

SHIRE OF KOJONUP



AGENDA

Ordinary Council Meeting

21 June 2016

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, 21 June 2016 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

16 June 2016

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 21 JUNE 2016****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE & APOLOGIES	3
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
4	PUBLIC QUESTION TIME	4
5	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	CONFIRMATION OF MINUTES	4
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
9	DECLARATIONS OF INTEREST	4
10	CORPORATE SERVICES REPORTS	5
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MAY 2016)	5
10.2	MONTHLY PAYMENTS LISTING	7
10.3	AUDIT COMMITTEE MEMBERSHIP – COMMUNITY MEMBERS	9
11	WORKS & SERVICES REPORTS	11
12	REGULATORY SERVICES REPORTS	12
12.1	REVIEW OF ASBESTOS MANAGEMENT PLAN	12
12.2	WASTE SERVICES – MANAGEMENT OF COUNCIL’S TRANSFER STATION & LANDFILL	14
12.3	CONSIDERATION OF SUBMISSIONS ON TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 13 TO INCLUDE PART OF LOT 11 ALBANY HIGHWAY, BOSCAVELL WITHIN ADDITIONAL USES TO ENABLE DEVELOPMENT OF AN ABATTOIR	23
12.4	KOJONUP AG SUPPLIES USE OF CROWN LAND, DRIVEWAY ONTO BLACKWOOD ROAD AND NEW PYLON SIGN	28
13	EXECUTIVE & GOVERNANCE REPORTS	43
13.1	KOJONUP TOURIST RAILWAY – VARIATION OF ACCREDITATION	43
14	AGED CARE SERVICES REPORTS	52
14.1	ASSESSMENT CONTRACT REPORT OF SPRINGHAVEN FRAIL AGED LODGE	52
15	COMMUNITY DEVELOPMENT & TOURISM REPORTS	62
16	COMMITTEES OF COUNCIL	63
16.1	COMMITTEES OF COUNCIL UNCONFIRMED MINUTES	63
17	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	64
18	NEW BUSINESS	64
19	CONFIDENTIAL REPORTS	65
19.1	CHIEF EXECUTIVE OFFICER – 2015/2016 PERFORMANCE REVIEW	65
19.1	BLACK COCKATOO CAFÉ	65
20	NEXT MEETING	67
21	CLOSURE	67
22	ATTACHMENTS (SEPARATE)	67

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 Frank Pritchard	
Cr Ian Pedler	
Cr Jill Mathwin	
Cr Graeme Hobbs	
Cr Judith Warland	
Cr Ned Radford	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager Corporate Services
Mr Mort Wignall	Manager Regulatory Services
Mrs Sue Northover	Manager Aged Care Services
Mr Phil Shephard	Town Planner
Miss Miranda Wallace	Executive Assistant

APOLOGIES

Nil

Item 19.2 – Cr Pedler in his capacity as Mr Andrew Paice’s accountant.

10 CORPORATE SERVICES REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MAY 2016)**

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Monday, 13 June 2016
 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 May 2016.

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 May 2016 represents eleven (11) months, or 92% of the year. The following items are worthy of noting:

- Surplus position of \$893,159;
- Operating results:
 - 86% of budgeted operating revenue received; and
 - 85% of budgeted operating expenditure spent;
- Capital expenditure achieved 58% of budgeted projects;
- The value of outstanding rates equates to 5.9% of 2015/2016 rates raised, which includes previous years arrears but excludes deferred rates (refer to page 17 of the statements);
- Cash holdings of \$4.0m of which \$3.18m 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.

The following capital expenditure projects have exceeded their authorized budgets:

COA	Description	Resp. Officer	Budget	YTD Actual	% of Annual Budget
C139	Bagg St - Convert Doctors Surgery	MRS	\$30,000	\$31,949	106%
C147	Springhaven - Furniture	MACS	\$3,000	\$3,477	116%
C248	Widening – Broomehill Kojonup Road	MWS	\$330,000	\$356,630	108%

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* 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 IMPLICATIONSCommunity Strategic Plan 2013-2023

Outcomes

- G1 – Being Well Governed

Corporate Business Plan 2013-2017

Objectives:

- G1.1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.1.4 – 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.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2015 to 31 May 2016, as attached, be noted.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Christine Coldwell – Finance Officer
DATE: Monday, June 13, 2016
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/05/2016 – 31/05/2016

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of May 2016.

BACKGROUND

Nil.

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

Nil.

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

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil.

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 as attached made under delegated authority:

	FROM	TO	TOTAL
Date	1 May 2016	31 May 2016	
Municipal Cheques	13697	13716	\$62,331.87
EFT's	16166	16387	\$1,023,267.92
Direct Debits			\$478,228.32
			\$1,563,828.11

be received.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

10.3 AUDIT COMMITTEE MEMBERSHIP – COMMUNITY MEMBERS

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, June 14, 2016
FILE NO: CM.TND.1
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider the Audit Committee's recommendation regarding possible candidates for the two (2) vacant positions on the Committee.

BACKGROUND

The structure of the Council's Audit Committee is as follows:

- Four (4) Councillors; and
- Two (2) Community Members.

The two community member positions are presently vacant and it is appropriate that the Committee has recommended possible candidates to the Council for appointment to the Committee. Cr Radford, as a member of the Audit Committee, has invited Mr Roger Bilney to become a member of the Committee and Mr Bilney has accepted.

At its meeting held on 3 May 2016, the Audit Committee resolved:

“...to request Council to appoint Mr Roger Bilney to become a member of the Audit Committee.”

COMMENT

The Manager Corporate Services advertised for Community Members to join the Audit Committee in early 2014. One nomination was received however no appointment was made by the Council.

Having two community member positions on the Committee gives greater openness and accountability for the financial operations of the Shire and increases the diversity of this important Committee. Having said this, a minimum of four meetings per annum can be a significant voluntary time commitment for a Community member.

The Audit Committee has recommended one (1) candidate for the two (2) vacant positions, however, is currently undertaking a process of approaching other viable nominees for a future recommendation to the Council.

CONSULTATION

Audit Committee

STATUTORY REQUIREMENTS

There is significant legislation covering the appointment of Committees, minimum number of members, payment to members and the Audit Committee generally. This is covered by both the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There is no financial implication for this report.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations
- G1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

The Audit Committee is a key risk minimisation strategy, having oversight of several vital administrative functions.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONSStrategic Directions 2015 – 2020

- 2.1.3 – Continue to develop and discuss options for reform and best practice in local government.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Mr Roger Bilney be appointed as a community member of the Audit Committee.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

11 WORKS & SERVICES REPORTS

Nil

12 REGULATORY SERVICES REPORTS

12.1 REVIEW OF ASBESTOS MANAGEMENT PLAN

AUTHOR: Mort Wignall – Manager Regulatory Services
DATE: Wednesday, 25 May 2016
FILE NO: PE.OHS.5
ATTACHMENT: 12.1 Reviewed Asbestos Management Plan

DECLARATION OF INTEREST

Nil

SUMMARY

To seek Council's endorsement of the annual review of Council's Asbestos Management Plan.

BACKGROUND

In respect to the Occupational Health & Safety Regulations 1996 and Code of Practice for the Management and Control of Asbestos in Workplaces, the Shire of Kojonup has a duty of care to ensure that its employees have access to a current and up-to-date Asbestos Management Plan. To ensure this plan is up-to-date, it is reviewed annually to assess any changes to the physical condition of any building with asbestos containing material (ACM) and where necessary, amend the plan to reflect the current status of the respective building, structure or appurtenances, etc.

COMMENT

An inspection of all buildings included in the ACM Building Register has been undertaken and the Asbestos Management Plan has been amended accordingly.

The CWA building which the Council is now responsible for has been added to the ACM Building Register due to the presence of ACM used for lining of the eaves.

CONSULTATION

Council Staff.

Tenants of any of the buildings.

Management committees or their Chairperson as appropriate.

STATUTORY REQUIREMENTS

Occupational Health & Safety Regulations 1996

Code of Practice for the Management and Control of Asbestos in Workplaces

POLICY IMPLICATIONS

Council Policy 2.3.4 Occupational Health & Safety applies. Key objectives of the policy include: reduce, eliminate and control workplace hazards and provide employees with safety information, training and learning appropriate to hazards they are likely to encounter.

FINANCIAL IMPLICATIONS

Funding for ongoing repair, maintenance and removal of buildings with ACM is considered as part of the annual draft budget process with funds allocated to the respective buildings listed on the ACM Building Register as necessary.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- 1.4 – Living in a safe community.

Corporate Business Plan 2013 – 2017

Objectives:

- 1.4.4 – Maintain community safety.

RISK MANAGEMENT IMPLICATIONS

Occupational Safety and Health is one of the “Organisational Risk Assessment Categories” listed in our Risk Management Plan. Under Appendix Four of the Risk Management Plan one of the key objectives is “providing for the ongoing health and safety of all employees at the workplace”.

ASSET MANAGEMENT PLAN IMPLICATIONS

Section 12 of our Asset Management Plan relates to Council buildings and refers to the Shire providing buildings and associated structures to service community needs and support the Shire to deliver its services.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the annual review of the Asbestos Management Plan.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

12.2 WASTE SERVICES – MANAGEMENT OF COUNCIL’S TRANSFER STATION & LANDFILL

AUTHOR: Mort Wignall – Manager Regulatory Services

DATE: Tuesday, 24 May 2016

FILE NO: CP.USA.2

ATTACHMENT: 12.2.1 Correspondence from Warren Blackwood Waste 6 May 2016.
12.2.2 Correspondence from Council to Warren Blackwood Waste
18 May 2016.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of the report is to seek Council’s acceptance of a quotation from Warren Blackwood Waste (WBW) for the management of Council’s transfer station and landfill facility.

BACKGROUND

Council at its meeting held 17 November 2015 resolved as follows:

190/15

“...that, in regards to Request for Quotation Number VROC001:

- 1. No quotation be accepted for the Transfer Station & Landfill Management Services component and that existing purchasing and management arrangements for these services and facilities continue until a further decision of the Council is reached;*
- 2. The quotation from Warren Blackwood Waste be accepted for collection services for a five (5) year period (with an option of two (2) plus two (2) years), in accordance with the pricing schedule submitted. It is noted that the exact pricing agreed will be subject to the decisions made by other Southern Link VROC members and a discount may apply if all four members appoint Warren Blackwood Waste; and*
- 3. The Chief Executive Officer undertake necessary steps to formalise all documentation associated with the current transfer station and landfill management operations, land tenure, contracts, accounting offsets with a view to finalising within the next twelve (12) months.”*

COMMENT

The Chief Executive Officer has, through the Senior Management Team forum and in meetings with Paul Webb, Director of WBW, addressed all matters relating to formalising arrangements for management of the transfer station and landfill facility.

It is proposed for good governance purposes that the end date of the contract be aligned with the contract for the waste (bin collection) service awarded last November so that both contracts end the same year, allowing the option for extension of both contracts to be dealt with simultaneously at that time by both parties.

In WBW’s revised quotation for management of the transfer station and landfill, WBW has provided a quotation of \$78,478.40. per annum (inclusive of GST). The net cost to Council (ex GST) will be \$71,344.00 or \$5,945.00 per month and compares very favourably with the

current cost of managing these facilities, albeit the opening hours of the transfer station have been reduced by approximately 25%. The reduction in opening hours will enable the transfer station to be operated for slightly less than current costs.

The hourly rate for the management of the Transfer Station is \$53.90 (inclusive of GST), adjusted annually to the March quarter Perth CPI, with a reduction of opening hours for access by the general public from thirty eight (38) to twenty eight (28) over four (4) days instead of the previous seven (7), with days and hours of operation being as follows:

Monday	10:00am – 5:00pm
Wednesday	10:00am – 5:00pm
Friday	10:00am – 5:00pm
Saturday	10:00am – 5:00pm

The general public will still retain unlimited all hours access to the large green recycle bin located outside the secured area of the transfer station premises.

While the quotation of \$71,344.00 (exclusive of GST) is the overall cost of managing both the transfer station and landfill, this cost is specifically for managing the transfer station with the cost to Council for WBW managing the landfill, being offset through income derived by them from tip fees and sale of all recyclable materials. This and other accounting offsets negotiated with WBW including but not limited to ground rent for their Material Recovery Facility, use of portion of the transfer station premises for storage of processed recyclable materials and laydown area for plant and equipment, will be fully documented in the contract to formalise and provide transparency to these arrangements.

Since receiving the quotation from WBW the Manager Regulatory Services has corresponded with them on 10 May 2016 (see Attachment 12.2.2), confirming details for management and operation of both facilities to which WBW has agreed through signing and returning a copy of the letter, (also included on the last page of our attached letter of 10 May 2016) acknowledging mutually agreed arrangements for provision of this contractual waste service.

CONSULTATION

The Chief Executive Officer
Senior Management Team
Paul Webb, Director, Warren Blackwood Waste.
Briefing of Council

STATUTORY REQUIREMENTS

As the contract is for a figure less than the threshold of \$150,000.00 set by the Local Government (Functions and General) Regulations 1996, we were not required to advertise the Request for Quotation.

POLICY IMPLICATIONS

Under Section 1.2, Council's 'Purchasing & Creditor Control' Policy (2.1.2) provides that although the policy requires us to conduct a public tender process for purchases or services of \$150,000.00 and above, where a WALGA preferred supplier is used, which is the case with WBW, the need to obtain quotes is removed.

FINANCIAL IMPLICATIONS

The budget allocation for management of the Transfer Station for 2015/2016 financial year is \$70,000.00 and on year to date actual costs we will end the year within budget.

As the quotation is within current costs of managing the transfer station and landfill which are allocated recurrent funding in the annual budget process, there are no financial implications relating to this matter.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building Prosperity (Objective E2.1 – Building local economic capacity to generate wealth and provide a variety of local employment opportunities)
- N1 – Feeling Good About Living in Kojonup
Objective N1.1 states as follows:

Objective	Actions	Measures
N1.1 To manage waste in a way that minimizes the impact to the environment via recycling and reduction of packaging.	N1.1.1 Support community participation in the Clean Up Australia Day Council initiatives N1.1.2 Support the continuation of the Kojonup Material Recovery Facility (KMRF) and its expansion into other neighbouring and VROC shires N1.1.3 Monitor other local government's experiences in limiting the use of plastic shopping bags and consider options for local implementation	<ul style="list-style-type: none"> ➤ Partnerships with schools, service clubs, community groups and other stakeholders to be involved in Council initiatives ➤ To share the costs of the KMRF with VROC ➤ Seek community response to plastic shopping bags through Koji News and social media site

- G1 – Being Well Governed (Objective G1.3 – Support Regional Collaboration and Resource Sharing)

Corporate Business Plan 2013 – 2017

Objectives:

- N1.1.2 – Support the continuation of the Kojonup Material Recovery Facility and its expansion into other neighbouring and VROC shires.
- G1.3 – Support Regional Collaboration and Resource Sharing

RISK MANAGEMENT IMPLICATIONS

Appendix Four-Risk Management Policy Principles-Framework-Process: Management of projects, tenders and proposals.

ASSET MANAGEMENT PLAN IMPLICATIONS

Ensure short, medium and long term waste management facilities and infrastructure is captured in the Asset Management Plan and Long Term Financial Management Plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Southern Link VROC Strategic Directions 2015-2020

Goals:

3.3 – Improve waste management

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1) Accept the quotation received from Warren Blackwood Waste for management of the transfer station and landfill for an amount of \$78,478.40 per annum (inclusive of GST) adjusted annually to the March quarter Perth CPI, for a period commencing 1 July 2016 to 31 December 2020, with an option of two (2) plus two (2) years contract extension; and**
- 2) Ensures the existing leases and/or agreements be updated to reflect the new arrangements including segregation of the material recovery facility from the Transfer Station.**

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 12.2.1

Warren Blackwood Waste

P.O. Box 4258 East Bunbury, W.A. 6230
58 McCombe Road, Davenport W.A. 6230 AUSTRALIA
A.B.N.: 29 681 734 490



6th May 2016

Shire of Kojonup

Dear Mort,

Warren Blackwood Waste has set out a new agreement for the Management of Kojonup Transfer Station and Landfill Facility as discussed.

Rent

Warren Blackwood Waste current pays \$2200 per year inclusive of GST to the Shire for the use of the land on which the Material Recover Facility is located.

We will also pay another \$2200 per year inclusive of GST on the other land at the Kojonup Transfer Station.

Landfill Site

The Kojonup Shire to dig all waste trenches as required.

Warren Blackwood Waste will manage the landfill site and provide the following services. In return for providing these services Warren Blackwood Waste would keep all tip fees from the Landfill and Transfer Station Sites and all recyclable materials.

- Compaction and covering of waste as required
- Litter pickup around the Landfill Site as required
- Record Keeping

Transfer Station

Warren Blackwood Waste will manage the Transfer Station for an hourly rate of \$53.90 per hour inclusive of GST which is currently open 38 hours per week.

We suggest that the opening hours be reduced to 28 hours per week.

The opening hours we recommend are as follows;

Monday	8:30am to 4:30pm
Wednesday	8:30am to 4:30pm
Friday	8:30am to 4:30pm
Saturday	9:00am to 1:00pm

- Warren Blackwood Waste will supply and service 2 x 33 cubic metre bulk bins, 1 being a recycle bin which is available to the public 24 hours a day, 7 days a week. The second bin is a waste bin located at the Transfer Station.
- Supply a loader for pushing up
- Supply a fire fighting unit
- Manage the Drum Muster
- Record Keeping as per the Shires requirement
- All other associated requirements as per agreement

If you require any further information please do not hesitate to contact me.

Regards

Paul Webb
Company Director

Phone: MANJIMUP (08) 9777 1025 BUNBURY (08) 9725 7103 – Mobile: 0427 771 025 – Facsimile: (08) 9777 2999

Email: wbwaste@westnct.com.au Website: www.warrenblackwoodwaste.com.au

Attachment 12.2.2



Our Ref: OCR7418 – WM.SVP.2

Paul Webb – Company Director
Warren Blackwood Waste
Po Box 4258
EAST BUNBURY WA 6230

18 May 2016

Dear Paul,

MANAGEMENT OF KOJONUP TRANSFER STATION AND LANDFILL FACILITY

I wish to acknowledge receipt of your letter 6 May 2016 confirming arrangements and cost of Warren Blackwood Waste managing and operating Council's Transfer Station and Landfill Facility which was discussed at a meeting between yourself, our Chief Executive Officer, Rick Mitchell-Collins and myself on Friday, 22 April 2016.

With the exception of reduced opening hours to the Transfer Station for the general public from 38 to 28 hours over four days per week which is supported by Council and rent to be paid by you for use of portion of Council's Transfer Station land for storage of processed recyclable materials, all other existing arrangements for management and operation of both facilities are unchanged.

1 LANDFILL

- Warren Blackwood Waste (WBW) shall cover all waste placed in trenches at least fortnightly in accordance with *Environmental Protection (Rural Landfill) Regulations 2002* requirements. Although under current arrangements waste is covered weekly, the frequency may be reduced to fortnightly, provided that control of litter is managed to the satisfaction of the Manager Regulatory Services.
- WBW shall compact waste weekly with at least 5 passes. One pass equates to the compactor passing forward and back over rubbish for the entire length of the working face of the trench.
- WBW will dispose of all hazardous (asbestos containing material) waste into a separate trench designated and sign posted for such purpose and cover such waste as soon as practical with a minimum depth of one metre of dense, inert, non-combustible material. Each consignment of asbestos is to be recorded on a disposal form with details relating to its origin, name of person/contractor, size of load, date of disposal, etc. The Manager Regulatory Services will provide a form detailing the information to be recorded. Completed disposal forms are to be handed to the Manager Regulatory Services monthly.

Shire of Kojonup

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

Telephone: (08) 9831 2400 | Facsimile: (08) 9831 1566 | Email: council@kojonup.wa.gov.au

- WBW shall maintain effective control of litter within the landfill precinct with emphasis on containing all litter within the fenced area of the site. A check of boundary fences for litter shall be carried out weekly and any litter on fence lines or outside the trench within the tip precinct is to be immediately removed. An earth bund with a litter fence on top is to be provided by Council along the Eastern end of the active landfill area to further assist in capturing airborne litter blown from the waste trench. This bund and fence will also define the 35.0 metre set back from the surveyed Eastern boundary of the landfill site, which is the closest distance to a boundary permitted for burial of waste. Litter picking shall include the fence on top of the earth bund as well as all landfill perimeter fencing as necessary.

Council will be responsible for arranging excavation of all waste trenches by their nominated contractor and paying all associated costs, including capping of used trenches/cells.

As a means of limiting the landfill footprint consideration is being given to disposal of waste over used trenches or cells in 2.0 metre lifts up to approximately 15.0 metres and using the accumulated surplus clay from excavated trenches for cover material. If this option is implemented it will generally apply to the drier periods of the year which will enable access to the disposal area, with the current trench method being retained for winter operations. This will prolong the life of the existing landfill footprint and save on rehabilitation costs. However a cost benefit analysis of this option over the existing trench method of waste disposal has yet to be carried out before a final decision is made on the viability of adopting this alternate method of waste disposal.

The Manager Regulatory Services will keep you informed as this option is further progressed and if likely to be adopted, will invite your thoughts on the proposal to ensure all operational matters from a contractual perspective, including costs, have been taken into account.

In return and by contra arrangement WBW will manage and operate the landfill according to the abovementioned operational requirements at no cost to Council but will retain all tip fees received for disposal of waste, as well as all proceeds from the sale of recyclable material delivered to the transfer facility.

2 TRANSFER STATION

As of 1 July 2016, WBW will manage and operate the Transfer Station for an hourly rate of \$53.90 inclusive of GST, adjusted annually to CPI, with opening hours for the general public being reduced from 38 to 28 hours per week which will amount to \$78,478.40 per annum or \$6,539.86 per month. The net cost (ex GST) per month to Council will be \$5,945.00.

Days and opening hours for operation of the Transfer Station will be as follows:

Monday	-	10.00am to 5.00pm
Wednesday	-	10.00am to 5.00pm
Friday	-	10.00am to 5.00pm
Saturday	-	10.00am to 5.00pm

Duties to be undertaken by WBW in the management and operation of the facility include the following:

- Supply and service 2 x 33 cubic metre bulk bins, one being a recycle bin located outside the secured area of the Transfer and Recycle Station for use by the general public for

deposit of recyclable material, 24 hours/day 7 days/week. A second bin will be located at the Transfer Station for deposit of general household and mixed waste.

- Supply of a loader for pushing up material and general maintenance of the site.
- Supply a fire fighting unit.
- Manage receipt of farm chemical containers under the Drum MUSTER program.
- Undertake a burn of green waste annually.
- Report any unauthorised fire or environmental incident immediately to Council's representative.
- Maintain the grounds, including boundary fence lines of the transfer station in a tidy condition free of any litter and extraneous matter.
- Manage receipt of waste oil placed into the Wren Oil receptor and 200 litre drum containers placed in the bunded waste oil facility.
- Maintain a system of data collection for all waste received and disposed of through the Transfer Station for Department of Environment Protection (DER) annual waste census, environmental reporting and license renewal purposes.

WBW shall by contra arrangement pay the Shire of Kojonup \$2,200.00 per annum for rent of the Transfer Station land for storage of processed recyclable materials which, in respect to plastic material, shall not exceed 200 cubic metres or more than 200 tyres at any one time, in accordance with Department of Environment Regulation licence conditions for the Transfer Station.

Although not part of the contra arrangements, WBW shall also pay the Shire of Kojonup \$2,200.00 per annum rent under their current lease agreement for land upon which their adjoining Material Recovery Facility is located but this information is included for clarification and transparency purposes.

The operational requirements outlined above for both sites reflect those discussed at our last meeting which were confirmed by you in correspondence received 6 May 2016 but also include additional items relating to the Transfer Station which are DER requirements and need to be captured in the list of operational requirements for the site.

If you are agree with the arrangements outlined above can you please sign at the bottom of the enclosed copy of this correspondence and return to this office, following which the matter will be tabled in a report to Council for consideration at their next meeting.

It's proposed that a contract be awarded for a period coinciding with the end date of the contract recently awarded to WBW for the townsite bin collection service based on a 5 year period with the option of a 2 plus 2 yearly contract extension.

If you have any queries relating to this matter please contact the undersigned Tuesday to Friday during office hours on 9831 2407, mobile 0429 377 349 or email mrcs@kojonup.wa.gov.au.

Yours Sincerely,



Mort Wignall
Manager of Regulatory Services



Rick Mitchell-Collins
Chief Executive Officer
SHIRE OF KOJONUP

18 May 2016.

Date



Paul Webb
Company Director
WARREN BLACKWOOD WASTE

25 May 2016

Date

12.3 CONSIDERATION OF SUBMISSIONS ON TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 13 TO INCLUDE PART OF LOT 11 ALBANY HIGHWAY, BOSCABEL WITHIN ADDITIONAL USES TO ENABLE DEVELOPMENT OF AN ABATTOIR

AUTHOR: Phil Shephard – Town Planner
 DATE: Monday, 13 June 2016
 FILE NO: LP.PLN.22/A20586
 ATTACHMENT: [12.3.1 Schedule of Submissions](#)
[12.3.2 Copy of Submissions](#)

DECLARATION OF INTEREST

Nil.

SUMMARY

The above draft scheme amendment has now been referred to affected landowners, relevant government agencies and advertised for public submissions.

At the close of the submission period on 10 May 2016 a total of 15 submissions were received for consideration. Following the closing date an additional 3 late submissions were received during the consideration period and these have also been included within the attached Schedule of Submissions.

The Council must now consider the submissions received and resolve to either:

1. Support the amendment without modification;
2. With modifications to address issues raised in the submissions; or
3. Not support the amendment.

BACKGROUND

The Council at its 14 December 2015 meeting resolved to initiate the scheme amendment to include portion of Lot 11 on the Cheviot Hills farm to enable the development of an abattoir as follows:

197/15

1. *In accordance with Section 72 of the Planning and Development Act 2005, amend the Shire of Kojonup Town Planning Scheme No. 3 – Amendment No. 13 without modification by including Portion of Lot 11 Albany Highway, Boscabel within Schedule VII – Additional Uses to permit the use of the land for an abattoir and associated uses as follows:*

No	Lot Description	Additional Use	Special Conditions
5	Portion of Lot 11 Albany Highway, Boscabel	Abattoir and associated uses	1 Development of the abattoir and associated uses shall be generally in accordance with a Concept Site Plan adopted by the local government including any minor variation approved by the local government. Minor additional uses may be permitted if the local government is satisfied that

			<p><i>the use is incidental and ancillary to the predominant abattoir use.</i></p> <p>2 <i>Access for the abattoir operations to be restricted to Cherry Tree Pool Road.</i></p>
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2. *Amend the face of the Scheme Map accordingly.*
3. *Note the Amendment is Complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):*
 - a) *The amendment proposal is not addressed by a local planning strategy.*
 - b) *The amendment proposal relates to a development that has potential for impacts that are significant relative to development in the locality.*

The draft scheme amendment was determined to be a complex amendment by the WA Planning Commission and some minor modifications were required to the amendment document by the Commission prior to the advertising commencing which were completed by staff.

The draft scheme amendment was referred to the Environmental Protection Authority (EPA) as required under section 81 of the *Planning and Development Act 2005*. The EPA advised (Submission 1) that the scheme amendment was not required to be formally assessed and it is not necessary for the EPA to provide any advice or recommendations on the amendment proposal.

Following receipt of the EPA's advice, notice of the amendment was advertised for public comment (Thursday, 10 March 2016 – Tuesday, 10 May 2016) including direct referral to adjoining landowners, relevant Government agencies including Department of Agriculture and Food, Department of Environment Regulation Department of Fire and Emergency Services, Department of Health, Main Roads WA, Department of Mines and Petroleum, Department of Water, Great Southern Development Commission, Western Power and Shire of Woodanilling for a period of 61 days (60 day minimum required) as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COMMENT

At the close of the submission and consideration periods, a total of 18 submissions were received and these are contained in the attached Schedule of Submissions. The Schedule of Submissions contains details of the name/address of the submitter, their capacity/interest in making the submission, summary of submission and planning comment/response and recommendation for each submission.

The submissions received either supported and/or did not object to the amendment proposal. No submissions were received that opposed the amendment proposal from proceeding.

A number of the submissions raised issues associated with the potential negative impacts resulting from the emission of odour, dust and noise from the future abattoir operations and the need to ensure they are effectively managed by the operators. As commented in the Schedule of Submissions, the abattoir is required to obtain Works Approval from the Department of Environment Regulation prior to construction and then obtain and maintain a Licence to operate the premises also from the Department.

This is in addition to the development approval required to be obtained for the development of the abattoir through the Southern Joint Development Assessment Panel and other approvals, permits and licences required by the proponent under relevant legislation including Rights in Water and Irrigation Act, Food Act, Health Act, etc.

The submission from Main Roads WA includes details on the required upgrading to the Albany Highway/Cherry Tree Pool Road intersection and changes to the existing farm access to manage traffic impacts from the development of the abattoir.

The comments and the issues raised in the submissions do not require modifications to the amendment proposal as advertised and will be addressed through the development application and approval processes.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council must consider those 15 submissions received during the submission period and may, at its discretion, consider the 3 submissions received after the submission period but before the end of the consideration period (the day that is 90 days after the end of the submission period (being 10 May 2016)).

Staff have included all of the submissions in the attached Schedule of Submissions and recommend they be considered by the Council in finalising the amendment.

Following Council's decision, the scheme amendment is required to be referred to the WA Planning Commission and Minister for Planning for consideration and approval etc. The Commission must then within 90 days of receiving the amendment proposal from Council (unless they are granted an extension by the Minister or authorised person) consider the amendment documents and make any recommendations to the Minister on the amendment they consider appropriate and submit the amendment documents and the recommendations to the Minister for determination.

Alternate Options

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

- 1 *Support the amendment without modification.*
The Council can choose to support the amendment without modification. This would see the amendment proposal finalised as set out in the draft amendment document advertised.
- 2 *Require modifications to the amendment*
The Council can choose to require modifications to the amendment due to issues raised in the submissions. This would see the draft amendment document advertised modified as determined by Council.
- 3 *Not support the amendment*
The Council can choose to not support the amendment. This decision would only be considered if a substantial number of submissions had been received that raised substantial planning issues related to the proposal and which included legitimate planning grounds for the proposal not to proceed.

It is recommended that Council support the amendment without modification, i.e.: Option 1 as outlined above.

CONSULTATION

The draft scheme amendment has been advertised as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* for a 60 day submission period concluding on 10 May 2015 which included:

- Periodical publishing of the amendment notice in the Great Southern Herald;
- Displayed a copy of the amendment notice on the Public Notice Board at the Council Office;
- Referred the amendment document and amendment notice to the relevant public authorities likely to be affected by the amendment proposal with an invitation to comment on the proposal;
- Included the amendment notice and amendment document on the E-News portal on the Council's website;
- Referred the amendment document and amendment notice directly to adjoining landowners with an invitation to comment on the proposal; and
- Provided a copy of the amendment document and amendment notice available for public inspection during office hours at the Shire Office.

As advised, the Council must now consider the submissions received and determine if any modifications are required due to the submissions and resolve to support the amendment without modification, with modification or not support the amendment.

STATUTORY REQUIREMENTS

The scheme amendment has been processed in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* and requires the Council to determine the amendment decision within 90 days of the close of the submission period (10 May 2016) being Monday, 8 August 2016.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The scheme amendment processing and advertising costs will be recouped from the proponent Stone Axe Pastoral Company.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building Prosperity
- N1 – Feeling Good about Living in Kojonup
- N2 – Living in a Safe Community
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- E2.1 – Building local economic capacity to generate wealth and provide a variety of employment opportunities.
- N1.2 – Support management of the natural environment through production based agriculture and reserve management.
- N2.1 – To improve road safety.
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations.

- G1.3 – Support regional collaboration and resource sharing.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

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	Major	Medium	Manage by specific monitoring or response procedures.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications arising from this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Southern Link VROC Strategic Directions 2015 – 2020

Goals:

- 1 – Stimulate economic growth and business opportunity
- 3 – Value and protect the environment
- 5 – Build capacity to enable communities to achieve

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council in accordance with Regulation 41 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Planning and Development Act 2005*, resolves to adopt the attached Schedule of Submissions and recommendation on each submission and to support Amendment 13 to the Shire of Kojonup Town Planning Scheme No. 3 without modification.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

12.4 KOJONUP AG SUPPLIES USE OF CROWN LAND, DRIVEWAY ONTO BLACKWOOD ROAD AND NEW PYLON SIGN

AUTHOR: Phil Shephard – Town Planner

DATE: Monday, 13 June 2016

FILE NO: A12005

ATTACHMENT: 12.4 Site Plan, Proposed Sign East Elevation and Proposed Sign Isometric Sketch.

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider a number of matters relating to the Kojonup Ag Supplies premises including:

- The use of Crown Land.
- The construction of the driveway onto Blackwood Road.
- The construction of a new pylon sign within the Blackwood Road reserve.

BACKGROUND

These matters have been discussed with Councillors at a Briefing Meeting held 17 May 2016 and staff have now prepared a report for Council consideration.

COMMENT

Use of Crown Land

The Kojonup Ag Supplies business relocated from a previous site on Albany Highway and gradually expanded on its new premises on Thornbury Close which has included fencing and use of part of Crown Reserve 39784 'Public Recreation' (10m wide section with total area approx. 700m²) along the front of the lot to Blackwood Road.



Kojonup Agricultural Supplies (Lot 2) bordered in red, Blackwood Road reserve bordered in yellow and Crown Land area being used (Image Landgate)

The Crown Land is vested in the Shire of Kojonup for public recreation purposes and was created as a landscaping strip/buffer around the eastern boundary and along the Blackwood Road area of the industrial area when the subdivision was created in 1986. The management

order for the land does not allow Council to lease the land and Council must determine what action to take.

The use of Crown Land without approval from the Department of Lands and/or the Shire is not appropriate and cannot be condoned. Unless the Shire is prepared to support either the disposal of the land to Kojonup Ag Supplies or gaining the power to lease the land, the fence should be removed immediately and placed in its lawful position along the cadastral boundary of the lot. Whilst there may have been some informal agreements reached in the past, this approach cannot continue and needs to be resolved. Some of this agreement relates to previous drainage problems and improvements at the Turkey Nest dam although this also cannot be used as a reason to not correct the situation.

Staff are currently requesting advice from the Department of Lands on the possibilities of disposing and/or leasing of the land to Kojonup Ag Supplies and are awaiting a response. If their advice does not support the disposal and/or leasing of the land, then the fence will also need to be removed and placed in its lawful position along the cadastral boundary of the lot.

If the proposal does proceed any costs associated with the process should be met by Kojonup Ag Supplies as the beneficiary of the land acquisition.

The options available to Council are essentially to either support (or not) the use of the Crown Land by Kojonup Ag Supplies. Whichever option is chosen; staff can provide additional advice on the next steps required.

Construction of Driveway onto Blackwood Road

The Kojonup Ag Supplies business has expanded on its new premises on Thornbury Close which has included changes to vehicle access points onto Thornbury Close and access onto Blackwood Road has been constructed. Blackwood Road is under the care and control of Main Roads WA and this access has not received approval from them or Council as required.

Staff sought engineering advice from Paul Robertson, Consulting Engineer and he advised the driveway does warrant attention as it does not appear that driveways were intended onto Blackwood Road. Thornbury Close has been constructed to provide access to the lots in the Kojonup Industrial Area and should generally be used for this purpose. He confirms that Main Roads WA approval is required for the entry onto Blackwood Road and that Kojonup Ag Supplies should apply to the Albany Regional Office of Main Roads WA for approval. He has also requested their preliminary advice which is yet to be received.

The construction of crossovers and driveways onto major roads (and across Crown Land) such as Blackwood Road without approval from Main Roads WA is also not appropriate and cannot be condoned. Unless Kojonup Ag Supplies are prepared to obtain the necessary approval from Main Roads WA and meet their requirements, the driveway should not be used. As with the use of Crown Land, whilst there may have been some informal agreements reached in the past including with Main Roads WA staff, this approach cannot continue and needs to be resolved.

If Main Roads WA does not approve the driveway and access onto Blackwood Road, then it will need to be removed and the land reinstated. They also have the option of taking action for the unauthorised works within the road reserve.

New Pylon Sign

The proposed pylon sign is also to be erected in the Blackwood Road reserve and requires Main Roads WA approval and must be designed and constructed in accordance with their specifications.

The proposed pylon sign will be double-sided 5050mm wide by 1500mm high (area 7.5m²) and will be erected on a steel pole with a concrete footing as shown in the attached plans. The sign will be 5.5m above the ground and have an overall height of 7m. No artwork or justification for the position of the sign has been provided with the application.

The proposed site for the pylon sign is shown on the attached plans to be within the Blackwood Road reserve approximately 8.2m to the supporting pylon from the sealed road and shown in the images below.



Kojonup Agricultural Supplies (Lot 2) bordered in red, Blackwood Road reserve bordered in yellow and proposed site of new pylon sign (Image Landgate)



Kojonup Agricultural Supplies access and proposed site of new pylon sign looking West along Blackwood Road (Image Google earth)



*Looking East along Blackwood Road and proposed site of new pylon sign
(Image Google earth)*

Clause 5.17 of Town Planning Scheme No. 3 (TPS3) Control of Advertising is used to control advertising signs within the Shire. In respect to sign applications, c.5.17.3 Consideration of Applications states:

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for Planning Consent to erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, the amenity of adjacent areas which may be affected and traffic safety.

Some types/forms of signs are exempt from requiring Council approval. The exemption in c.5.17.4 states:

Subject to the Provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.17.1, the Council's prior Planning Consent is not required in respect of those advertisements listed in Schedule VI which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule VI do not apply to buildings:

- (i) Listed by the National Trust.*
- (ii) Listed on the Register of the National Estate.*
- (iii) Included in Local Authority Town Planning Schemes because of their heritage or landscape value.*

Schedule VI Exempted Advertisements pursuant to c.5.17 of TPS3 includes the following exemptions:

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the Change of Posters on Poster Signs and Applies to all Non-Illuminated Signs Unless Otherwise Stated)	Maximum Area of Exempted Sign
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of 2 free-standing advertisements signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m²</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m²</p>

The proposed pylon sign is not exempt as it exceeds the height limit of 5m (it is 7m) above ground level and exceeds the maximum permissible area of 6m² per sign (it is 7.5m²) each side.

TPS3 Considerations

The *Planning and Development (Local Planning Schemes) Regulations 2015* (c.67) requires the Council in considering an application for development approval have regard to those matters relevant to the application from the list. Those relevant matters are discussed in the table below:

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	<p>The objectives for the TPS3 (c.1.6) are: <i>The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment.</i></p> <p>The proposed pylon sign is not considered to be inconsistent with the intent for the Scheme. It is considered to be non-compliant with the matters contained in the Scheme namely the requirements under c.5.17 Control of Advertising or the adopted TPS Policy No. 3 Advertising Signs.</p> <p>In considering the new pylon sign, c.5.17.3 Consideration of Applications of TPS3, advises:</p> <p><i>To erect, place or display an advertisement, the Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to</i></p>

	<p><i>the character and amenity of the locality within which it is to be displayed, the amenity of adjacent areas which may be affected and traffic safety.</i></p> <p>The erection of the new pylon sign within the Blackwood Road reserve may set a precedent for future applications.</p> <p>The applicants desire to provide a more prominent entrance sign to the business is acknowledged.</p>
(g) any local planning policy for the Scheme area;	<p>The Council has an adopted TPS Policy No. 3 Advertising Signs covering signs.</p> <p>The proposed pylon sign and the Policy implications are discussed below in the report.</p>
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	<p>There are no other similar signs along Blackwood Road and the proposed pylon sign will be the first such sign.</p>
<p>(n) the amenity of the locality including the following -</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	<p>The proposed pylon sign will be the first sign, apart from regulatory signs, erected within the Blackwood Road reserve area. The sign will be prominent along this area of Blackwood Road.</p>
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	<p>No clearing of any existing vegetation is proposed within the application and the pylon sign is to be erected on a cleared area on the verge.</p>
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	<p>The existing business has a well-defined sealed access to the lot off Blackwood Road and a small portable sign is currently displayed at the entrance point to direct clients. The property has a secondary access off Thornbury Close used as an exit point. The proposed much larger pylon sign would make the entrance more prominent to clients and passers-by.</p> <p>The proposed pylon sign is not expected to generate any substantial additional traffic to the site or adversely traffic safety in the area.</p> <p>The applicants need Main Roads WA approval to erect the sign in the Blackwood Road reserve as it is under their care and control. Without their approval the sign will</p>

	not be permitted to be erected. The pylon sign would also require a building permit.
(w) the history of the site where the development is to be located;	The existing business has operated successfully and expanded over the last few years on the site after relocating from their previous site on Albany Highway.

The Council has a number of options available to it in considering the new pylon sign and may choose to approve or refuse the application. Given the sign also requires Main Roads WA approval, staff recommend that Kojonup Ag Supplies be advised to apply for approval from Main Roads WA and if granted, the Council will also issue development approval for the sign.

CONSULTATION

Tim Mathwin (Kojonup Ag Supplies)
 Stephen Gash (Previous Shire CEO)
 Paul Robertson Consulting Engineer
 Councillors at a Briefing Session

STATUTORY REQUIREMENTS

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

Land Administration Act/Regulations – control use and management of Crown Land.

Local Government Act/Regulations – controls amongst other matters access onto local roads and powers to set standards for driveway and crossover construction.

Main Roads Act/Regulations – controls access and management of roads within the State.

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.

POLICY IMPLICATIONS

The adopted Town Planning Scheme Policy No. 3 Advertising Signs advises that any advertising sign that is not exempt under TPS3 shall be assessed in accordance with the Policy and any application that does meet these Policy requirements will be submitted to Council for consideration.

The Policy includes a Table indicating the types of permissible signs within each zone under TPS3. Roof, wall, projecting, window, pylon, on-ground, panel, product display, public information and business direction signs are permissible types of sign in the Industrial zone under the Policy. It should be noted that the proposed pylon sign will not be erected on land zoned Industrial as it is within the road reserve.

The following standards apply to all advertising signs and devices:

- a) *No advertisement signs and devices shall extend beyond any boundary of a lot;*
- b) *If illuminated the advertising sign or device shall:*
 - i. *not cause a nuisance, by way of light spillage, flashing, running or intermittent lights into abutting sites or roadways;*

- ii. *not interfere with or be likely to be confused with traffic control signals or create a traffic hazard;*
- iii. *have any boxing or casing in which it is enclosed constructed of incombustible material;*
- iv. *where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage; and*
- v. *have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electrical supply authority;*
- c) *All signs shall be securely fixed to their structure or supports and shall be maintained in a safe condition;*
- d) *Signs not attached to buildings shall be designed, constructed, installed and maintained to a standard compatible with their surroundings including buildings, landscaping and other signs;*
- e) *Signs attached to buildings shall reflect the architectural features of the building in placement, style and proportions;*
- f) *The sign shall relate to a business or activity operating on the property; and*
- g) *A person shall not erect a sign so as to obstruct access to or from a path, door, fire escape or window.*

The proposed pylon sign will comply with clauses c) & g), possibly d) above. It does not however comply with clauses a) or f). Clause b) may not apply.

Specifically the standards for pylon signs in the Policy include:

- *1 pylon sign per tenancy/business;*
- *have a minimum clearance of 2.4m from ground level;*
- *not be more than 4m above ground level;*
- *not exceed 2m measured either vertically or horizontally across the face of the sign; and*
- *not be greater than 4m² in area.*

In respect to the new pylon sign, the Policy advises:

When considering a proposal for any new advertising sign, Council will have regard to:

- a) *The approved land use and activities operating on the site and the need and purpose for the sign;*
- b) *The compatibility of the sign with any existing signs on the site and other approved signs for similar activities;*
- c) *Whether the sign complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area;*
- d) *The impact of the sign on vehicular and pedestrian traffic and surrounding land uses and its size, design, location or the use of illumination or devices such as flashing or moving elements; and*
- e) *Whether rationalisation or reduction in the number of existing signs is appropriate and achievable.*

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

These factors are discussed below:

Factor	Comment
a) The approved land use and activities operating on the site and the need and purpose for the sign;	<p>The site has an approved agricultural supplies business and activities.</p> <p>The applicants have not provided any justification for the sign or its location.</p> <p>The purpose of the new pylon sign is expected to improve the legibility of the entrance to the premises off Blackwood Road to clients and passer-by's.</p>
b) The compatibility of the sign with any existing signs on the site and other approved signs for similar activities;	<p>The proposed new pylon is a substantial sign (7.5m² each side) and much larger than other signs erected within road reserves or along Blackwood Road. Where large pylon signs have been erected they are located within the property boundary such as at service stations. The standards for pylon signs in the adopted Policy include:</p> <ul style="list-style-type: none"> • 1 pylon sign per tenancy/business; • have a minimum clearance of 2.4m from ground level; • not be more than 4m above ground level; • not exceed 2m measured either vertically or horizontally across the face of the sign; and • not be greater than 4m² in area. <p>The proposed pylon sign complies with dot points 1, & 2 above (it is 1 sign and is a minimum of 2.4m above ground level); it does not however comply with dot points 3, 4 or 5 (it is more than 4m above ground level at 5m, will exceed 2m horizontally across the sign at 5.5m and is greater than 4m² in area at 7.5m²).</p>
c) Whether the sign complements or detracts from the dominant character of the surrounding landscape and the architectural style and character of the building, site or area;	<p>As can be seen from the images in the report, the proposed new pylon sign will be a substantial structure viewed when travelling past the site along Blackwood Road.</p> <p>The sign is large and will be located at the entrance point off Blackwood Road and well away from the existing buildings on the property.</p> <p>Should the size of the proposed pylon sign not be an issue to Council then the sign could be approved with a variation to the adopted Policy within the property at either entrance gate.</p>
d) The impact of the sign on vehicular and pedestrian traffic and surrounding land uses and its size, design, location or the use of	<p>The proposed pylon sign is located some 8.2m from the road pavement and clear of the road/batter and drain area and any illumination is not expected to adversely traffic/pedestrians in the area.</p>

illumination or devices such as flashing or moving elements; and	Main Roads have not assessed the proposed new pylon sign and their approval is required. It is expected to be outside of the required clear zone which should be 3.5m for a 50km/h speed zone.
e) Whether rationalisation or reduction in the number of existing signs is appropriate and achievable.	There are no plans to rationalise or reduce other signs associated with the business included in the application.

In considering the weight to be applied to a Policy when considering an application, c.7.6.4 of TPS3 states:

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.

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 for the new pylon sign.

The disposal by sale of the Crown Land to the Kojonup Ag Supplies would see the proceeds paid to the State Government through the Department of Lands. The leasing of the Crown Land would see the proceeds paid to the Shire of Kojonup. Either would reduce the present cost to the Shire of maintaining the land.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building Prosperity
- N1 – Feeling Good about Living in Kojonup
- N2 – Living in a Safe Community
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- E2.1 – Building local economic capacity to generate wealth and provide a variety of employment opportunities.
- N1.2 – Support management of the natural environment through production based agriculture and reserve management.
- N2.1 – To improve road safety.
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations.

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 and/or Department of	Possible	Moderate	Moderate	Risk acceptable with adequate

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Lands does not support the disposal and/or lease of the Crown Land to Kojonup Ag Supplies				controls. Manage by specific procedures and likely to need specific application of resources.
Council and/or Main Roads WA does not approve the new driveway and access for Kojonup Ag Supplies	Unlikely	Minor	Low	Risk acceptable with adequate controls. Manage by routine procedures, unlikely to need specific application of resources.
Council and/or Main Roads WA does not approve the new pylon sign for Kojonup Ag Supplies	Unlikely	Insignificant	Low	Risk acceptable with adequate controls. Manage by routine procedures, unlikely to need specific application of resources.

ASSET MANAGEMENT IMPLICATIONS

Should the Department of Land approve the disposal and/or lease of the Crown Land to Kojonup Ag Supplies this would reduce the present cost to the Shire of maintaining the land.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Southern Link VROC Strategic Directions 2015 – 2020

Goals:

- 1 – Stimulate economic growth and business opportunity
- 3 – Value and protect the environment

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

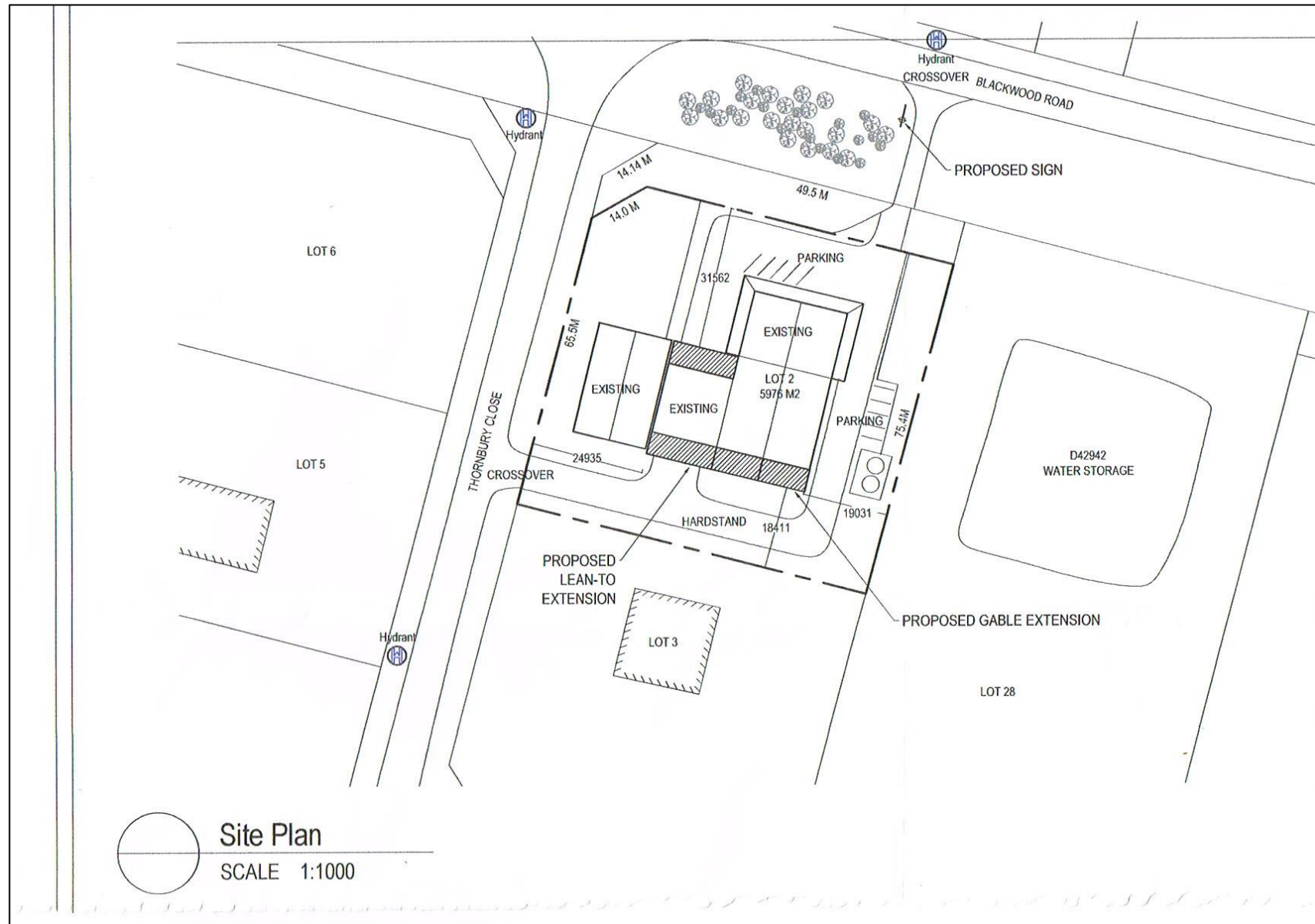
- 1) That Council advise Kojonup Ag Supplies as follows:**
 - a) The present use of the Crown Land area at the front of the lot to Blackwood Road has not been approved by the Shire or Department of Lands as required. The Shire is seeking the Department of Lands advice on whether they are prepared to dispose of the land or alter the Management Order to enable the Shire to lease the land. Should the Department not agree then the fence will need to be removed and placed in its lawful position along the cadastral boundary of Lot 2;**
 - b) The driveway and access onto Blackwood Road requires the approval of Main Roads WA. Please contact the Albany Regional Office to commence the process of gaining their approval as a matter of urgency; and**
 - c) The proposed pylon sign exceeds Council's adopted Town Planning Scheme Policy No. 3 Advertising Signs standards. However, the sign also requires the approval of Main Roads WA. Please contact the Albany Regional Office to commence the process of gaining their approval.**
- 2) That following formal written advice from Main Roads WA, the Council delegate to the Chief Executive Officer:**
 - a) Authority to issue development approval for the proposed pylon sign; or**
 - b) Authority to refuse development approval for the proposed pylon sign.**

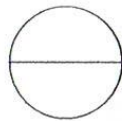
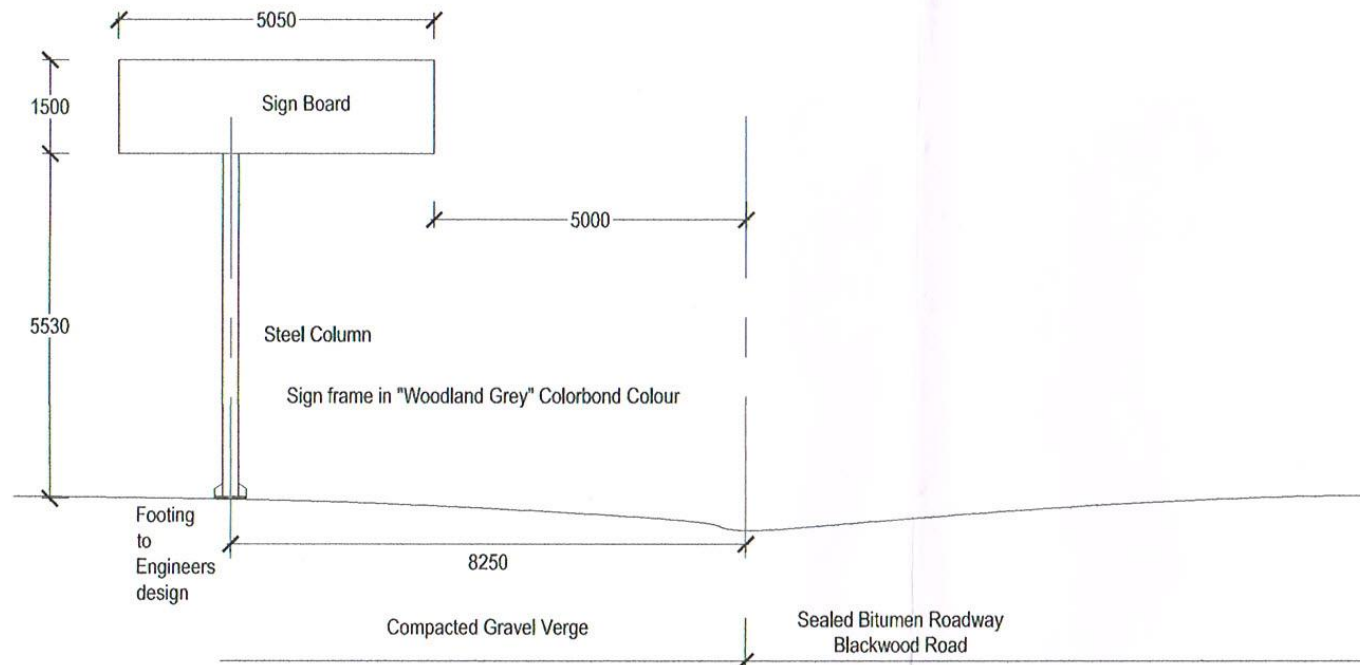
COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 12.4





Proposed Sign East Elevation

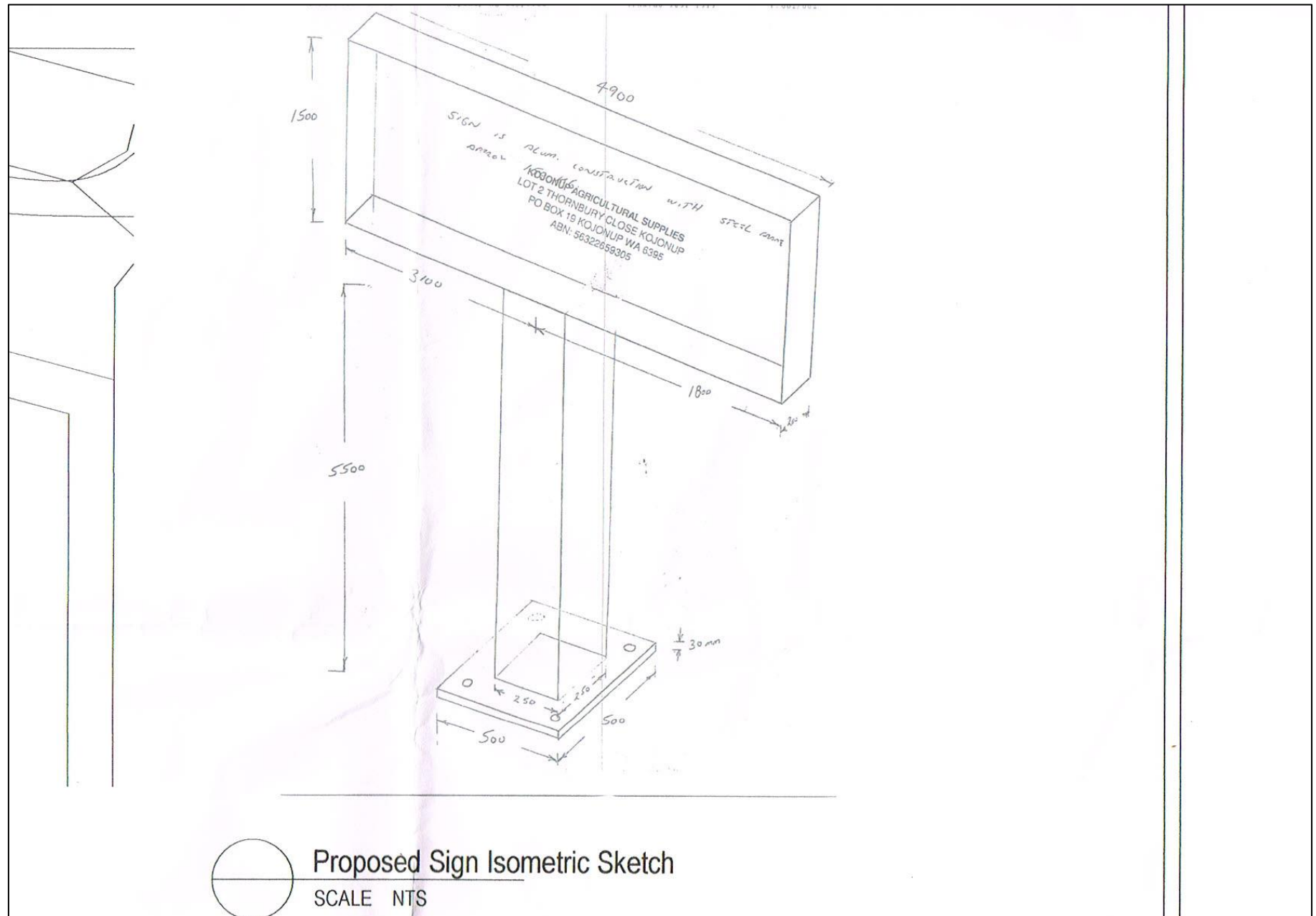
SCALE 1:100

BUILDERS REGISTRATION 13558
PO BOX 5112 ALBANY WA 6332

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CONSTRUCTION.

DUNKELD
CONSTRUCTION

Revision	Date	No.	CLIENT; K
			JOB REF;
			DRAWN -
			CHECKED
			DATE 19/1
			LOT 2, TH



13 **EXECUTIVE & GOVERNANCE REPORTS**

13.1 KOJONUP TOURIST RAILWAY – VARIATION OF ACCREDITATION

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer

DATE: Friday, 3 June 2016

FILE NO: RC.MUS.4

ATTACHMENT: 13.1 Letter and Draft Notice of Accreditation from ONRSR

DECLARATION OF INTEREST

Cr Radford in his capacity as President of Kojonup Tourist Railway Inc. and Cr Hobbs in his capacity as a committee member of the Association.

SUMMARY

To receive latest correspondence including draft notice of accreditation from the Branch Director (WA) Mr Peter Cumming, Office of the National Rail Safety Regulator (ONRSR) noting Council Decision 65/16 made at the 17 May 2016 Council meeting.

BACKGROUND

At its meeting 17 May 2016 Council resolved:

65/16

“...that Council:

- 1) Notify the Office of National Rail Safety Regulator that it wishes to retain the existing accreditation of the railway line for that section of line from the Kojonup Station at Benn Parade to Denney Road Siding including the turntable;*
- 2) Undertake with the assistance of the Kojonup Tourist Railway Inc., Consulting Engineers and Council staff the preparation of engineering, safety and governance standards necessary to address the issues identified in the Technical Compliance Inspection Report dated 25 February 2016 for the above section of railway line; and*
- 3) Work with key stakeholders such as the Kojonup Tourist Railway Inc. to prepare a development plan, necessary governance arrangements including cost/benefit analysis, risk management plan, standard operating procedures, etc. as required by the Office of National Rail Safety Regulator for the balance section of railway line from the Denney Road turntable to Farrar Reserve for possible future accreditation.”*

COMMENT

The Kojonup Tourist Railway Inc. has supplied an updated list of Rolling Stock as below which should replace existing details shown on the draft accreditation provided by the regulator.

	<u>ROLLING STOCK</u>	<u>TARE</u>	<u>AXLE LOAD</u>	<u>LOAD CAPACITY</u>	<u>BRAKES</u>
No 1	KTR Z Loco Replica H Class "Spirit of Kojonup" Manufactured 1989 by Willis	4,100 kg	2,050 kg	Driver & Guard	Full Air Braking System

	Engineering. Build No 30 Converted Rubber Tyres to Rail Gas ato Diesel 2010 Ex 1990's Perth Zoo Train			Aggregate 4, 250 kg	Air/Hydraulic
No 2	KTR F 213-001 Passenger Carriage. Manufactured 1989 by Willis Engineering. Build No 31 Converted Rubber Tyres to Rail Ex 1990's Perth Zoo Train	2,000 kg	1,000 kg	1,200 kg Aggregate 3,200 kg	Full Air Braking System Air/Mechanical
No 3	KTR F213-002 Passenger Carriage Manufactured 1989 by Willis Engineering. Build No 32 Converted Rubber Tyres to Rail Ex 1990's Perth Zoo Train	2,000 kg	1,000 kg	1,200 kg Aggregate 3,200 kg	Full Air Braking System Air/Mechanical
No 4	KTR F213-003 WC Passenger Carriage Manufactured 1989 by Willis Engineering. Build No 33 Converted Rubber Tyres to Rail Ex 1990's Perth Zoo Train	2,000 kg	1,000 kg	1,200 kg Aggregate 3,200 kg	Full Air Braking System Air/Mechanical
No 5	Diesel powered Daihatsu converted Sedan 19 hp	1500 kg	(Converted Motor) Vehicle)		Hydraulic
No 6	Flat Top - Work Unit Pintal & Hook draw gear type	300 kg	870 kg	5,300 kg	Mechanical
No 7	Sleeper Layer				Mechanical Hand Brake
No 8	Flat Top Spray Unit	2000 kg	4000 kg		Mechanical
			Max Full		
			Load		

CONSULTATION

Office of National Rail Safety

Kojonup Tourist Railway Inc.
Council Meeting 17 May 2016

STATUTORY REQUIREMENTS

Rail Safety National Law (WA) Act 2015

Local Government Act 1995 – Division 2, Subdivision 2(Committees)

Department of Lands – Management Order Reserve 51700 registered 31 October 2014 (XE M813123)

POLICY IMPLICATIONS

No formal policy, lease or agreement other than the Management Order with the Department of Lands presently exists, however Council at the 21 July 2015 meeting (Decision 112/15) identified the need to develop an overall plan for the railway heritage precinct which should now include the railway reserve to Farrar.

FINANCIAL IMPLICATIONS

There is no provision for Asset Replacement of Rolling stock, Line Infrastructure or Buildings despite the Railway Station being included on the Municipal Heritage List. It appears that upon the granting of the “Kojonup-Farrar Railway Order 2002” Council effectively passed responsibility onto the KTR to operate and undertake activities and maintain facilities

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- S2 – Staying Active and Entertained
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- S2.1 – Promote Kojonup as a place to live and visit
- G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations

RISK MANAGEMENT IMPLICATIONS

The likelihood of the train and carriages derailing may be low however the consequences of injury to the public are extreme resulting in the Shire (as the present accredited person) being sued for non-compliance. Council should not place itself in such a position, yet it has by placing its trust in a not-for-profit organization (namely KTR) to comply which does not have the qualified skillsets to meet the new National Law.

ASSET MANAGEMENT IMPLICATIONS

Should KTR cease to exist is Council prepared to accept responsibility for the rail line to Farrar or indeed maintain and operate the existing activities/operations given that ownership of rolling stock would be vested in KTR or a like organisation?

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council notify the Office of National Rail Safety Regulator that the draft notice of accreditation is acceptable to the Shire of Kojonup for the section of Railway line from Benn Parade to Denney Siding subject to the inclusion of the updated list of Rolling Stock as provided by the Kojonup Tourist Railway Inc.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 13.1



ONRSR Ref: A587835
Your Ref: OCR7422-RC.MUS.4

25 May 2016

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

National Office
Mail: PO Box 3461, Rundle Mall
ADELAIDE SA 5000
Email: contact@onrsr.com.au
Phone: 08 8406 1500
Fax: 08 8406 1501
www.onrsr.com.au
ABN: 44 260 419 904

Dear Rick

Kojonup Tourist Railway Accreditation

Thank you for your letter dated 19 May 2016 detailing the resolution passed by Council in respect of the accreditation of the Kojonup Tourist Railway on 17 May 2016.

I note that you wish to retain the existing accreditation for the Shire of Kojonup to manage and maintain the operation of a passenger train service between Kojonup Station at Benn Parade and Denney Road siding only (including the turntable to facilitate a return journey)

I enclose a draft consolidated Notice of Accreditation under the *Rail Safety National Law (WA) Act 2015* that meets this requirement for your consideration and feedback

I also understand that you will be engaging other parties to develop engineering, safety and governance standards to address the issues identified in the Technical Compliance Inspection Report dated 25 February 2016 produced by this office.

I acknowledge that Council does not wish to pursue accreditation for the section of railway line between Denney Road and Farrar Siding at this time, but note that a development plan for possible future accreditation is being considered

It should be noted that any future plan to operate the railway between Denney Road and Farrar siding would be subject to a variation to this accreditation and the associated application and assessment process

Finally I note that purchase orders for signage and marking of the road crossings at Pensioner and Soldier Roads have been raised

I look forward to receiving your comments on the draft Notice of Accreditation attached no later than 22 June 2016 and will be in contact to arrange suitable contacts to review the improvements that should be made to the Safety Management System to meet the requirements of the accreditation

Branch Offices

Central (SA, NT, TAS, ACT)
08 8406 1580

New South Wales
02 8263 7100

Victoria
1800 223 022

Western Australia
1800 433 038

Should you have any questions regarding this letter of the draft Notice of Accreditation, please contact Paul Butler on 0438 651004, paul.butler@onrsr.com.au

Yours sincerely



Peter Cumming
Branch Director (Western Australia)



Office of the National Rail Safety Regulator
National Operations

Level 6, 2 Mill Street, Perth WA 6000
PO Box 3461, Rundle Mall, Adelaide SA 5000

t: (08) 8406 1569

m: 0429 482 642

e: peter.cumming@onrsr.com.au

w: www.onrsr.com.au

Rail Safety National Law Notice of Accreditation



The Accredited Person is granted accreditation in accordance with the Rail Safety National Law, as it applies in the participating jurisdiction, by the National Rail Safety Regulator. This accreditation is subject to the conditions and restrictions set out in this Notice.

Item	Details
Accredited person Name ACN ABN Registered business address	Shire of Kojonup 61 822 625 995 PO Box 163 Kojonup WA 6395
Commencement of Accreditation	2 November 2015 Transition from accreditation held under the <i>Rail Safety Act 2010</i> (WA)
Consolidated Notice incorporating Variation of Accreditation	Not applicable to this Notice Accreditation history under the Rail Safety National Law is shown in Schedule 4.
Duration	This accreditation remains in force until it is cancelled, suspended or surrendered as per Part 3 Subdivision 4 of the Rail Safety National Law.
Type of rail operator	Rail Infrastructure Manager and Rolling Stock Operator
Railway operations	The Accredited Person is authorised to carry out the railway operations listed in Item 1 of Schedules 1 and 2 with respect to the: <ul style="list-style-type: none"> rolling stock or rail infrastructure listed in Item 2; and railway or geographic boundary listed in Item 3 for the purpose(s) and using the manner of carrying out specified in Item 4.
Reporting Period of safety performance reports	Annually for the reporting period 1 July to 30 June, with the report due within six months of the end of this period. OR another agreed annual period (include details), with the report due within six months of the end of this period.
Conditions attaching to the accreditation	In accordance with the Rail Safety National Law Section 67 the restrictions and conditions set out in Schedule 3 are imposed on the accreditation set out in this Notice.

Schedule 1 Railway operations – rail infrastructure			
Item 1 Railway operation	Item 2 Rail infrastructure	Item 3 Railway / Geographic boundary	Item 4 Purposes / Manner of carrying out
(1) Construction (2) Management (3) Commissioning (4) Maintenance (5) Repair (6) Modification (7) Installation (8) Operation (9) Decommissioning (10) Scheduling, control and monitoring of rolling stock being operated or moved on rail infrastructure	(1) Rail infrastructure and associated track structures including buildings in Kojonup Yard.	(1) Portion of the closed Western Australian Government Railways Boyup Brook to Kojonup Branch between Kojonup Station at Benn Parade and Denney Road Siding	(1) For the purpose of managing, operating and maintaining a passenger rail transport network.

Schedule 2 Railway operations – rolling stock			
Item 1 Railway operation	Item 2 Rolling Stock	Item 3 Railway / Geographic boundary	Item 4 Purposes / Manner of carrying out
(1) Commissioning (2) Maintenance (3) Repair (4) Modification (5) Decommissioning (6) Operation or movement, or causing the operation or movement by any means (7) Movement of rolling stock for the purpose of operating a railway service	(1) Mini Moke adapted for rail use (2) Daihatsu Scat 4WD road rail vehicle (3) Custom built "Zoo Train" comprising a diesel powered locomotive and two carriages (4) Custom built petrol powered inspection trolleys x 2 (5) Custom built carriages adaptable to flat top wagons for work trains (6) Rail mounted sleeper inserter	(1) Portion of the closed Western Australian Government Railways Boyup Brook to Kojonup Branch between Kojonup Station at Benn Parade and Denney Road Siding	(1) For the purpose of managing, operating and maintaining a passenger rail transport network.

Schedule 3 Conditions and/or Restrictions	
Condition title	Particulars

Schedule 4 Table of variations and amendments		
Variation instrument	Particulars	Date

This Notice of Accreditation is issued pursuant to Section 67 of the Rail Safety National Law and is effective from the **date shown below**. This Notice consolidates and supersedes all Notices of Accreditation and Notices of Variation previously issued to the Accredited Person.

Peter Doggett	Date
Executive Director National Operations	

Office of the National Rail Safety Regulator
 Level 1, 75 Hindmarsh Square, Adelaide 5000
 PO Box 3461, Rundle Mall, Adelaide, 5000
 operations@onrsr.com.au
 www.onrsr.com.au
 Phone: 08 8406 1500
 Facsimile 08 8406 1501

14 AGED CARE SERVICES REPORTS

14.1 ASSESSMENT CONTRACT REPORT OF SPRINGHAVEN FRAIL AGED LODGE

AUTHOR: Susan Northover – Manager Aged Care Services

DATE: Tuesday, 7 June 2016

FILE NO: CS.SVP.10

ATTACHMENT: 14.1 Assessment Contact Report

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to advise Council of the outcome of the assessment contact visit completed at Springhaven Frail Aged Lodge on 23 March 2016.

BACKGROUND

Under the *Aged Care Act 1997* it is a requirement that all residential aged care facilities are audited by the Australian Aged Care Quality Agency every three years at least to monitor their compliance with the Accreditation Standards. Generally facilities will have at least one unannounced visit per year and intermittent announced visits.

COMMENT

The Shire of Kojonup and Springhaven Frail Aged Lodge received official notification from the Australian Aged Care Quality Agency that the facility had met Standard Two: Health and Personal Care; Outcome 2.7 Medication Management and Outcome 2.15 Oral and Dental Care.

CONSULTATION

Aged Care Quality Agency, Springhaven Staff, Care Recipients, the Senior Management Team and Council.

STATUTORY REQUIREMENTS

Compliance with Accreditation Standards

Aged Care Act 1997 (54.2)

Australian Aged Care Quality Act 2013

Quality Agency Reporting Principles 2013(96.1)

POLICY IMPLICATIONS

Nil recommendations were made in the Assessment Contact Report as all outcomes were met.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- S3 – Being Healthy

Corporate Business Plan 2013 – 2017

Objectives:

- S3.1 – Ensure and promote adequate health services are available in Kojonup

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council receives the determination of the Aged Care Quality Agency that Springhaven Frail Aged Lodge has met the Standards reviewed.

COUNCIL DECISION

/16 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 14.1



Australian Government
Australian Aged Care Quality Agency

ASSESSMENT CONTACT REPORT

Home details

Name of home:	Springhaven Frail Aged Hostel	RACS ID:	7080
Approved provider:	Shire of Kojonup		
Home address:	Barracks Place KOJONUP WA 6395		
Phone number:	08 9831 2800	Facsimile:	08 9831 1925
Email address:	springhaven@kojonup.wa.gov.au		
Person in charge on the day:	Sue Northover Manager, aged care		
Total number of allocated places:	22		
Number of care recipients during assessment contact:	20	Number of care recipients with high care needs:	18
Special needs catered for:	Home special needs:	N/A	
	Other languages:	N/A	
	Dementia specific:	No	
	Indigenous:	No	
	Other special needs:	Not specified	

Assessment contact details

First date on site:	23 March 2016	Last date on site:	23 March 2016
Time visit commenced:	9.00am	Time visit finished:	3.15pm
Total assessor hours worked on site:	5.75		
Activity type:	Assessment Contact - Site	Unannounced:	No
Team leader:	Sue Gordon		

Australian Aged Care Quality Agency

Assessment contact report

Home accreditation status before this assessment contact

Accreditation expiry date:	01 May 2018	
Last accreditation audit or review audit:	Re-accreditation Audit	11 February 2015
Assessment contact/s since last audit:	14/07/2015 (Site)	
Timetable for improvement expires on:	N/A	
Expected outcomes not met:	N/A	

Key

Yes	Statement supported by evidence
No	Statement not supported by evidence
Not considered	The area was not covered
Not applicable	The statement is not applicable for the home

Australian Aged Care Quality Agency

Assessment contact report

Audit trail

Interviews	Number	Interviews	Number
Manager aged care	1	Enrolled nurse	1
ACFI coordinator	1	Care staff	3
Registered nurse	1	Occupational therapy assistant	1
Care recipients	5		
Sampled documents	Number	Sampled documents	Number
Care recipient files and care plans	6		

Other documents reviewed

- Better oral health in aged care training resource manual
- Drug of addiction recording book
- Key performance indicator file
- Medication file including charts and profiles
- Medication incident reporting summary sheets
- Plan for continuous improvement/activity log
- Policies and procedures
- Staff and resident meeting minutes
- Staff medication competencies.

Observations

- Bathroom renovation works
- Equipment to aid and assist with meals and drinks and oral and dental hygiene
- Information displayed related to the general activities at the home and external complaints and advocacy mechanisms
- Medication round
- Menu on display
- Short group observation in the dining room
- Staff availability and interactions with care recipients
- Staff information noticeboards.

Continuous improvement

Continuous improvement activities	Standard/s
Following a review by management of the possible reasons as to the underlying causes as to why some staff may have chosen to leave their employment, opportunities for improvement were identified in the way in which new staff, including trainees, are supported and mentored in the early stages of their employment. Management has introduced an education file with	1

Name of home: Springhaven Frail Aged Hostel RACS ID: 7080
 Date of assessment contact: 23 March 2016 to 23 March 2016

RPT-ACC-0021 v14.1
 SENSITIVE
 Page 3 of 8

Australian Aged Care Quality Agency

Expected outcome statements RPT-ACC 0045 v14.2

individualised training records for each staff member. Staff can record any training they have attended, as well as recording any additional training and support they feel they may require. This file is maintained by the registered nurse who monitors its information to identify training gaps in skills and knowledge and then sources training as appropriate either on an individual or all staff basis.	
Following an internal oral and dental audit, the home identified their denture storage containers and toothbrush replacement program could be improved. The home sourced and purchased disposable denture containers and commenced a seasonal container and toothbrush replacement program. Staff were upskilled in contemporary oral and dental practices with specific training to increase their awareness and the importance of good oral and dental care for care recipients. Care recipients interviewed confirmed they are provided with new containers for their dentures and new toothbrushes regularly.	2
Staff identified there were no leisure activities available for care recipients to participate in over the weekend when occupational therapy assistants do not work. As a result, activities are now set up on Fridays by therapy staff for care staff to provide for care recipients on weekends. Care recipients are enjoying having activities after morning tea on weekends whenever possible.	3
Following positive feedback from care recipients about the home's new year's day party, the home has decided to celebrate birthdays on a monthly basis with a party food menu, party hats and poppers. Care recipients are highly complementary of the way in which the home celebrates birthdays "in style".	3
Kitchen staff suggested to management care recipients might enjoy being more involved in menu choices, preparation and cooking of some meals. As a result, the home now invites care recipients (on a rotational basis) to suggest their favourite meal/dish they would like to have on the menu on a particular day. The care recipient is then invited to have input either via the provision of a recipe, can help kitchen staff cook the dish or have it cooked for them if they choose. Management reported this initiative has been very popular with care recipients.	2, 3, 4

Standard Two:**Health and personal care****Principle:**

Care recipients' physical and mental health will be promoted and achieved at the optimum level in partnership between each care recipient (or his or her representative) and the health care team.

2.7 Medication management

Care recipients' medication is managed safely and correctly.

1	Care recipients/representatives expressed satisfaction with the management of their medications.	Yes
2	Care recipient/representatives said staff assist and supervise care recipients during medication administration.	Yes
3	Care recipients/representatives said medications are usually given on or about the correct time.	Yes

Name of home: Springhaven Frail Aged Hostel RACS ID: 7080
Date of assessment contact: 23 March 2016 to 23 March 2016

RPT-ACC-0021 v14.1
SENSITIVE
Page 4 of 8

Care recipients' medication is managed safely and correctly.

4	Care recipients/representatives were generally satisfied with information provided in relation to their medications.	Yes
5	Observation of medication storage showed there is a level of security appropriate for the medication and circumstances, refrigeration of medications as appropriate and dating of opened medications as appropriate.	Yes
6	Management stated information on relevant legislation, regulatory requirements, policies and professional guidelines is available and used to ensure medication administration and management is safe and correct.	Yes
7	Management and staff described systems and processes used to assess and evaluate that medication is managed safely and correctly.	Yes
8	Management described processes for monitoring staff practices to ensure understanding and compliance with the home's processes and procedures and confirmed staff are skilled in medication management.	Yes
9	Staff described and demonstrated the processes for safe and correct administration of medication in accordance with the plan of care.	Yes
10	Staff demonstrated there are processes for the supply of urgent medications and those required out of hours.	Yes
11	Staff described and documents demonstrated the processes for reporting and actioning medication side effects, adverse drug reactions and monitoring pathology results.	Yes
12	Staff interview and documentation demonstrated information on care recipients' individual medication administration needs, such as methods of altering the form of medications, swallowing difficulties or allergies is readily accessible and clearly written.	Yes
13	Where care recipients self-administer medications, there are systems and processes to ensure they are competent and their medications are stored securely.	Yes
14	Staff described the safeguards in place for the administration of nurse-initiated and PRN (as necessary) medications such as authorisations, maximum dosages and monitoring of use.	Yes
15	The medication management system includes procedures to ensure the appropriate disposal of medications.	Yes
16	There is a system to ensure medication incidents are documented, reported and appropriately addressed.	Yes
17	Management provided evidence that review of the causes of medication incidents is used to improve medication administration and management systems.	Yes

Australian Aged Care Quality Agency

Expected outcome statements RPT-ACC 0045 v14.2

Care recipients' medication is managed safely and correctly.

18	Documentation demonstrated a pharmacist or doctor undertake regular reviews of care recipients' medication needs and preferences.	Yes
19	Documentation demonstrated there are processes for the proper ordering and recording of medications such as orders being current, signed and dated.	Yes
20	Medication records are generally completed correctly and management described actions taken in the event of errors.	Yes

Team's recommendation:**Met****EXPLANATORY NOTES:**

- Statement 20 Management reported, and documentation reviewed confirmed, data collected at the home throughout 2015 showed 143 of the 175 medication errors recorded were related to omission of dose (non-signing of non-packed medication). Management described a range of strategies they have put in place in order to address the numbers of medication errors. These include processes of weekly checks of medication errors against care recipient notes, emailing monthly key performance indicator data, which includes medication errors, to all staff prior to meetings for their feedback and comment, the option of staff undergoing a reassessment of medication competency when deemed required, and scrutiny of monthly medication error data by management. Staff interviewed could describe what constituted a medication error, explained their role and responsibility for the reporting of medication errors and what management response would be if a staff member is identified as making regular errors when administering medications.

2.15 Oral and dental care*Care recipients' oral and dental health is maintained.*

1	Care recipients/representatives said consultation occurs regarding the care recipient's needs and preferences in relation to oral and dental care.	Yes
2	Care recipients/representatives said they are satisfied with their oral and dental care and are assisted as required.	Yes
3	Observations confirmed there is sufficient equipment that is regularly cleaned and maintained and there is sufficient stock available for oral and dental care.	Yes
4	Observations and staff interviews confirmed care recipients' receive assistance with oral and dental care as required.	Yes
5	Staff interviews and documentation confirmed assessment of oral and dental needs and preferences occurs when care recipients move into the home and on an ongoing basis.	Yes
6	Management described processes for the identification of care recipients at risk of poor oral and dental health such as those with dementia or swallowing difficulties.	Yes

Care recipients' oral and dental health is maintained.

7	Staff said there are processes for contacting health professionals and that information from these specialists is included in plans of care.	Yes
8	Staff said there are processes in place for the review and update of care documentation as a result of changes in a care recipient's needs.	Yes
9	Staff gave examples of strategies and interventions used in accordance with plans of care to maintain care recipients' oral and dental care needs such as daily mouth and teeth/denture care and cleaning dental equipment.	Yes
10	Documentation demonstrated initial and ongoing assessments of the care recipients' oral and dental care needs are conducted including consultation with care recipients/representatives and health professionals as needed.	Yes
11	Documentation and staff interviews demonstrated there are strategies for care recipients who cannot visit or refuse to visit a dentist or dental hygienist.	Yes
12	Documentation demonstrated that changes in care occur as a result of changes in care recipients' needs.	Yes
13	Management stated the effectiveness of oral and dental health care is regularly reviewed and evaluated. This includes monitoring staff practices, reviewing assessment tools and consulting with those involved as to how effectively the care recipient's needs are being met.	Yes

Team's recommendation:**Met****EXPLANATORY NOTES:**

- Statement 11 Management stated they have been approached by a dental service that can provide care recipients with an opportunity to have their dentures reviewed and repaired as required at the home. Management stated 11 care recipients have expressed an interest in having an appointment to-date.
- Statement 13 Management reported following an internal oral and dental care audit the home identified the current assessment tool did not collect sufficient information to support care planning processes. As a result, a more evidence-based assessment tool was sourced and introduced and will be used as a part of reassessment and care planning processes at the home.

Other information to be considered

- Management reported, and documentation reviewed confirmed, the home uses their commercial internal auditing program to capture opportunities for improvement from audits and has recently commenced using a plan for continuous improvement/activity log the company has developed to record and monitor their improvement activities. I discussed with management the benefits of ensuring they are capturing all improvement opportunities from a range of sources, what actions the home took, and the

outcome/results for care recipients and others. Management stated they would consider this when reviewing their processes.

- The home is currently undertaking a staged approach to upgrading facilities at the home. The first stage has commenced and the home is building two new bathrooms, a sluice room and upgrading two bedrooms in order to accommodate large equipment and provide palliative/respite care and services. I noted the area is sectioned off and does not directly impact on care recipients' ability to move around the home safely.
- I conducted a short group observation during the lunch-time meal service. However, throughout the assessment contact visit I noted, and management confirmed, none of the care recipients living at the home had a high level of cognitive or communication impairment that would have impacted on their ability to provide verbal feedback.

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

17 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

18 NEW BUSINESS

Nil

19 CONFIDENTIAL REPORTS**19.1 CHIEF EXECUTIVE OFFICER – 2015/2016 PERFORMANCE REVIEW**

AUTHOR: Anne Lake – Consultant – Anne Lake Consulting
DATE: Monday, 30 May 2016
FILE NO: Personnel File
ATTACHMENT: 19.1 Confidential Report & Attachment

19.1 BLACK COCKATOO CAFÉ

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer
DATE: Thursday, 2 June 2016
FILE NO: CP.REG.1
ATTACHMENTS: 19.2 Confidential Report & Attachment

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 Section 5.23 (2) of the *Local Government Act 1995* to discuss:

- (a) A matter affecting an employee or employees;**
- (b) The personal affairs of any person; and**
- (c) 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

/16 Moved Cr , seconded Cr

CARRIED/LOST /

20 NEXT MEETING

Tuesday, 19 July 2016 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 – May 2016
- Item 10.2 Monthly Payment Listing 01/05/2016 – 31/05/2016
- Item 12.1 Reviewed Asbestos Management Plan
- Item 12.3.1 Schedule of Submissions
- Item 12.3.2 Copy of Submissions
- Item 19.1 Confidential Report & Attachment
- Item 19.2 Confidential Report & Attachment