TO THE SHIRE OF KOJONUP**

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From: Lisa Sturis [<mailto:Lisa.Sturis@ntwa.com.au>]
Sent: Friday, 28 August 2015 11:29 AM
To: Council <council@kojonup.wa.gov.au>
Cc: Kelly Rippingale <Kelly.Rippingale@ntwa.com.au>
Subject: ICR20253 - Attn: Phil Shepard - Kojonup Barracks

Dear Mr Shephard

Thank you for your letter regarding the gardens at Kojonup Barracks.

Any changes to the setting of the Barracks should be sympathetic and avoid detrimental impacts on the significance of the place. The new garden bed which has already been established appears to be low impact and there are no objections to this. The Trust understands the gardens around the Barracks has changed over the years but recommends the selection of new plantings should be based on documentary evidence (e.g. photographs).

If there are any questions regarding this, please let me know.

Thank you

Kind regards

Lisa Sturis
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Shire of Kojonup

93 Albany Highway, Kojonup
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Western Australia 6395

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Our Ref: OCR6413 - CP.MTC.34

Arthur Collins – President
Kojonup Historical Society
PO Box 244
KOJONUP WA 6395

24 August 2015

Dear Arthur,

NEW GARDEN BEDS AT KOJONUP MILITARY BARRACKS

Further to your correspondence of 5 August 2015, firstly thank you for the kind words of appreciation for the gardening staff's assistance at the Barracks.

As you are aware, the Council is completing a review of its existing Municipal Heritage Inventory and it is likely that the Kojonup Military Barracks will be nominated by the Review Committee and Shire for inclusion on the State Register of Heritage Buildings for its architectural, historical and social heritage significance.

The Council appreciates the efforts of your group in preserving and enhancing these local heritage places in Kojonup. The Military Barracks are included in the Municipal Heritage Inventory (Place No. 3) and any development, including works such as the rose gardens, require approval under the Town Planning Scheme.

Your request will be reported to the Council at its next meeting on Tuesday 15 September 2015 and I will advise of the outcome accordingly. As part of the report, staff have sought comment from the State Heritage Office and National Trust of WA.

Should you wish to discuss this matter any further please feel free to contact me on 9831 2400 to arrange a meeting at a mutually convenient date/time.

Yours sincerely,

Rick Mitchell-Collins
Chief Executive Officer

SHIRE OF KOJONUP
MUNICIPAL HERITAGE INVENTORY
PLACE RECORD FORM

LGA Place No: 3

The Old Barracks

Photograph of the place



LOCATION	
HCWA Reference Number	1399
Other Reference Number	
Name of Place	Barracks
Other Name (1)	Kojonup Military Barracks
Other Name (2)	
Location/Address	
Street Number and Name	Barracks Place
Suburb/Town	Kojonup
Other Locational Descriptor	
Local Government Authority	Shire of Kojonup
Map References	

Place No 3/Barracks/Page 2

OWNERSHIP & LAND DESCRIPTION				
Owner	Address	Phone/fax	Status	No.
Shire of Kojonup	PO Box 163, Kojonup	098 311066		
Land Description				
Reserve No.	Lot/Location No.	Plan/Diagram	Vol/Folio	No.
	Lot 21			

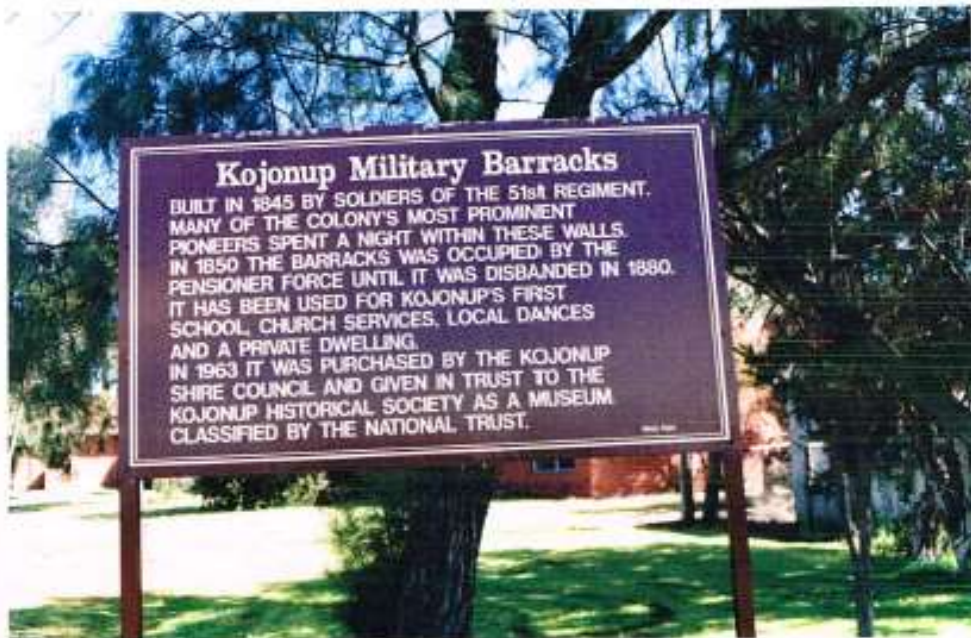
DESCRIPTION	
Construction Date (1)	1845
Source/Details	
Site Type	
Use(s) of Place	
Original	Military barracks
Present	Museum
Other	Meeting hall, school, church, school-teachers residence, dance and social centre, private residence
Architect/Designer (1)	
Other Associated Persons (1)	
Construction Materials:	
Walls	Stone
Roof	Corrugated iron over shingles
Other	Timber verandah posts
Modifications	Wooden floors replaced earthen floors in 1869 Shingles replaced 1869 Shingles later overlaid with corrugated iron
Condition	Good
Integrity (how much of the original fabric is intact?)	Most
Description	
<p>The Barracks is located close to the freshwater spring which was so significant in the early development of Kojonup. This building replaced the original barracks built around 1837 and is the only remaining building of the barracks complex. The four roomed building is constructed of stone, with a hipped corrugated iron roof and a verandah across the front elevation under a broken-backed roof. The original shingles can still be seen on the verandah and in the two back rooms. Timber posts support the verandah. The front door is off centre and the three front windows are heavily barred. Inside there are four rooms. The main room is approximately 7m long and has the original fireplace and pressed tin ceilings. The three smaller rooms lead off the main room. An upstairs loft, accessed by means timber and metal steps, was possibly used as sleeping quarters by the early soldiers.</p> <p>The front of the building is screened by two old peppermint trees planted in the late 19th Century by a school teacher.</p> <p>Opposite the Barracks is a log mounted "as a tribute to the eight Aborigines who on the 28 February 1837 directed Surveyor Alfred Hillman's party to a nearby Freshwater Spring which they called Kojonup". The log represents a demonstration of Aboriginal methods of climbing a tree by means of notches cut into the trunk for each step, the intention being in this case to raid a beehive built in the hollow at the top of the tree.</p> <p>Close by is the Spring Haven Lodge (Aged Peoples Homes) designed and built sensitively, considering the close proximity of the historical Barracks.</p>	

SIGNIFICANCE

Historic theme (s)	Demographic settlement	Community efforts
Subtheme (s)	Law and order	
Statement of Significance	<p>The old Barracks building has architectural, historical and social significance. The style of the stone building is similar to many of the crofts of Scotland and is typical of the constructions built throughout Western Australia by the early pioneers. The history of the building reflects the development of the districts. In its time it has been a barracks, meeting hall, dance and social centre, church, school, school-teacher's residence and private residence. It is the oldest surviving building in the district. In 1963 it was purchased by the Kojonup Shire Council and given in trust to the Kojonup Historical Society as a museum.</p>	
Management Category		

OTHER

Supporting Information	<p>Bignell, Merle, <i>First the Spring</i> National Estate Information Heritage Council Information</p>	
Listing and Assessment		
Assessor (s) Name	Assessor (s) Address/Phone	
Community Committee	c/o Shire of Kojonup Ph: (098) 31 1066	
State Register of Heritage Places (Y/N)	N	
Classified by the National Trust (Y/N)	Y	
Register of the National Estate (Y/N)	Y	
Local Town Planning Scheme (Y/N)		



The sign outside the Barracks building.

Place No 3/Barracks/Page 4



Inside - one of the smaller rooms.



An early photograph of the Barracks.

13 EXECUTIVE & GOVERNANCE REPORTS

Nil

14 AGED CARE SERVICES REPORTS

Nil

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

16 COMMITTEES OF COUNCIL

16.1 KODJA PLACE ADVISORY COMMITTEE

OFFICER RECOMMENDATION

That the attached unconfirmed minutes of the Kodja Place Advisory Committee held Thursday 20th August 2015 be received by Council.

COUNCIL DECISION

/15 Moved Cr , seconded Cr

CARRIED/LOST /

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

Nil

18 **NEW BUSINESS**

(of an urgent nature, introduced by a decision of the meeting).

19 CONFIDENTIAL REPORTS

- 19.1 REQUEST FOR TENDER 02/15 FOR THE INSTALLATION OF DRAINAGE WORKS, LOTON CLOSE DEVELOPMENT
- 19.2 REQUEST FOR TENDER 03/15 FOR THE INSTALLATION OF WATER MAIN UPGRADE, SOLDIER ROAD & LOTON CLOSE

The ILU and CEO house development to be constructed on Loton Close requires drainage and an upgrade to the Water Main. Tenders have been called and close on Monday 14 September.

Given that the tenders will be received after the agenda closes for the September 2015, staff will review the tenders received and table a report at the Council Meeting for Council's consideration. The drainage in particular is a precursor to development commencing on site.

OFFICER RECOMMENDATION

That Item 19.1 Request for Tender 02/15 for the Installation of Drainage Works, Loton Close Development & 19.2 Request for Tender 03/15 for the Installation of Water Main Upgrade, Soldier Road & Loton Close be discussed.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 4 September 2015
FILE NO: CP.DAC.1
ATTACHMENT: **Item 19.1 Confidential Report**
Item 19.2 Confidential Report

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's consideration of the following tenders as part of the ILU and CEO house development:

- o 02/15 Drainage Works, Loton Close
- o 03/15 Water Main Upgrade, Soldier Road & Loton Close

STATUTORY REQUIREMENTS

Section 5.23(2) of the *Local Government Act 1995* permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting, and the reason for the decision to be recorded in the minutes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the meeting be closed to the public in accordance with s5.23 of the *Local Government Act 1995* to discuss a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.

COUNCIL DECISION

/15 Moved Cr

, seconded Cr

CARRIED/LOST

/

20 **NEXT MEETING**

Thursday, 22nd October 2015 commencing at 3:00pm.

21 **CLOSURE**

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

22 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/08/2015 – 31/08/2015
- Item 16.1 Unconfirmed Kodja Place Advisory Committee Minutes – Thursday 20th August 2015
- Item 19.1 Confidential Report
- Item 19.2 Confidential Report