

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

19 September 2017

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 19 September 2017 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.

RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER

15 September 2017

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19 SEPTEMBER 2017**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	5
9	DECLARATIONS OF INTEREST	5
10	CORPORATE SERVICES REPORTS	6
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (AUGUST 2017)	6
10.2	MONTHLY PAYMENTS LISTING	8
10.3	DELEGATION REGISTER – ANNUAL REVIEW	10
10.4	CORPORATE BUSINESS PLAN – 2017 – 2021 – ‘SMART IMPLEMENTATION’	13
11	WORKS & SERVICES REPORTS	16
11.1	QUOTATION FOR THE SUPPLY & DELIVERY OF TWO X TANDEM TRUCKS	16
11.2	DIRECTIONAL SERVICE AND TOURISM SIGNAGE POLICY	19
11.3	REMOVAL OF TREES IMPEDING SAFE SIGHT DISTANCES & IMPROVING PEDESTRIAN SAFETY AT INTERSECTIONS ON ALBANY HIGHWAY	27
12	REGULATORY SERVICES REPORTS	31
12.1	ANIMAL HUSBANDRY (CATTLE)	31
12.2	APPLICATION FOR REVELOPMENT APPROVAL FOR NEW SIGN FOR KOJONUP BED & BREAKFAST, 47 NEWSTEAD ROAD, KOJONUP	37
12.3	ST MARY’S ANGLICAN CHURCH ROOF REPAIRS	44
12.4	REQUEST FOR NEW ACCESS/EGRESS TO LOT 89 BLACKWOOD ROAD, MURADUP	56
12.5	MOONIES HILL WINDFARM – UNDERGROUND CABLING AGREEMENT	67
12.6	PROPOSED BLACKSMITHS SHOP ATTRACTION AT SHOWGROUNDS AREA	70
12.7	SUBMISSIONS ON REQUEST FOR ADDITIONAL LAND FOR ST JOHN AMBULANCE KOJONUP FROM HILLMAN PARK	81
13	EXECUTIVE & GOVERNANCE REPORTS	88
13.1	EXTRA ORDINARY ELECTION	88
14	AGED CARE SERVICES REPORTS	92
15	COMMUNITY DEVELOPMENT & TOURISM REPORTS	92
16	COMMITTEES OF COUNCIL	93
16.1	NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE	93
16.2	KODJA PLACE ADVISORY COMMITTEE	94
16.3	BUSHFIRE ADVISORY COMMITTEE	95
17	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	96
18	NEW BUSINESS	96
19	CONFIDENTIAL REPORTS	97
19.1	CHIEF EXECUTIVE OFFICER – CONTRACT VARIATION	97
19.2	REQUEST FOR TENDER 02/2017 AND 03/2017	97
20	NEXT MEETING	99
21	CLOSURE	99
22	ATTACHMENTS (SEPARATE)	99

A G E N D A

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

The Shire President shall declare the meeting open at pm and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Robert Sexton	Deputy Shire President
Cr Frank Pritchard	
Cr Ned Radford	
Cr Jill Mathwin	
Cr Ian Pedler	
Cr Judith Warland	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Craig McVee	Manager Works & Services
Mr Mort Wignall	Manager Regulatory Services
Miss Miranda Wallace	Executive Assistant
Mr Phil Shephard	Town Planner
Mr Paul Retallack	Senior Ranger/Building Maintenance Coordinator

APOLOGIES

Mr Anthony Middleton	Manager Corporate Services
----------------------	----------------------------

LEAVE OF ABSENCE

Cr Graeme Hobbs

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Hobbs applied for a Leave of Absence at the 15 August 2017 Ordinary Council Meeting for the 19 September 2017 Council Meeting. The Presiding Member granted Cr Hobbs his request.

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 15 AUGUST 2017

COUNCIL DECISION

/17 Moved Cr _____, seconded Cr _____ that the Minutes of the Ordinary Meeting of Council held on 15 August 2017 be confirmed as a true record.

CARRIED/LOST /

SPECIAL MEETING 28 AUGUST 2017

COUNCIL DECISION

/17 Moved Cr _____, seconded Cr _____ that the Minutes of the Special Meeting of Council held on 28 August 2017 be confirmed as a true record.

CARRIED/LOST /

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

9 **DECLARATIONS OF INTEREST**

Item 19.1

- The Chief Executive Officer as the direct subject of this item.

10 CORPORATE SERVICES REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (AUGUST 2017)

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, 12 September 2017
FILE NO: FM.FNR.2
ATTACHMENT: 10.1 – Monthly Statement of Financial Activity

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the period ending 31 August 2017.

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 2017 to 31 August 2017 represents just two (2) months, or 16% of the year. The following items are worthy of noting:

- Surplus position of \$4.07m.
- Operating results:
 - 51% of budgeted operating revenue has been received; and
 - 12% of budgeted operating expenditure spent;
- Capital expenditure achieved 8% of budgeted projects;
- The value of outstanding rates equates to 29.5% of 2017/2018 rates raised, which includes previous years arrears and instalment options but excludes deferred rates;
- Cash holdings of \$6.1m of which \$3.07m is held in cash backed reserve accounts;
- Page 7 & 8 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

Council Policy 2.1.6 defines the content of the financial reports.

FINANCIAL IMPLICATIONS

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

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
Key Pillar 3 – Performance	<ul style="list-style-type: none"> 3.4 – Be organised and transparent with our financial management. 	<ul style="list-style-type: none"> Increase regularity of readable financial reporting to the community. Act with sound long-term and transparent financial management and deliver residents considered value for money.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Governance FA – Being Well Governed	<ul style="list-style-type: none"> G1.1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations G1.1.4 – Maintain robust systems and controls. 	N/A

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) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statements for the period 1 July 2017 to 31 August 2017, as attached, be noted.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Christine Coldwell – Finance Officer
DATE: Tuesday, 6 September 2017
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 Monthly Payment Listing 01/08/2017 – 31/08/2017

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of August 2017

BACKGROUND

Not applicable.

COMMENT

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

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate Services prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Refer to the VROC Strategic Plan

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 – 1 August 2017		TO – 31 August 2017
Municipal Cheques	13917 – 13932	\$48,839.22
EFTs	19348 – 19619	\$750,714.05
Direct Debits		\$500,229.51
Total		\$1,299,782.78

be received.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

10.3 DELEGATION REGISTER – ANNUAL REVIEW

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Tuesday, 12 September 2017
FILE NO: PE.AUT.2
ATTACHMENT: 10.3 – Delegation Register

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider the annual review of the Council's Delegation Register.

BACKGROUND

Section 5.46 (2) of the *Local Government Act 1995* requires that delegations be reviewed at least once every financial year. The Delegation Register was last reviewed by the Council in September 2016.

COMMENT

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within the attached Delegations Register to the Chief Executive Officer (CEO). Under the *Local Government Act 1995*, the Council is only able to delegate to the CEO and the CEO may then on-delegate to other Officers. When a decision is made under delegation, it is as if that decision has been made by the Council and is not subject to later ratification or endorsement.

A review of the Delegation Register has been undertaken in accordance with the *Local Government Act 1995* to ensure that it contains the requirements for the Shire of Kojonup to function efficiently and to ensure good governance.

As the Delegation Register is now reviewed regularly, the only proposed change is as follows:

- ADMIN006 – 'Obtaining Legal Advice' – it is proposed that this delegation be deleted as it is not technically a delegation under the Act, but just a normal purchasing process.

CONSULTATION

Relevant staff.

STATUTORY REQUIREMENTS

The *Local Government Act 1995*, sections 5.42 to 5.46 and Regulation 19 of the *Local Government (Administration) Regulations 1996* relate to delegations.

Specifically, section 5.42 of the *Local Government Act 1995* allows for the delegation of some powers and duties from the Council to the CEO. Section 5.42 states:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. *Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

This report or its recommendation does not in itself have a financial implication. However, a number of delegations provide the ability for officers or committees to exercise power to approve tenders or commit funding.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP – 3. Performance	<ul style="list-style-type: none"> 3.4 Be organised and transparent with our financial management. 	<ul style="list-style-type: none"> Act with sound long-term and transparent financial management and deliver residents considered value for money. Commit to future state-wide measurement systems testing local government performance.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Governance FA – Being Well Governed	<ul style="list-style-type: none"> 1.1 – To expand the way we communicate with the community and ensure appropriate response times. 	<ul style="list-style-type: none"> G1.1.4 – Maintain robust systems and controls

RISK MANAGEMENT IMPLICATIONS

This report ensures legislative compliance and continues a framework of delegations to ensure that the Council and staff are undertaking their respective roles.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Delegation Register dated September 2017, as attached, be adopted in accordance with section 5.42 of the *Local Government Act 1995*.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST BY ABOLSUTE MAJORITY /

10.4 CORPORATE BUSINESS PLAN – 2017 – 2021 – ‘SMART IMPLEMENTATION’

AUTHOR: Anthony Middleton – Manager Corporate Services
 DATE: Tuesday, 12 September 2017
 FILE NO: CM.CIR.1
 ATTACHMENT: 10.4 - ‘Smart Implementation’ - Corporate Business Plan 2017 – 2021

DECLARATION OF INTEREST

Nil.

SUMMARY

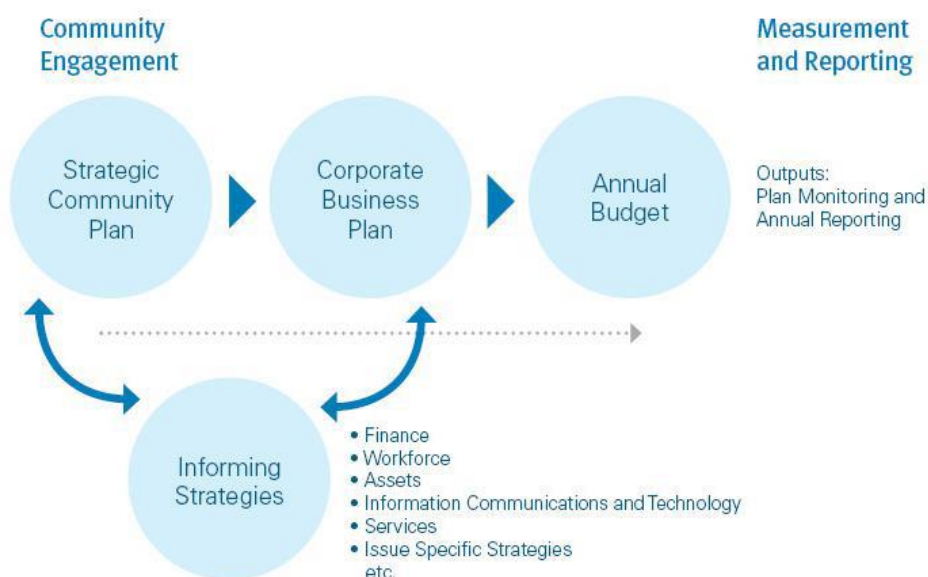
The purpose of this report is to consider the Corporate Business Plan for 2017 – 2021 to implement to goals of the recently adopted *Smart Possibilities* and ensure compliance with the *Local Government Act 1995*.

BACKGROUND

The *Local Government Act 1995* Section 5.56 (1) and (2) requires that each Local Government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations.

The *Local Government (Administration) Regulations 1996* requires each Local Government to adopt a Strategic Community Plan and a Corporate Business Plan. The Shire’s new Strategic Community Plan, titled *Smart Possibilities*, was adopted on 25 July 2017.

In relation to the Corporate Business Plan, the plan is to be for a period of four (4) years and shall be reviewed each year. These two plans lead the integrated planning and reporting process in local government in WA as follows:

**Elements of Integrated Planning and Reporting Framework**

COMMENT

Smart Possibilities sets the strategic direction for the organisation for the next ten (10) years and beyond. It is the community's plan and is based primarily on the feedback obtained through surveys, workshops and interactive voting sessions.

The attached plan, *Smart Implementation* demonstrates how and when the goals set in *Smart Possibilities* will be achieved. It also incorporates all other resourcing strategies and documents adopted by the Council, such as the Asset Management Plan 2017, Workforce Plan, Main Street Master Plan etc.

The format of the attached plan reflects the five (5) 'key pillars' established in *Smart Possibilities* as follows:

1. **Place** (Kojonup celebrates its diversity for residents and visitors);
2. **Connected** (Kojonup advances through connections, partnerships and alliances);
3. **Performance** (Kojonup's people show commitment to strategy and operational excellence)
4. **Prosperity** (Kojonup invests in its own prosperity and drives economic growth); and
5. **Digital** (Kojonup is ambitious with technology, data and analytics).

The attached Corporate Business Plan represents a significant improvement on previous plans and is increasing in importance as a vital document. This plan is now equal in importance to the Annual Budget and *Smart Possibilities* and will require regular reference on a day-to-day basis by both staff and elected members. Year two of the plan will be the primary input tool for the content of the 2018/2019 Annual Budget.

A four year financial operating statement has been added to give additional focus to the "Business as Usual" operations of the Shire, with reference to financial inputs from plans such as the 10 Year Road Program (draft) and 12 Year Plant Replacement Program, further integrating all of the Council's efforts into one cohesive direction.

CONSULTATION

Senior Management Team.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Administration) Regulations (1996)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/CORPORATE IMPLICATIONS

This Corporate Business Plan is a primary component of the Shire's integrated planning process and sets the direction for all future decisions and allocation of resources.

RISK MANAGEMENT IMPLICATIONS

Compliance with Section 5.56 of the *Local Government Act 1995*

ASSET MANAGEMENT PLAN IMPLICATIONS

This plan includes the twelve (12) key recommendations from the Asset Management Plan 2017, giving each an indicative timeline for completion.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION

That Council adopt the Corporate Business Plan for 2017 – 2021, titled *Smart Implementation*, as attached.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

11 WORKS & SERVICES REPORTS**11.1 QUOTATION FOR THE SUPPLY & DELIVERY OF TWO X TANDEM TRUCKS**

AUTHOR: Craig McVee – Manager Works & Services

DATE: Thursday, 7 September 2017

FILE NO: FM.TND.2

ATTACHMENT: 11.1 – Evaluation Matrix Spreadsheet**DECLARATION OF INTERST**

Nil

SUMMARY

The purpose of this report is to consider quotes for the supply and delivery of 2 x Tandem Trucks and with trade of Council's existing 2 x Isuzu Giga CXZ455 (KO163 and KO122).

BACKGROUND

Council has provided funds in the 2017/18 Budget for the purchase of the new trucks in accordance with the 10 year plant replacement program. The trade in of the Shire's existing 2 trucks was also included in the Budget.

COMMENT

Request for quotes was submitted via eQuotes, (Ref VP82741 2 x Tandem Trucks) on the WALGA website on Tuesday, 7 August 2017 with a closing date of Thursday, 24 August 2017 at 12:00pm.

The following quotes were received at the close of the period:

Tandem Truck

Company	Purchase Price	Trade-In	Net Change Over	Make/Model
South West Isuzu	\$198,265	KO122 CXZ Giga \$81,500	\$116,765	Isuzu Giga 455 CXY
South West Isuzu	\$198,265	KO163 CXZ Giga \$72,500	\$125,765	Isuzu Giga 455 CXY
Bunbury Trucks	\$238,150	KO122 CXZ Giga \$66,000	\$172,150	Hino FS2848
Bunbury Trucks	\$238,150	KO163 CXZ Giga \$60,000	\$178,150	Hino FS2848

The trucks were rated in an evaluation matrix (Attachment 11.3), Bunbury Trucks scored 93 out of a total rating of 100.

The Hino trucks supplied by Bunbury Trucks meet all specs requested in the eQuote. The Isuzu trucks supplied by South West Isuzu did not meet the requested specs, being unable to engage PTO on the run.

It is therefore recommended that the eQuote be awarded to Bunbury Trucks for the supply of 2 (two) Hino FS2848 Tandem Axle Trucks fitted with Howard Porter Bodies at \$476,300 with a trade in of 2 x Giga CXZ at \$126,000 GST inclusive which is a \$350,300 changeover resulting in a budget saving of \$197,00.

The net budgeted purchase price is \$500,000 with a trade in of \$130,000 giving a net changeover of \$370,000.

The net changeover cost being \$350,300, which is a plant replacement budget saving of \$19,700.

CONSULTATION

Consultation was undertaken as part of the 2017/18 Plant Replacement Program and the truck replacements became part of the 2017/18 Budget.

STATUTORY REQUIREMENTS

WALGA eQuotes was used to submit the tender request. According to the *Local Government (Functions and General) Regulation 1996*:

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if—*
- (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

POLICY IMPLICATIONS

In view of the Purchasing & Creditor Control 2.1.2, “where a WALGA preferred supplier is used, the need to obtain quotes is removed.” Three quotes were obtained from suppliers via the WALGA eQuotes site.

FINANCIAL IMPLICATIONS

The 2017/18 Budget provides for a net changeover of \$370,000. The Officer Recommendation, if adopted, will result in a budget saving of \$19,700.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
Key Pillar 3 – Performance	<ul style="list-style-type: none"> 3.4 – Be organised and transparent with our financial management. 	<ul style="list-style-type: none"> Act with sound long-term and transparent financial management and deliver residents considered value for money.

Corporate Business Plan 2013-2017

Key Area & Focus Area	Objectives	Actions
KA – Governance FA – Being well governed	<ul style="list-style-type: none"> G1.4 – Maintain robust systems and controls 	<ul style="list-style-type: none"> Implement organisation wide risk management
KA – Natural & Built Environment FA – Living in a safe community	<ul style="list-style-type: none"> N2.1 – To improve road safety 	

RISK MANAGEMENT IMPLICATIONS

The 10 year plant replacement program ensures the safety of employees and minimises financial risk to the Shire by maintaining a high standard of plant while reducing maintenance expenses. This ensures minimum lost time due to breakdowns of old equipment and loss of productivity and possible risk of injury to employees.

ASSET MANAGEMENT IMPLICATIONS

As part of the 10 year Plant Replacement Program the new trucks replace existing older trucks which will reduce expenditure on maintenance and will ensure productivity of the asset and efficiency of both machine and employee.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the eQuote be awarded to Bunbury Trucks for the supply of two (2) Hino FS2848 Tandem Axle Trucks fitted with Howard Porter Bodies at \$476,300 with a trade in of two (2) x Giga CXZ at \$126,000 GST inclusive resulting in a nett changeover of \$350,300 .

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

11.2 DIRECTIONAL SERVICE AND TOURISM SIGNAGE POLICY

AUTHOR: Craig McVee – Manager Works & Services
DATE: Thursday, 7 September 2017
FILE NO: CM.POL.1
ATTACHMENT: 11.2 – Directional Service and Tourism Signage Policy

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to review and adopt the new policy ‘Directional Service and Tourism Signage’.

BACKGROUND

The new policy is being brought to Council for their review and following their consideration, incorporated into the Shire of Kojonup Policy Manual.

The Shire does not currently have a signage policy. At the CEO’s request, the Manager Works & Services has developed this policy with input from staff. A draft policy has been reviewed by the Senior Management Team on two separate occasions; 17 August and 31 August 2017 and during Briefing Sessions with the Councillors on 3 February and 1 March 2016.

Sunny Signs provided draft templates for all future signage to incorporate the new shire logo. Consultation was held with Councillors, the agreed street signage would be white reflective with black text. All other signage; Emergency Services, Visitor Services, Community Facilities, Tourist Attractions, Specified Commercial and all other business activities, all other destinations was to remain unchanged and consistent with colour coding compliant with Australian Standards. All future replacement street signs would incorporate the current logo on white reflective with black text.

COMMENT

The proposed policy is intended to provide clear and logical directional signage guidance to ensure standardised dimensions, symbols and consistent colour coding. The policy will clearly identify facilities and attractions that locals and visitors may wish to visit. The logo on street signage provide branding and promotion of the Shire of Kojonup and enhances the “good feeling” of living in Kojonup.

CONSULTATION

Senior Management Team – 17 August and 31 August 2017
Council Briefing Session – 3 February and 1 March 2016
Sunny Signs
Phil Shephard – Town Planner

STATUTORY REQUIREMENTS

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. The Council may adopt, amend or waive policies under section 2.7(2)(b) of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Council policies are made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

FINANCIAL IMPLICATIONS

Ongoing financial support in future budgets for replacing any damaged or missing street signage under the current budget allocation of RM05.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
Key Pillar 1 – Place	<ul style="list-style-type: none"> • 1.4 – Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way. 	<ul style="list-style-type: none"> • Form a programmed upgrade of Main Street through landscaping, furniture and signage.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Economy FA – Supporting Main Street	<ul style="list-style-type: none"> • E1.1 – Improve retail sustainability by enhancing the appeal of the town center, to encourage more people to stop in town. 	N/A.

RISK MANAGEMENT IMPLICATIONS

The risk of not implementing consistent signage through the Shire may lead to visitors and road users not being to find the destination/attraction they are looking for. The image of the Shire will not improve without reliable and clear signage which is recognisable for both locals and visitors to the region.

ASSET MANAGEMENT IMPLICATIONS

Signage is considered a part of the Shire’s Asset Management Plan. The implications are that this Policy sets out how and in what styles future signage should be erected.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the ‘Directional Service and Tourism Signage’ policy.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 11.2**4.2 DIRECTIONAL SERVICE AND TOURISM SIGNAGE POLICY****Adopted or Reviewed by Council:** DRAFT**Council Minute Reference:****Reviewer:** Manager Works & Services**Local Law:****Procedure:****Delegation:****OBJECTIVE**

- Provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs.
- Provide clear and logical directional signs through the use of standardised dimensions, symbols and consistent colour coding compliant with Australian Standards.
- Maintain effectiveness of traffic control signs that regulate, warn and guide traffic and facilitate safe, efficient and orderly travel.
- Clearly identify those facilities that may qualify for directional signs and the conditions under which they may be permitted.
- Provide and allow for adequate and suitable promotion of local businesses.

POLICY

The Shire of Kojonup acknowledges the need to regulate signs on its road reserves, footpaths and public spaces to maintain the effectiveness of priority traffic control signs and directional signs and to ensure the amenity of the townships and rural areas is appropriate. A proliferation of signs and advertising can reduce the overall effectiveness of the sign.

REGULATORY, WARNING, GUIDE SIGNS

These signs are Traffic Control Devices (e.g. 'Stop' sign, 'Give Way' sign) installed by Statutory Authorities. Missing or damaged signs should be reported to Main Roads WA or the Shire Office.

FINGERBOARD SIGNS

A fingerboard sign portrays the name or type of service provided by a facility, is small and rectangular in shape with the long axis horizontal (similar in characteristic to a street name sign), secured to a post and positioned directly below a street name sign. Its purpose is to advise road users of the direction to facilities located on side streets.

Fingerboard signs to only include street name, emergency services and community service information signs. Commercial and tourist business signs not permitted as finger board signs.

A written request is required to be lodged with the Shire and approved prior to the installation of all fingerboard signs.

1. Applications for new fingerboard signs should be made to the Shire in writing and may be addressed in terms of the need, the usefulness, desirability and availability of space in relation to this policy.
2. No more than four (4) fingerboard signs may be placed on a post in accordance with Australian Standards. Street addresses are the primary means of locating particular facilities. For this reason all streets and roads should be clearly identified with street name signs. Priority for placing signs to be in the order of:
 - Street name
 - Street information (eg: "No Through Road")
 - Emergency Services
 - Community facilities

Fingerboard signs are to be installed in accordance with Australian Standards, Codes of Practice and adopted Council Policies. This is to provide a consistent standard throughout the Shire and throughout the state and country.

No fees apply for fingerboard signs. Fingerboard signs may not be supported for those facilities situated on main roads. A maximum of two fingerboard signs may be supported per facility.

TOURIST SIGN

Tourist signs safely and efficiently guide visitors to their destination, identifies and guides visitors along touring routes, welcome visitors to the region and informs visitors of the range of attractions and services available at the destination.

A written request is required to be lodged with the Shire and approved prior to the installation of all tourist signs.

1. Applications for tourist signs to be considered in accordance with this policy
2. Applications for new tourist signs should be made to the Shire in writing.
3. Standard fees for assessment and installation apply in accordance with Council's current adopted Annual Fees and Charges.
4. Premises that are predominantly retail/sales outlets should not be considered as tourist establishments but as commercial establishments.

TEMPORARY SIGN

Temporary advertising signs are defined as those signs that announce a local event of a religious, cultural, political or recreational character for a fixed time period.

An application is required to be lodged with the Shire and approved prior to the installation of all temporary signs.

Temporary Signs are those that announce a local event of a religious, educational, cultural, social or recreational character or that relate to an event of a political character. This type of sign does not require Development Approval from Council if:

- a) The total area of advertisements of that type on the site is not more than 2 square metres; except for a sign advertising a federal, state or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and
- b) That the advertisement does not move, flash, reflect light so as to cause distraction to motorists and is not internally illuminated.

Temporary Signs that are to be placed on public or Council controlled land require the permission of Council prior to their display. No fees apply for temporary signs.

Council reserves the right to remove any temporary signs that:

- Contain offensive or inappropriate wording
- The design or construction is determined to be unsuitable
- Unreasonably restricts the use of the road
- Unreasonably endangers the safety of members of the public

COMMERCIAL SIGN

Commercial advertising signs promote a commercial activity, service or product rather than give directions to it.

A Development Application is required to be lodged with Shire of Kojonup and approved prior to the installation of all commercial and advertising signs.

1. Commercial advertising signs require Development Approval. A Development Application form is required to be lodged with Council along with the required plans and written details. Should a person propose to erect an advertising sign on a road reserve or Council land, consent is unlikely to be granted unless circumstances are exceptional. Permission needs to be obtained from the relevant land owner (eg: Shire, Main Roads WA, etc) and a Development Application needs to be lodged and approved. The applicant needs to demonstrate that they have a Public Liability Insurance (in the Shire's name) to the value of \$10 million which needs to remain current for the lifetime of the sign and adequate structural plans need to be submitted with the application.
2. Commercial advertising signs are not permitted on fingerboard signs.
3. Fixed commercial advertising signs should be located only on the property of the premises being advertised.
4. Precinct signs advertising or listing individual businesses as "cluster" signs may be installed at the entrance to a recognised estate where there is an incorporated association or body that represents that estate and this body takes the responsibility for the sign.
5. Property identification displayed on signs that do not exceed a total area of 0.5m² may be erected without development approval.

EXISTING SIGNS

1. Existing signs may be allowed to remain at Council's discretion.
2. Council maintains the right to remove any signs if any of the following occurs:
 - The existing sign did not comply with the Council policy in place at the time of its installation.
 - The facility no longer conforms with the conditions of the sign approval
 - The sign is in a poor state of repair
 - The facility no longer operates as an eligible community facility
 - The facility ceases to operate
 - There is a demonstrated need for aggregating signs in a particular location
 - The road authority need to resume the land
 - The sign contains offensive or inappropriate wording
 - The design or construction is determined to be unsuitable
 - The sign unreasonably restricts the use of the road; or
 - The sign unreasonably endangers the safety of members of the public
 - Replacement of any existing sign is subject to this policy and requires an application as applicable.
3. Replacement signs to only be approved in accordance with this policy and prior existence of signs does not infer automatic approval of new signage.

SIGN COLOURS

Directional signs to be coloured in accordance with the Australian Standards 1742.2-1994, 1742.5-1997, and 1742.6-2004 as per the table below:

Category	Font Size	Colours	
		Text	Background
Street Name – including shire logo against post	150mm	Black	White Reflective
Street Information, E.G., “No Through Road” Or “One Way”	As per standard	Black	White Reflective
Emergency Services (E.G. Police, Hospital, Ambulance)	As per standard	White	Blue Reflective
Visitor Services / Roadside & Commercial Services (E.G. Motel, Caravan Park, Parking, Public Toilets, Information Centre)	As per standard	White	Blue Reflective
Community Facilities Likely To Be Sought By Visitors (E.G. Post Office, Shopping Centre, Civic Centre, Library, Art Gallery, Railway Station)	As per standard	White	Blue Reflective
Tourist Attractions (E.G. Lookout, Winery, Botanic Gardens)	As per standard	White	Brown Reflective
Other Community Facilities (E.G. Church, Sports Grounds, Youth Centre, Cemetery)	As per standard	White	Blue Reflective
Specified Commercial And All Other Business Activities, All Other Destinations	As per standard	White	Green Reflective



1300x3500mm

APPROVED BY	SIGNED	DATE	If you have any queries in relation to this sign, please contact Sunny Signs. Sunny Signs accepts NO RESPONSIBILITY for any errors. Please check sheets carefully. Production will not proceed until approval is given. This artwork is the property of Sunny Signs & not to be used without permission. 10 Dundas Pl. Melb, VIC 3000	CLIENT: Shire of Kojonup SLIP NO: 281765

DRAFT

11.3 REMOVAL OF TREES IMPEDING SAFE SIGHT DISTANCES & IMPROVING PEDESTRIAN SAFETY AT INTERSECTIONS ON ALBANY HIGHWAY

AUTHOR: Craig McVee – Manager Works & Services

DATE: Thursday, 7 September 2017

FILE NO: TT.PLN.3

ATTACHMENTS: [11.3.1 – Trees Proposed for Removal](#)
[11.3.2 – Metro Trees Quote](#)

DECLARATION OF INTEREST

Nil

SUMMARY

To consider the removal of trees impeding safe sight distances and to improve pedestrian access and safety along the Albany Highway at road intersections between Robinson Road and Broomehill Road in the town centre.

BACKGROUND

Over the years members of the public have raised concerns about:

- The impact trees at various junctions on Albany Highway are having on safe sight distances when accessing Albany Highway;
- Trees roots lifting pavement which becomes a trip risk for pedestrians or impedes the effective use of gophers; and
- Costs involved in pruning trees under power lines or ensuring branches do not encroach onto road impeding Trucks, Caravans or RV's

COMMENT

The Manager Works & Services at the Chief Executive Officer's request, undertook an evaluation of the street junctions onto Albany Highway and the impact that some of the street trees were having for safe sight distances and pedestrian movements.

This evaluation took the form of a visual inspection in a 4 tonne truck looking at junctions entering onto Albany Highway within. The results of the inspection were presented to Council at its Briefing Session held 31 July 2017 and are as follows:

1. Robinson Road – Remove 2 x prunus plums to South
2. Katanning/Kojonup Road – No issues
3. Pensioner Road – Remove 2 x trees to South
4. Spring Street – Remove 2 x trees to North & 1 x tree to South
5. Church Avenue – Remove 2 x trees to North & 2 x trees to South
6. Newstead Road – Remove 2 x trees to North & 2 x trees to South
7. McLeod Street – Remove 2 x trees to North & 1 x tree to South
8. Harrison Place – Remove 2 x trees to South
9. Gregory Street – Remove 1 x tree to South
10. Elverd Street – Remove 2 x trees to South
11. Vanzuilecom Street – Remove 2 x trees to South
12. Spencer Street – No issues
13. Gordon Street – No issues

It was confirmed with Main Roads WA that the Austroads (the peak organisation of Australasian road transport and traffic agencies) safe stopping distance for a vehicle travelling 50km/per hour downhill needs a safe breaking distance of a minimum 97 metres

which equates to 2.5seconds when travelling at 50km/per hour. All the trees recommended for removal above are well within the 97 metres.

Staff have used a conservative approach to assessing the affected areas/trees with the intention of preserving the maximum amount of remnant vegetation possible. Trees that affect vehicle or pedestrian safety (by dropping leaves/berries etc.), affect parking areas along Albany Highway (for caravans and RVs, etc.) or obstruct residents along Albany Highway backing out onto the road have been selected for removal. Council’s plan for the future is to replant at appropriate sites with appropriate species.

CONSULTATION

MetroTrees

Danny Coleman & Chris Grant – Main Roads WA

Guide to Road Design Part 4A: Unsignalised and Signalised Intersections

Council Briefing Session – 31 July 2017

Phil Shephard – Town Planner

STATUTORY REQUIREMENTS

Austrad Standards Guide: Guide to Road Designs – Unsignalised and Signalised Intersections.

POLICY IMPLICATIONS

Policy 4.2 – Street Trees. “The Shire undertakes maintenance of verge trees, including pruning and removal. Private planting, removal or pruning on all Road Reserves shall first require the approval of the Manager of Works and Services and shall be in accordance with this policy. The length of the verge will determine how many trees will be planted. Residents should be aware that any trees planted on the verge remain the property of the Shire. The Shire has the right to remove trees that create a hazardous situation.”

FINANCIAL IMPLICATIONS

There is an allocation in the 2017/18 budget for the removal of trees – Account RM22. It has an allocation of \$7,000. The Quote from Metro Trees for the removal of 25 trees on Albany Highway is \$9,240 including GST.

A budget amendment will consequently have to occur to increase RM22 by \$2,500 to be \$9,500. It is proposed that the funds be transferred from RM15 – Trees, Major Works (Rural).

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP – 1 Place	<ul style="list-style-type: none"> 1.4 – Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way. 	<ul style="list-style-type: none"> Form a programmed upgrade of Main Street through landscaping, furniture and signage.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Natural and Built Environment FA – Living in a Safe Community	<ul style="list-style-type: none"> • N2.4 – Maintain Community Safety 	<ul style="list-style-type: none"> • N2.4.2 – Support appropriate initiatives to improve safety and reduce crime

RISK MANAGEMENT IMPLICATIONS

If adequate visibility is not provided at street junctions onto the Albany Highway then Council runs the risk of being held liable in the event of an accident occurring.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION**That:**

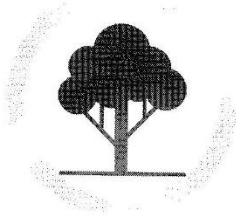
1. The trees on Albany Highway at intersections impeding safe sight distances and pedestrian movements in line with Council Policy 4.2 be removed with the cost allocated to General Ledger account code RM22; and
2. The 2017/18 Budget be amended by transferring \$2,500 from General Ledger account code RM15 to RM22.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST BY ABSOLUTE MAJORITY /

Attachment 11.3.2



P.O Box 1803
 Wangara 6065
 Metrotrees@live.com
 0411552025
 ABN 99 166 190 772

Metro Trees

Quote

Marina Murray
 m.murray13@hotmail.com
 Shire Of Kojonup
 0428566527
 Albany Highway Multiple tree removal

10331
 8/8/2017

Removal of:	A\$7,400.00
4x trees north and south of Newstead Road	
2x trees south of Robinson Road	
2x trees west side of Pensioner Road	
3x trees north and south side of Spring Street	
4x trees north and south of Church Ave	
3x trees north and south of McLeod Street	
2x trees south of Harrison Place	
1x tree south of Greg Street	
2x trees south of Elverd Street	
2x trees south of Vanzuilecom Street	
All trees to be removed to ground level, mulching all debris, poisoning stumps and leaving site clean and tidy.	
Travel fuels and accommodation	A\$1,000.00
	A\$8,400.00
GST 10%	A\$840.00
	A\$9,240.00

A\$9,240.00

Request As to

12 REGULATORY SERVICES REPORTS

12.1 ANIMAL HUSBANDRY (CATTLE)

AUTHOR: Paul Retallack – Senior Ranger/Building Maintenance Coordinator
DATE: Thursday, 6 September 2017
FILE NO: LE.INF.1
ATTACHMENT: Nil.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to request that Council via the Shire President request a meeting with a representative of the Department of Primary Industries and Regional Development: Agriculture and Food to be held in Kojonup and attended by Councillors and staff to discuss animal husbandry issues, highlighting the frustration of staff in dealing with the Livestock Inspection Branch in such matters.

BACKGROUND

This report relates to situations where there is insufficient pasture and/or supplementary feed and from time to time, livestock (cattle) breaking through fencing to access feed on Road Reserves or in neighboring farmers paddocks, resulting in numerous ongoing and unresolved complaints being received by Council's Senior Ranger from aggrieved farmers as well as school bus drivers who observe the wandering (escaped) cattle on bus routes.

In the opinion of staff, hungry animals breaking through fence lines to access feed on road reserves or other farming properties is an issue of animal husbandry for which the Senior Ranger has no jurisdiction. Responsibility for these matters rests with the Department of Primary Industries and Regional Development and in particular the Stock Compliance Unit. However, despite several attempts to engage with departmental staff to work collaboratively to resolve this ongoing issue, little or no support has been received.

COMMENT

Despite concerted efforts by the Senior Ranger to resolve these matters the landowner continues to farm his animals in a way that in our opinion is neglectful and deemed to be an animal husbandry issue. A distinction needs to be made between cattle escaping from their property due to no other reason than defective fencing and the animal husbandry issue of hungry animals forcibly knocking down fences to access feed on road reserves or neighbouring farmer's paddocks, which is the key issue here.

As this is a long standing and continuing issue also being experienced by a neighbouring local government and has serious potential public risk consequences, particularly from a road safety perspective, we need clarification from the Minister regarding the handling of these matters by departmental officers so that future complaints of escaped cattle can be referred to the appropriate government department or agency for their follow up action as necessary.

The following excerpts of information downloaded from the Department of Primary Industries and Regional Development: Agricultural and Food's website is procured for the information of Council.

<https://www.agric.wa.gov.au/animalwelfare/animal-welfare-roles-and-responsibilities>

“ANIMAL WELFARE ROLES AND RESPONSIBILITIES

Please note: This content may be out of date and is currently under review.

There are a number of agencies and organisations that have roles and responsibilities in administering and enforcing the Animal Welfare Act 2002 (the Act). These include the Department of Agriculture and Food, Western Australia (DAFWA), the Department of Parks and Wildlife (DPaW), the Royal Society for the Prevention of Cruelty to Animals Western Australia (RSPCA), local government rangers and the WA Police.

ROLES AND RESPONSIBILITIES OF DAFWA

Role of DAFWA

DAFWA is the department of the Public Service assisting the Minister for Agriculture and Food in the administration of the Act. Inspectors have authority under the Act to investigate complaints of animal cruelty and undertake a range of compliance and enforcement actions.

DAFWA also contributes to the development of animal welfare policies and standards and raises awareness among industry to facilitate compliance with animal welfare legislation and improved animal welfare outcomes for livestock.

The Animal Welfare Regulation project within DAFWA's Biosecurity and Regulation directorate, is responsible for all administrative, compliance and enforcement issues related to the Act.

Responsibilities of the Animal Welfare Regulation project include:

- *Providing advice to the Minister and other stakeholders in relation to the Act*
- *Administering animal welfare legislation*
- *Promoting compliance with the Act*
- *Animal welfare monitoring at livestock aggregation points across all levels of the livestock supply chain (for example, saleyards, feedlots, abattoirs, knackeries and ports)*
- *Investigating reports of cruelty to livestock referred by the RSPCA or from agricultural industry*
- *Conducting compliance and enforcement actions, including prosecution where appropriate*
- *Providing extension and education in relation to animal welfare legislation*
- *Licensing institutions that use or supply animals for scientific purposes*
- *Monitoring scientific licensees for compliance with the Act.*

Responsibilities of DAFWA includes:

- *Providing policy advice to the Minister and other stakeholders in relation to livestock welfare*
- *Contributing to the development of state and national animal welfare policies*

- *Participating in the development of national animal welfare standards*
- *Consulting with local industry and other stakeholders on livestock welfare policies*
- *Providing information to livestock owners and handlers with the aim of improving animal welfare*
- *Playing a key role in animal welfare policy and the development of national standards and guidelines*
- *Appointing inspectors under the Act.”*

<https://www.agric.wa.gov.au/animalwelfare/animal-welfare-livestock>

“ANIMAL WELFARE: LIVESTOCK

A person in charge or control of an animal is responsible for the health, safety, and welfare of the animal. The responsibility is the same for all animals from pets to livestock. Examples of the person in charge or control of an animal include the owner of an animal, a property owner, a farm worker, a truck driver transporting livestock, etc.

If you are a person in charge or control of an animal then the welfare of that animal and the provision of reasonable care is your responsibility.

Reasonable care for animals includes but is not limited to:

- ***Provision of adequate food and water***
- *Suitable living conditions, including appropriate shelter*
- *Prompt treatment of illness or injury*
- *Appropriate handling, restraint and transport*
- *Humane euthanasia when required.*

Section 19 of the Animal Welfare Act 2002 (the Act) contains a number of provisions directly and indirectly related to the provision of care to livestock. These include Section 19(3), where a person in charge of an animal is cruel to an animal if the animal:

- a. Is transported in a way that causes, or is likely to cause, it unnecessary harm*
- b. Is confined, restrained or caught in a manner that:

 - i. Is prescribed (regulation 4 of the animal welfare (general) regulations deals with prescribed acts), or*
 - ii. Causes, or is likely to cause, it unnecessary harm**
- c. Is worked, driven, ridden or otherwise used:

 - i. When it is not fit to be so used or has been over used, or*
 - ii. In a manner that causes, or is likely to cause, it unnecessary harm**
- d. Is not provided with proper and sufficient food or water***
- e. Is not provided with such shelter, shade or other protection from the elements as is reasonably necessary to ensure its welfare, safety and health*
- f. Is abandoned, whether at the place where it is normally kept or elsewhere*
- h. Suffers harm which could be alleviated by the taking of reasonable steps*
- i. Suffers harm as a result of a prescribed act being carried out on, or in relation to, it*
- j. Is, in any other way, caused unnecessary harm.*

The Act provides a range of defences to a charge of cruelty in sections 20 to 30, including acting in accordance with a relevant (prescribed) code of practice.

Severe penalties apply for a person convicted of cruelty. A minimum penalty of \$2,000 up to a maximum of \$50,000 or five years imprisonment apply for each offence.”

https://www.agric.wa.gov.au/animalwelfare/animal-welfare-livestock?page=0%2C3#smartpaging_toc_p3_s0_h2

“ANIMAL WELFARE: LIVESTOCK

Monitoring compliance

Since taking over the administration of the Animal Welfare Act 2002 in July 2011, the Livestock Compliance Unit (LCU) has conducted over 1000 inspections at points of livestock aggregation across the state of Western Australia. These inspections include; saleyards, abattoirs, export depots, live export loadings at ports.

In addition, the LCU regularly conducts inspections at commercial animal farms such as piggeries, poultry farms and feed lots. The purpose of an inspection is to identify any risks of non-compliance with the Act, and use compliance tools including education and extension to minimise that risk.

The LCU also monitors compliance with the Act at events and facilities where commercial livestock are used for entertainment, such as rodeos.”

https://www.agric.wa.gov.au/animalwelfare/animal-welfare-livestock?page=0%2C0#smartpaging_toc_p0_s0_h2

“ANIMAL WELFARE: LIVESTOCK

A person in charge or control of an animal is responsible for the health, safety, and welfare of the animal. The responsibility is the same for all animals from pets to livestock. Examples of the person in charge or control of an animal include the owner of an animal, a property owner, a farm worker, a truck driver transporting livestock, etc.”

CONSULTATION

- Department of Primary Industries and Regional Development – Stock Compliance Unit
- Office of the Hon Alannah McTiernan MLC – Principal Policy Officer – Primary Industries
- RSPCA
- Department of Local Government
- Shire of Katanning

STATUTORY REQUIREMENTS

Local Government Miscellaneous Provisions Act 1960

Animal Welfare Act 2002

Dividing Fences Act 1961

Local Government Act 1995

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Customer angst necessitates increased officer attendance including after hour inspections.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP – 2 Place	<ul style="list-style-type: none"> 2.3 – Be providing for a safe and secure environment by working with State and Federal Authorities. 	N/A

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Natural and Built Environment FA – Living in a Safe Community	<ul style="list-style-type: none"> N2.4 – Maintain Community Safety 	<ul style="list-style-type: none"> N2.4.2 – Support appropriate initiatives to improve safety and reduce crime

RISK MANAGEMENT IMPLICATIONS

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Public Risk – Vehicle Collision Straying Stock Loss	Likely	High	High	To be discussed with Livestock Inspection Branch to resolve issue.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That Council authorise the Shire President to request a meeting with a representative of the Department of Primary Industries and Regional Development: Agriculture and Food to be held in Kojonup and attended by Councillors and staff to discuss animal husbandry issues, highlighting the frustration of staff in dealing with the Livestock Inspection Branch in such matters.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

12.2 APPLICATION FOR REVELOPMENT APPROVAL FOR NEW SIGN FOR KOJONUP BED & BREAKFAST, 47 NEWSTEAD ROAD, KOJONUP

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: A10306
ATTACHMENT: 12.2 – Sign Plans

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider an application for development approval to erect a new sign in the road reserve facing Newstead Road to direct patrons to the Kojonup Bed and Breakfast establishment.

Council approval is also required as the sign does not comply with some of the requirements of the Council's adopted Town Planning Scheme Policy No 3 – Advertising Signs. It therefore cannot be considered under delegated authority and must be referred to the Council for a decision.

The recommendation is to grant development approval subject to conditions.

BACKGROUND

Nil.

COMMENT

Proposal

The proposed sign will be 95cm wide x 70cm high (0.6m² in total area) and constructed of metal frame and poles with painted metal sheeting sign plate with the business name and phone number displayed.

The sign is proposed to be erected within the Newstead Road road reserve adjacent to the property driveway. Newstead Road is a local road and under the care, control and maintenance of the Shire of Kojonup. The applicant has received recently approval from the Shire to plant some flower species within the verge at the front of the property along Newstead Road.

The property has been approved as a bed and breakfast and to conduct art classes/studio.



Street view of property entrance from Newstead Road (image from Google Earth)

Zoning and Land Use/Development

The property is contained within the Residential zone under Town Planning Scheme No. 3 (TPS3).

The objectives for the Residential zone (c.3.2.1) in TPS3 are:

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

Clause 5.17 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 proposed sign is not exempt.

Town Planning Scheme Policy No. 3 – Advertising Signs

The Town Planning Scheme Policy No. 3 advises that any advertising sign that is not exempt shall be assessed in accordance with this 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. Within the Commercial zone: real estate, public information and business direction signs; are all permissible types of sign under the Policy.

The proposed sign is not compliant with some standards in the Policy, namely its position outside of the property.

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.”

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:

<i>Matter to be Considered</i>	<i>Response</i>
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<i>The proposal to establish the new signs is considered consistent with the aims and the provisions of TPS3 and the objectives for the Residential zone.</i>
(b) <i>the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	<i>The sign is considered consistent with the orderly and proper planning of the locality.</i>
(g) <i>any local planning policy for the Scheme area;</i>	<i>The new sign is considered consistent with the aims in Town Planning Scheme Policy No. 3 Advertising Signs. However, it does not comply with some standards in the Policy.</i>
(m) <i>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;</i>	<i>The new sign is small in area and will assist direct patrons to the property.</i>
(n) <i>the amenity of the locality including the following:</i> (i) <i>environmental impacts of the development;</i> (ii) <i>the character of the locality;</i> (iii) <i>social impacts of the development;</i>	<i>The new sign is not expected to adversely affect the amenity and character of the locality.</i>
(q) <i>the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</i>	<i>The sign is not affected by any known risk.</i>
Ⓡ <i>the suitability of the land for the development taking into account the possible risk to human health or safety;</i>	<i>The proposed sign will be erected within the road reserve area. In accordance with the Policy No. 3, where a sign is erected over a road reserve/footpath, the applicant must provide written confirmation at the time of application that they accept responsibility for its maintenance and have obtained public liability insurance to cover any claim should an accident involving the approved sign occur. This would be placed as a condition of</i>

<i>Matter to be Considered</i>	<i>Response</i>
	<i>development approval for the sign if it is approved.</i>
<i>(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;</i>	<i>The sign is not expected to create any significant additional vehicle traffic in the area and the existing road system can handle the expected traffic loads. No adverse impact on traffic/pedestrian safety is expected.</i>
<i>(w) the history of the site where the development is to be located;</i>	<i>The site has a long history as a bed and breakfast and art studio/workshop.</i>

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

- 3 *Not approve the proposal*
The Council can choose to refuse to approve the sign and advise the proponent giving reasons. If this option was chosen, the new sign would not be able to be erected.
- 2 *Approve the proposal*
The Council can choose to approve the sign, with or without conditions.
- 3 *Defer the proposal*
The Council can choose to defer the matter for a period of time and seek additional information from the proponents, if deemed necessary to complete the assessment, before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition. An appeal must be lodged within 28-days of being notified of the decision/condition to be appealed.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 – The processing of a development application is required to comply with the requirements of Town Planning Scheme No. 3 which is an operative local planning scheme under the Act/Regulations.

Local Government Act 1995 – Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law requires Council approval to display a sign within a road reserve.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 3 – Advertising Signs apply to this report (see Comments section of report above).

FINANCIAL IMPLICATIONS

The applicant is required to pay the development application fee of \$147 as set out in the adopted 2017/18 List of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONSCommunity Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Nil.

Corporate Business Plan 2013 – 2017

Nil.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council 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 approve the new sign	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONSSouthern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant development approval for the new sign for Kojonup Bed and Breakfast at 47 Newstead Road, Kojonup subject to the following conditions:

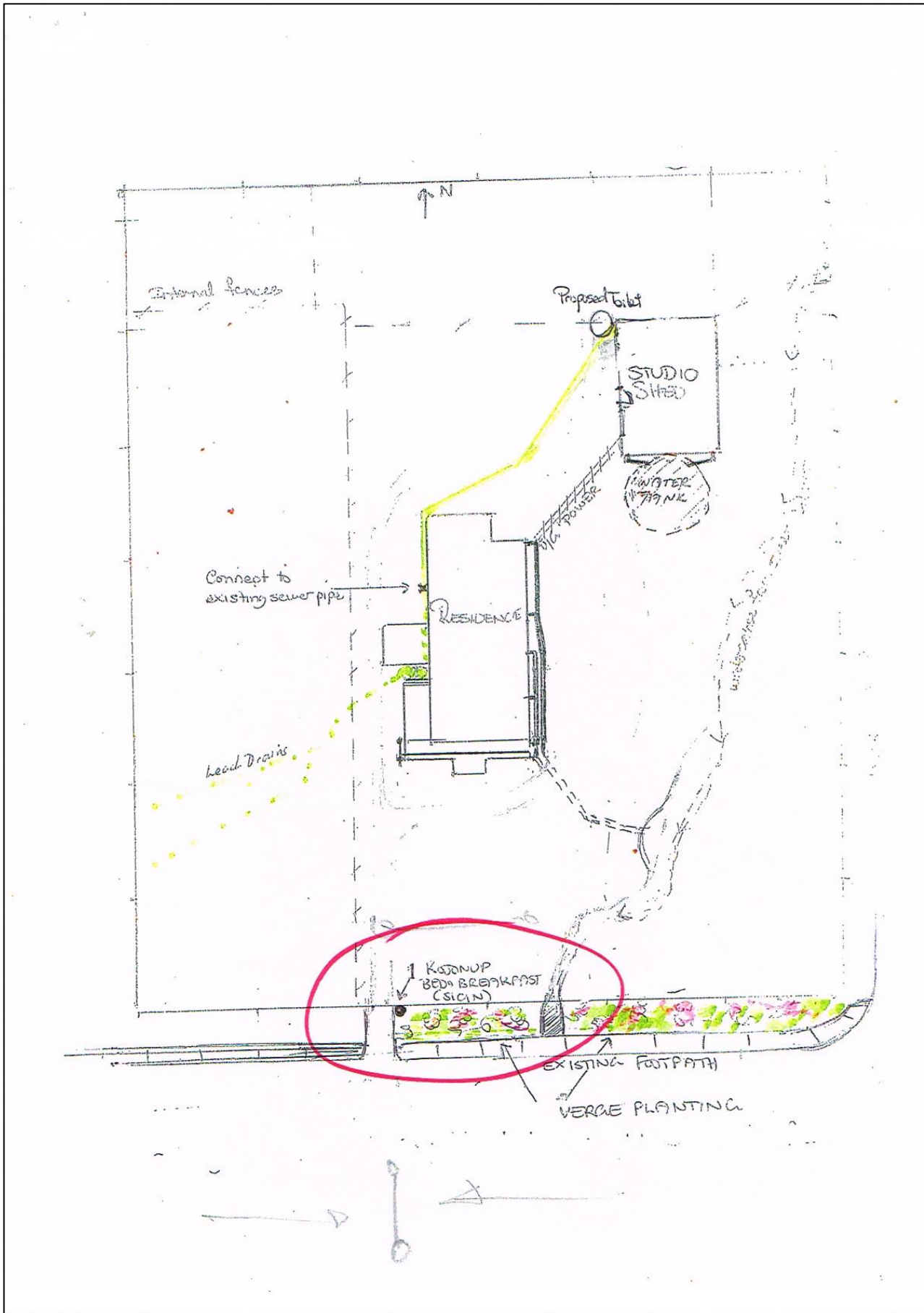
- 1) **The sign to be erected inside the property and generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.**
- 2) **Prior to the sign being displayed, the applicant providing written confirmation that they accept responsibility for the erection and ongoing maintenance of the sign and have obtained public liability insurance to cover any claim should an accident involving the approved sign occur.**

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 12.2



Kojonup Bed n Breakfast

PH: 9831 1119



12.3 ST MARY'S ANGLICAN CHURCH ROOF REPAIRS

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: A6130
ATTACHMENT: 12.3 – Application Letter and Plans/Photos

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the proposal to undertake repairs to the church roof. St Mary's Anglican Church is on the Shire's Municipal Inventory and the works require development approval from Council to proceed.

The proponents have also requested Council waive the development application fee of \$147.

BACKGROUND

Nil.

COMMENT

The application letter sets out the problems with the sagging of the existing roof and the need for repairs to ensure the integrity of the roof. The Anglican Parish of Kojonup have sought advice from Edward D. Pigott (Consulting Engineer) who has reviewed the previous report on the roof, inspected the building and provided the church with his inspection report and recommendations for the repairs.

Local Heritage

The St Mary's Anglican Church (Place 10605) and adjoining Old Church of England (old St Mary's Church) (Place 01401) are included on the Shire's Municipal Inventory (MI) for their cultural heritage significance to the community.

The MI records the old church was constructed in 1911 and when it became too small to meet the parish needs, the new church was built in 1958, and subsequently the old church became the Parish Hall. The MI records the new church is constructed with rough faced stone walls and a steeply pitched gabled roof over the main transept. This steep pitch is emulated on an entrance gateway at the front and the bell tower on the North-East corner. This information points to the distinctive appearance of the new church.

Given the repairs are internal and required urgently to maintain the integrity of the church roof, staff have not sought comment from the Shire's heritage consultant.

The Council has yet to establish a heritage list under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and therefore no statutory heritage planning controls apply to the proposal now.

Land use/development

The proposed roof repairs do not affect the present land use.

TPS3 (c.5.4 Development Table) requires any development that is permitted under the Scheme shall conform to the requirements for that use as specified in Table II -

Development Table. There are no specific requirements for church use and c.5.4.1 advises where requirements for a particular use are not set out, the development shall conform to the provisions for the predominant use of the zone in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine.

The Development Table sets out minimum setbacks, maximum plot ratio, minimum landscaped area and minimum car parking standards for proposals to achieve. The proposed roof repairs do not affect any of these standards.

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;	The proposed roof repairs to the St Mary's Anglican Church is considered consistent with the TPS3 objectives and compliant with the relevant provisions contained in TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposal satisfies the requirements of orderly and proper planning. There are no other draft scheme amendments or planning instruments that affect this proposal.
(k) the built heritage conservation of any place that is of cultural heritage significance;	The church is included on the Shire's MI for the cultural heritage values. The proposed roof repairs will assist the church to maintain its distinctive architecture and will not alter the external appearance of the church.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The proposed roof repairs will correct the present sagging and would reduce a possible risk to human health or safety if the roof collapsed.
(w) the history of the site where the development is to be located;	The site has a long-standing use as a church for worship purposes since 1911.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	The proposed roof repairs are expected to impact positively on the community as it will assist maintain the church building which is contained on the Shire's MI as one of the many important cultural heritage buildings in Kojonup.

The proposal is considered to generally comply with those relevant matters listed in the above table.

Alternate Options

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

1 *Not support the proposal.*

The Council can choose to not support the proposal, in part or whole, giving reasons for the refusal.

2 *Support the proposal*

The Council can choose to support the proposal, as is, or make changes. If supported, the roof repairs could proceed subject to compliance with any conditions set out in the approval.

3 *Defer the proposal*

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

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition. An appeal must be lodged within 28 days of being notified of the decision/condition to be appealed.

CONSULTATION

Nil.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

1.3 – Community Organisation Exemptions from Fees & Charges

FINANCIAL IMPLICATIONS

The proposal has an estimated development value of \$20,000 and the development application fee in accordance with the Shire's adopted 2017/18 List of Fees and Charges would be \$147. The proponents have requested Council waive the development application fee.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Nil.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Social FA – Staying Active and Entertained	<ul style="list-style-type: none"> • S2.1 – Promote Kojonup as a place to live and visit 	<ul style="list-style-type: none"> • S2.1.4 – Preserve and promote our history and culture

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

Southern Link VROC Strategic Directions 2015-2020

The item is not covered in the Southern Link VROC Strategic Directions 2015-2020 plan.

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 roof repairs	Unlikely	Minor	Low	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications affecting the proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

That:

- 1) **Council grant development approval for the roof repairs to the church on Lot 53 Spring Street, Kojonup as set out in the Edward D. Pigott (Consulting Engineer) report/drawings (dated 15 July 2017) and any modifications approved by the Chief Executive Officer.**

Advice Note:

- *The repairs to the building roof require a separate Building Permit to be obtained prior to any works commencing.*
- 2) **Council agree to waive the \$147 development application fee to support the repairs as the Church is recognised on the Shire's Municipal Inventory.**

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 12.3**EDWARD D. PIGOTT**

M.A., B.A.I. (Hons.), F.I.C.E., F.I.Struct.E., F.I.E.Aust.

CONSULTING ENGINEER

email: edp@inet.net.au

11 DUFFIELD PLACE
SLEAFORD PARK GELORUP WA 6230
TELEPHONE (08) 9795 7734
FACSIMILE (08) 9795 7735
MOBILE 041 791 3398

Ms Cheryl Norman
Administration
Anglican Diocese of Bunbury
7 Oakley Street
Bunbury, WA 6230.

15 July 2017

Dear Cheryl,

**SITE INSPECTION OF ST. MARY'S CHURCH,
6 SPRING STREET, KOJONUP.**

Further to my first inspection of the above church on 25th June 2015 with Mr Tim Webb, Church Warden, I visited again on Friday 7th July 2017 with Builder Glenn Hatch. He brought ladders so, with him, I was able to have a closer inspection of the sagging purlins of the 55 degree roof which sit upright on the trusses.

Mr Tim Webb and Mr Derek Piesse, Church Wardens, were there with The Rev. Lindy Rookyard and we enjoyed her welcome cups of coffee after our journey. I thank Derek for double checking member dimensions and producing such a clear sketch.

I confirm having received the Report by Bob Joyce of McDowall Affleck Consulting Engineers dated July 21, 1988 recently found by Rev. Lindy but the returned original plan mentioned seems to be missing. I have the Architect Marshall Clifton's "Proposed New Church of England, Kojonup", two A4 size presentation drawings to which he may have been referring.

Bob Joyce in his above report noted that there never were engineering drawings. I do not agree with some of the calculations but his conclusions and comments were valid about the type of timber and the complexity of checking the roof frame design which is an in-completed truss. He concluded that major strengthening would be needed and perhaps re-roofing. Nothing seems to have been carried out.

The 165x64 timber purlins have continued, over the almost 30 years, to drape more and more as described in the 1988 report and we decided that it was possible to insert a beam inside the Church at each eave from which we could support the lowest purlin and thereby the whole roof. My calculation shows that we could use a 125x125x5 SHS weighing 18.2 kg per metre or 150x150x5 SHS weighing 22.1 kg per metre by 3000 long using an M16 bolt with a large 50x50x6 washer to spread the load and support the purlin mid span. What is possible is for the washer to be inset into the bottom of the draped purlin and the purlin then trimmed horizontally if necessary.

Page 2....

Page 2.

Having decided what to do to stop the future sagging of the four purlins on each face of the building under the weight of terra cotta tiles, I felt it necessary to check the design of the main roof frames at 3000 (10 feet) centres spanning 9754 (32 feet) clear to the 600x600 (2 feet x 2 feet) granite masonry piers on each side of the Church using the structural analysis program Space Gass.

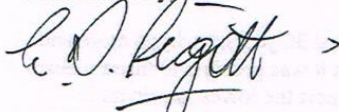
The top chords of the frames are in hardwood timber 190x100 as are the two rows of horizontal members 2/ 165x64. Analysis shows that even in high wind these have low stresses and the full side of the roof should deflect sideways less than 20 mm.

However, the bottom chords, the 30 mm diameter tie rods, in high wind loading **would buckle** and **could fail** because they are so slender. I have looked at slipping a 60 mm diameter x 5.4 mm thick pipe over them but found that although such is needed it is impractical to fit. The only solution is to have a flying brace of a 50x50x2.5 equal angle mid length on each side taken back and up at about 45 degrees to the purlin above that point on each side of each frame.

Finally, the roof as a whole is **unstable** and requires cross bracing of the 50x50x2.5 equal angle between the top chords across the building in one bay only, that is, six sets of crossed bracing or 12 pieces of 4000 mm long members.

I have discussed the details of these requirements with the builder Glenn Hatch who will quote for this remedial work.

Yours sincerely,



Edward D. Pigott F.I.E.Aust.
NER Number 11690

Copy to Rev. Lindy Rookyard
Copy to Mr Glenn Hatch, Builder

EDWARD D. PIGOTTM.A., B.A.I. (Hons.), F.I.C.E., F.I.Struct.E., F.I.E.Aust.
CONSULTING ENGINEER

email: edp@iinet.net.au

11 DUFFIELD PLACE
SLEAFORD PARK GELORUP WA 6230
TELEPHONE (08) 9795 7734
FACSIMILE (08) 9795 7735
MOBILE 041 791 3398

Member of:

Ms Cheryl Norman
Administration
Anglican Diocese of Bunbury
7 Oakley Street
Bunbury, WA 6230.

19 July 2017

Dear Cheryl,

**SITE INSPECTION OF ST. MARY'S CHURCH,
6 SPRING STREET, KOJONUP.**

Further to my letter of last week and remembering the comments by Tim Webb and Derek Piesse regarding the movement in the frames when they were cleaning them, I had a signal from my calculations using Space Gass that there was a further instability in the system.

I found that it could be removed by adding a small equal angle 50x50x2.5 between the upper horizontal member outer ends and the centre point of the lower horizontal member. This in effect completes the trussing of the roof frames.

This is technical but I do recommend that these two additional members be put in at the same time as the roof bracing and the stabilizing of the bottom bar chord. I have asked Glenn Hatch to add this to his costing.

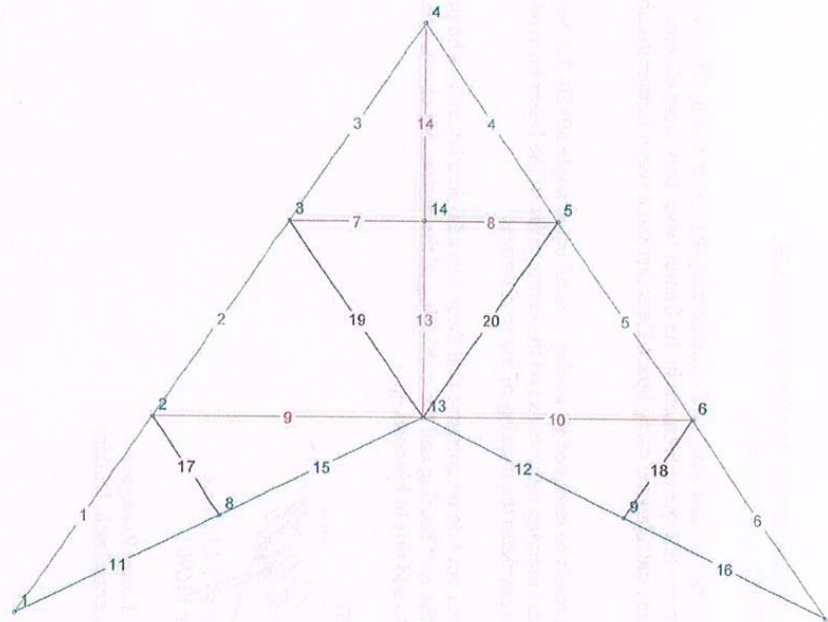
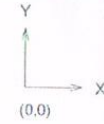
Yours sincerely,

A handwritten signature in black ink, appearing to read "E. D. Pigott".

Edward D. Pigott F.I.E.Aust.
NER Number 11690Copy to Rev. Lindy Rookyard
Copy to Mr Glenn Hatch, Builder

E GASS 12.54 - EDWARD D PIGOTT - CONSULTING ENGINEER

17 Jul 2017, 11:21 am



Materials:
 ■ 1 F14 Mixed HW S
 ■ 2 STEEL

Sections:
 ■ 1 2/190x45
 ■ 2 2/90x45
 ■ 3 30 Round
 ■ 4 20 Round
 ■ 5 50*3 EA

or 50 x 2.5 DURALUMIN

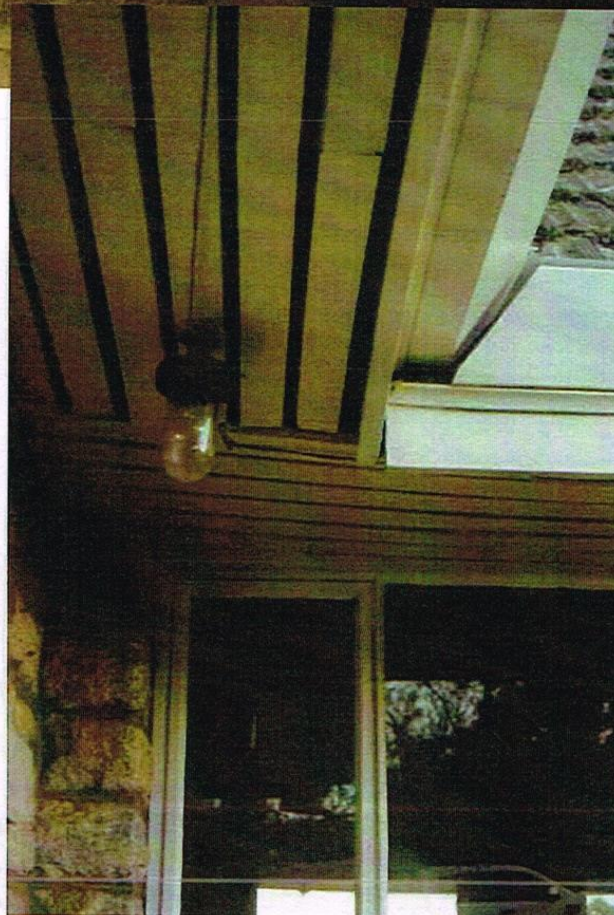
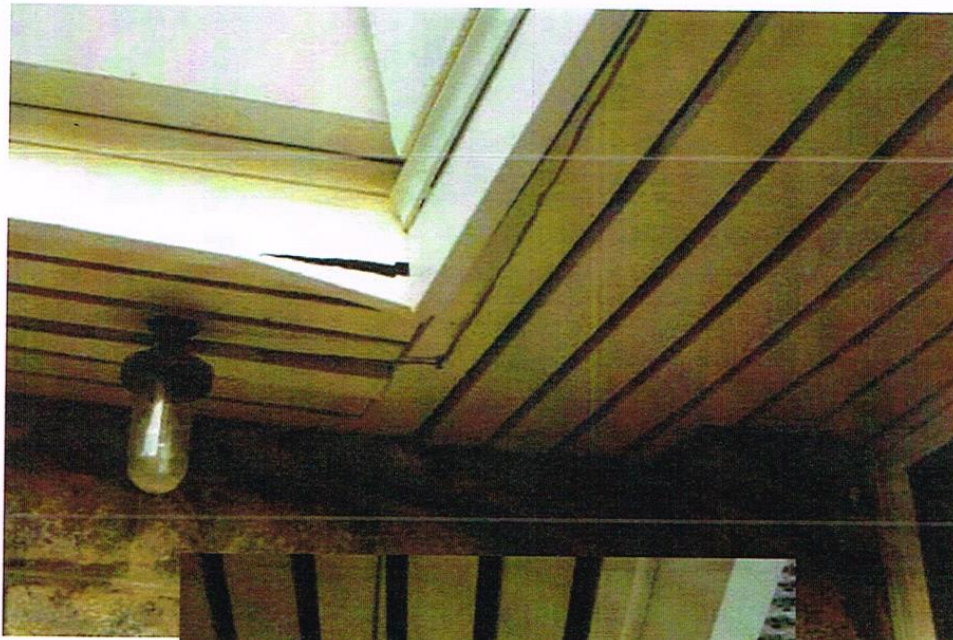
ing member added

C:\Userst...Samples\Kojonup Mixed Material Frames St Mary's (Wind -0.3p)
 - Len: m, Sec: mm, Mat: MPa, Dens: T/m³, Temp: Celsius, Force: kN, Mom: kNm, Mass: T, Acc: g's, Trans: mm, Stress: MPa
 s - Frame: 1:69, Load: None, Disp: None, Moment: None, Shear: None, Axial: None, Torsion: None

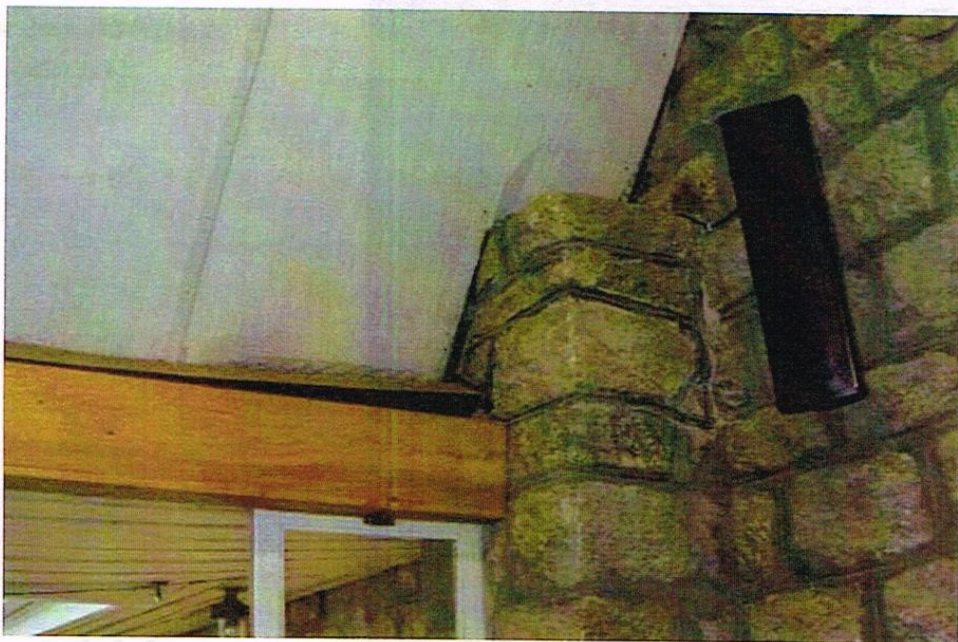


EXTERIOR NW SIDE





EXTERIOR NE SIDE



INTERIOR - NE SIDE



SE SIDE OF
CHURCH
EXTERIOR

12.4 REQUEST FOR NEW ACCESS/EGRESS TO LOT 89 BLACKWOOD ROAD, MURADUP

AUTHOR: Stephanie Waldron – Works Administration Officer
Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: A11494
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

The owner of the subject property has requested approval from the Shire to have a new access/egress point to the above lot as the previous jointly used access/egress point onto Blackwood Road is no longer available.

BACKGROUND

Nil.

COMMENT

Due to the pending sale of the neighbouring block (which had an informal shared driveway arrangement), the applicant advises that this will result in him not having any access to his lot from Blackwood Road.

The applicant subsequently contacted Main Roads WA (MRWA) to request a new access/egress directly onto Blackwood Road and they denied his request advising they have assessed it as an ‘unsafe’ due to the lack of adequate sight distance along this stretch of the road. MRWA advised the applicant to approach the Shire to construct Rubbish Dump Road or Murrin Brook Road to provide access to his property.



Lot 89 Blackwood Road, Muradup shown bordered in red

The Shire requested MRWA formally consider providing a new access/egress point and driveway off Blackwood Road and they responded:

It is Main Roads' access policy to remove unsafe driveways and not install new unsafe driveways. Main Roads Driveway policy states that "access to a main road will not be approved if the lot owner has access to a local road", see below. An unsafe driveway not only endangers the landowner and visitors, but places the travelling public at risk of a crash.

The Safe Intersection Sight Distance for a road with a speed environment of 80km/h, is 181 metres. The driver of a car must be able to see this distance ahead to be given adequate distance and time to avoid a crash. This number is sourced from Austroads "Guide to Road Design – Part 4: Unsignalised and Signalised Intersections". The chart is utilised by all state road authorities throughout Australia, which means, that wherever you travel in Australia the design parameters are consistent. This distance can't be achieved anywhere along the road frontage of Jones property at Lot 89 of the Donnybrook- Kojonup Road (M013).

Main Roads will not be willing to place the driving public at risk, by approving an access to a main road, unless no other access can be achieved (and then with conditions). That means exhausting all other possible modes of access to the property. In this instance, a safe access can be provided to the Jones property through a reserve bordering his Eastern lot boundary. The reserve is under the control of the Kojonup Shire. In fact, the cadastre depicts an unmade road reserve separating the properties – namely STATION STREET.

The simple and most cost-effective solution to this potentially dangerous situation is for the Shire of Kojonup to provide a passage to MURRIN BROOK ROAD, or to build an access at STATION STREET. I imagine the Local Government Act would provide for such a circumstance.

Subsequently, the applicant has requested the Shire allow the use of and construct Rubbish Dump Road to access his property. The access/egress would be for the applicant's use only and no other landowner would gain a benefit from the construction and use of this road.

The Shire sought information from the then Department of Planning, Lands and Heritage and the Geographic Names Committee regarding the status of Rubbish Dump Road and Murrin Brook Road and both are dedicated roads (although they advised that Rubbish Dump Road appears to have been partly constructed outside of the approved road reserve).

The Shire sought further advise from MRWA regarding the standards and requirements for constructing the Rubbish Dump Road/Blackwood Road or Murrin Brook Road intersection and they have advised it must achieve the minimum of the single unit truck rural driveway guideline drawing provided. They advised:

MRWA only requires that the flow in the linear drainage is not compromised. As Rubbish Dump Road intersects the M013 at/near the crest of a hill, a culvert may not be required. The intersecting road would have a gradient of no more than 7%, however, 5% is more comfortable for exiting the M013. The apron should be sealed for at least 30 metres to reduce the amount of mud and gravel carried out into the M013. The road width should accommodate a small rural truck (see the attachment).

The Shire also requested their comment on using an existing track opposite Randle Street that runs through the reserves and passes close to the South-Eastern corner of Lot 89 and they advised:

With regard to the track opposite Randle Street, the outlet would have the same requirements as Rubbish Dump Road. That is, a minimum swept path, minimal impact on storm water flow drainage) and a reasonable grade at the intersection of the roads. I am reminded that Randle St is the preferred location, from a sightline/safety perspective.

The Shire also requested MRWA advice on “What would happen if the Shire does not agree to open the road and requests as an alternative MRWA consider slowing the speed limit along the Blackwood Road (M013) and then granting Mr. Jones access?” and they advised:

There are many land locked lots around the State of Western Australia, they have been created by WAPC and the DoL, usually without consultation with MRWA. There are solutions at hand for DoL. MRWA policy is to provide access to a main road only if it can't be granted from a local road. Rubbish Dump Road, although not yet constructed, meets the criteria.

Although MRWA attempts to accommodate each land owner, a dangerous new driveway will not be approved. The locality of Muradup does not meet the warrants for slowing the speed of traffic. MRWA is never keen to erect signage in an attempt to mitigate risk due to poor geometry. MRWA has determined speed zones in themselves do not alter driver behavior. The solution is to make the intersection safe for the land owner and guests, and for the unsuspecting travelling public. A blind driveway just beyond a crest will always be dangerous. In this instance realigning the intersection is the most prudent action.

The lot is not landlocked as suggested by MRWA, which is a term used when a property has no frontage to a road reserve and relies on access across another private property. Lot 89 has frontage to two roads namely the Blackwood and Rubbish Dump Roads and is therefore not landlocked. This access problem has arisen over time through changes to transport such as the use of larger vehicles and the higher speeds now being achieved that have rendered the original townsite design created for Muradup in the early 1900's (when large vehicles and speeds were not evident) now problematic to MRWA in managing the state and regional road networks.

In considering MRWA's advice, the following information and comments are provided:

Rubbish Dump Road

Rubbish Dump Road is an unconstructed local road under the care and control of the Shire. The intersection with the Blackwood Road is shown in the image below.



Intersection of Rubbish Dump Road/Station Street/Blackwood Road looking West



Unconstructed Rubbish Dump Road looking along Eastern boundary of Lot 89

The image shows an earth embankment behind the open drain running along the Blackwood Road and incline of the land upwards from the road. MRWA require the new intersection to be constructed to the single unit truck rural driveway guideline drawing provided. The estimated cost of constructing the intersection is between \$30 – 50,000.

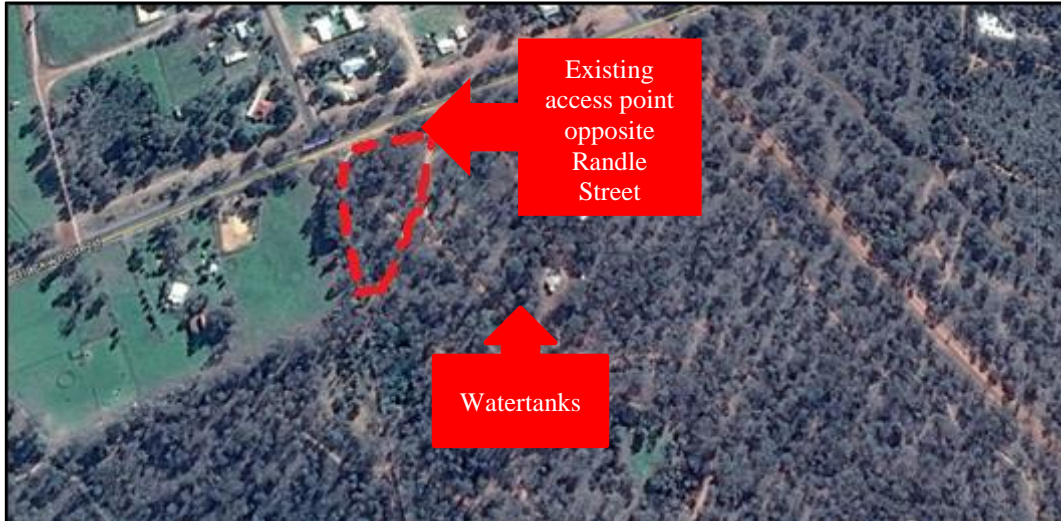
The length of road required from the intersection to Lot 89 is shortest given the proximity to Lot 89 and between 10-20m would be adequate to ensure the vehicles using the intersection can do safely.

Murrin Brook Road

Murrin Brook Road is a constructed (unsealed with open drains) local road under the care and control of the Shire that services the local farming area. It does not connect to Lot 89 and is not considered a realistic option in this case.

Track opposite Randle Street

An alternative was to use the existing access/egress point opposite Randle Street and one of the tracks through the reserves to provide access to Lot 89. The access/egress point is supported by MRWA subject to it being upgraded to the same standard recommended for Rubbish Dump Road.



Tracks within reserves to Lot 89 (shown dashed) and access/egress point onto Blackwood Road (Image Google Earth)



Existing access/egress point of track opposite Randle Street and Blackwood Road looking South (Image Google Earth)



Existing track opposite Randle Street (used to access watertanks) looking South-West towards Lot 89

The estimated cost of upgrading the intersection is expected to be much less than the other alternatives as it does not require as much earthworks as the intersection at Rubbish Dump Road.

The current tracks (that go to the water tanks, etc.) and serve as fire tracks within the reserves are not contained within a dedicated road reserve and this would need to be rectified, possibly with closing the Rubbish Dump Road reserve as a land swap for a new road reserve over the track or alternatively obtain an access easement over the selected track to Lot 89.

The length of track required to be upgraded would depend on exactly which track was chosen and the distance to Lot 89 varies from approximately 130m - 250m along the various routes that would need to be upgraded to serve as a road.

Irrespective of the option chosen, the Shire will be responsible to maintain any new road into the future and any upgrading would need to ensure that the road is suitable for the proposed purpose and would be available for use by any heirs/successors in title and visitors, tradesman, service authorities and emergency vehicles, etc. that would also ordinarily use the road whilst visiting the lot.

The use of an access easement may enable the Shire to require a lower standard of construction to recognise the single user and stipulate it is the landowner's responsibility to maintain the track accordingly. This option has been supported 'in principle' by the Department of Planning, Lands and Heritage at this stage and staff sought a cost estimate from a consulting surveyor to create and document the access easement. The cost is estimated to be \$3,672 (including GST).

Given the proposal is to provide a road that is available to this property only, there is no benefit to any other landowner(s) in the area, any upgrading or changes to the existing construction standard including the new crossover should be partly met by the benefactor with the Shire responsible to maintain the upgraded road into the future. This approach was

adopted by Council when considering the construction of a new road (Forrest Road) in November 2008 (Resolution 278/08). The applicant was required to meet all costs for the approval, construction, survey, lodgement and warranty period for the road.

Under regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*, a local government can either approve an applicant to construct a crossing or agree to construct a crossing from a public road to a property. There are financial penalties (Fine: \$5000) for constructing a crossing without permission.

Regulation 13 enables a local government to require a landowner to provide a crossing from a public road to a property by serving notice to the owner/occupier. If the notice is not complied with the local government can complete the works in the notice and recoup 50% of the cost from the owner/occupier that were served the notice. There are financial penalties (Fine: \$5000) for not complying with the notice.

Under regulation 14, as the Blackwood/Blackwood Road is a state road under the care and control of MRWA, the local government cannot approve a crossing onto this road without consultation and approval of Commissioner of Main Roads/MRWA.

The proposal would also require a new rural road number to be provided (if approved) as the property address will change.

In considering the request, the Council has a number of options available to it, which are discussed below:

1 Not approve the proposal

The Council can choose to not approve the construction of the road and advise the proponent giving reasons and an alternative solution would need to be found. It is an offence to construct a crossing without local government and/or MRWA approval and financial penalties apply for unapproved crossings.

2 Approve the proposal

The Council can choose to approve the use of the road, with or without conditions. If this option was chosen, the landowner would be able to use Rubbish Dump Road or any alternative chosen by Council, to access his lot. In agreeing to provide a crossing, the Council can recoup from the applicant monies spent.

3 Defer the proposal

The Council can choose to defer the matter for a period and seek additional information from the proponent or MRWA, if deemed necessary to complete the assessment before making a decision.

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

CONSULTATION

John Jones (landowner)

Manager Works and Services

Main Roads WA

Department of Planning, Lands and Heritage

Landgate

Geographic Names Committee

STATUTORY REQUIREMENTS

Local Government Act 1995

Under Schedule 9.1 of the Act, the Governor has made the Local Government (Uniform Local Provisions) Regulations 1996 which includes the following:

12. *Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1 cl.7(2)*

(1) *Upon the application of the sole owner, or a majority of the owners, of private land the local government may, in writing and subject to regulation 14(2) -*

(a) *approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to -*

(i) the land; or

(ii) a private thoroughfare serving the land;

or

(b) *agree to construct for the applicant a crossing giving access from a public thoroughfare to -*

(i) the land; or

(ii) a private thoroughfare serving the land.

(2) *A person is not to construct a crossing for vehicles from a public thoroughfare that is a Government road to -*

(a) land on which premises have been or are about to be constructed; or

(b) a private thoroughfare serving the land,

unless the construction of the crossing has been approved by the local government under subregulation (1) and the crossing is constructed in accordance with the approval.

Penalty: a fine of \$5000.

Note for this regulation:

This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 2A(a). This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

[Regulation 12 amended in Gazette 1 Feb 2013 p.429-30.]

13. *Requirement to construct or repair crossing - Sch.9.1 cl.7(3)*

(1) *A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.*

(2) *If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.*

(3) *A person given a notice under subregulation (1) must comply with the notice.*

Penalty: a fine of \$5000.

[Regulation 13 amended in Gazette 1 Feb 2013 p.430.]

Land Administration Act 1997

Part 5 – Roads advises that subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the Shire of Kojonup (local government) has the care, control and management of the local roads.

Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law – requires a permit to be issued by the Shire for the construction of any new temporary crossing from a road onto private property.

POLICY IMPLICATIONS

The Shire has an adopted Policy relating to crossovers as follows:

*4.1 Vehicular Crossover (Driveways)***OBJECTIVE**

Define the specification and standards for construction of crossovers.

POLICY

The Council will bear one half the cost of a standard Crossover as defined in the Procedure, subject to the crossover being the first constructed to that lot to a maximum value as shown annex 1 of the procedure.

Council has delegated its authority to the Chief Executive Officer to determine all matters to this policy as per Delegation ROADS 008 - Construction of Crossing from Thoroughfare to Private Land.

That driveways and access crossovers over Main Roads WA road reserves that are classified as 'low complexity' works within the road reserve, require the approval of Main Roads WA before commencing works.

FINANCIAL IMPLICATIONS

Rubbish Dump Road is unconstructed and is not on the current road maintenance budget for 2017/18. The use of the road, if approved, would see the Shire responsible to maintain the road at that agreed standard into the future. The cost to maintain the new road has not been determined.

Any option will require the intersection with Blackwood Road. The upgrading of the intersection has not been quoted and is estimated to be between \$8,000 – 50,000 dependent on which option is chosen.

The upgrading of the track has not been quoted and is estimated to be between \$1,000 – \$2,000.

The surveying/land administration costs to create an access easement over the track has been quoted at approximately \$4,000.

The closure of Rubbish Dump Road and/or creation of a new road reserve over the track to provide a formal road reserve has not been quoted and is estimated to range between \$10,000 - \$15,000 for surveying/land administration costs.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP 3 – Performance	<ul style="list-style-type: none"> 3.4 – Be organised and transparent with our financial management 	<ul style="list-style-type: none"> Develop a Capital Assessment Framework for all new asset decisions Act with sound long-term and transparent financial management and deliver residents considered value for money.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Governance FA – Being Well Governed	<ul style="list-style-type: none"> G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations 	<ul style="list-style-type: none"> G1.2.3 – Incorporate strategic, operational and asset management plans into a long term financial plan G1.2.5 – Maintain an effective asset management policy that defines colocation and rationalisation

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council 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 approve the new road to Lot 89	Possible (C)	Minor (2)	Medium	Managed by specific monitoring or response procedures

ASSET MANAGEMENT PLAN IMPLICATIONS

Rubbish Dump Road is not on the current road maintenance budget for 2017/18. The use of the road, if approved, would see the Shire responsible to maintain the road into the future.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council**

- 1) **Decline the request to construct Rubbish Dump Road, Muradup as it has no funds allocated for the construction of the road and does not believe the expense of constructing the road should be met by ratepayers as it will serve one (1) property only. In this instance, the road construction costs should be borne by the applicant/landowner.**
- 2) **Subject to the applicant providing written agreement to meet the associated costs (including upgrading the intersection to Main Roads WA requirements, survey/land administration and document preparation), apply to the Department of Planning, Lands and Heritage for an access easement over Reserve 19225 to provide access to Lot 89 Blackwood Road, Muradup with the landowner being responsible to maintain the track into the future.**
- 3) **Strongly urge the landowner to reapproach Main Roads WA and/or the Minister to have the decision to not allow access to Lot 89 Blackwood Road, Muradup reassessed noting that Blackwood Road is the only constructed road providing access.**

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

12.5 MOONIES HILL WINDFARM – UNDERGROUND CABLING AGREEMENT

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: RO.ROA.034 & RO.ROA.026
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the draft agreement prepared by McLeods (Barristers and Solicitors) to enable the placement of an underground powerline within 2 local road reserves under the care, control and management of the Shire of Kojonup.

BACKGROUND

The development of the Moonies Hill Wind Farm has been approved by the Shire and includes the following condition (emphasis added):

- 15 *Electricity reticulation / transmission powerlines –*
- (a) *Between groups of wind turbine towers (called ‘gangs’) shall be placed underground, unless it is demonstrated to the satisfaction of the local government that it is impracticable to do so;*
 - (b) *Between the gangs, preferably underground, but over-head in circumstances where it is impracticable or uneconomical to install underground;*
 - (c) *Shall not be placed on or over land outside the lots the subject of this approval without the written approval of those land owners.*

The draft agreement has been prepared by McLeods (Barristers and Solicitors) on behalf of the Shire and in consultation with FRWF Stage 1 Pty Ltd.

COMMENT

The agreement sets out the terms and obligations for the Shire and FRWF Stage 1 Pty Ltd and will encompass 2 road crossings at Yarranup Road (50m-wide) and Tambellup West Road (70m-wide) for underground power cables to be laid connecting the approved wind turbines and/or substation.

The agreement will last for the life of the windfarm and has been reviewed by staff and the proponents. At the cessation of the windfarm, the agreement requires the cabling to be removed and the land reinstated.

The agreement includes appropriate conditions, insurance and indemnification (for any loss or damage) clauses and satisfies the requirements of condition No 15) of the windfarm approval.

Alternate Options

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

1 Support the agreement

The Council can choose to support the agreement, as is, or make changes. If supported, the windfarm development would be able to proceed subject to compliance with any conditions set out in the agreement.

2 Not support the agreement

The Council can choose to not support the agreement. This option would not be consistent with the previous support and approval for the windfarm.

3 Defer the proposal

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

CONSULTATION

Sarah Grgich – Partner McLeods (Barristers and Solicitors)

Dr Sarah Rankin – Managing Director (Moonies Hill Energy Pty Ltd / FRWF Stage 1 Pty Ltd)

STATUTORY REQUIREMENTS

Land Administration Act 1997 – Part 5 Roads sets out the Shire of Kojonup has the care, control and management of the 2 local road reserves. The installation of the powerline within the road reserve requires Council approval.

Planning and Development (Local Planning Schemes) Regulations 2015 – Part 10 allows the Shire of Kojonup to enter into agreements to implement the Scheme.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The fee for McLeods (Barristers and Solicitors) preparing the agreement will be recouped from Moonies Hill Energy Pty Ltd / FRWF Stage 1 Pty Ltd.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP 4 – Prosperity	<ul style="list-style-type: none"> 4.3 – By attracting support industries and diverse and new business sectors to the region 	<ul style="list-style-type: none"> Enable and advocate for new industry to set up in and around Kojonup Drive population growth through the support of local industry, development of new industry and promotion of Kojonup’s point of difference

Corporate Business Plan 2013 – 2017

Nil.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council 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 agreement with FRWF Stage 1 Pty Ltd	Rare (E)	Major (3)	Medium	Managed by specific monitoring or response procedures.

ASSET MANAGEMENT IMPLICATIONS

Nil. The underground cabling will not affect the future use and maintenance of the road reserves.

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

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

That Council delegate authority to the Shire President and Chief Executive Officer to endorse and apply the common seal to the agreement prepared by McLeods (Barristers and Solicitors) between the Shire of Kojonup and FRWF Stage 1 Pty Ltd to allow the installation of underground power cabling at Yarranup Road and Tambellup West Road.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

12.6 PROPOSED BLACKSMITHS SHOP ATTRACTION AT SHOWGROUNDS AREA

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: PR.RES.13697
ATTACHMENT: 12.6 – Site Plan & Application Letter.

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the application for development approval to undertake alterations and add a blacksmiths shop attraction at the Showgrounds. The P&A Society (applicants) have also requested that Council waive the development application fee.

The recommendation is to grant development approval subject to conditions.

BACKGROUND

Nil.

COMMENT

The Kojonup Pastoral and Agricultural Society propose to erect a 9m² steel frame patio for use as a blacksmiths shop attraction to patrons during the annual show event.

The patio structure will be approximately 3m x 3m in area and will be positioned West of the existing licensed area.

Zoning and Land Use/Development

The proposed land use is consistent with the definition of Community Use in Town Planning Scheme No. 3 (TPS3) which is defined as:

“...means land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and includes any land appurtenant thereto used for recreation, and includes a residential club;...”

The development of the blacksmiths shop is not exempt from requiring development approval and Council must determine the application.

The land is contained within the Recreation Local Reserve under TPS3.

Clause 2.2 ‘Matters to be Considered by the Council’ of TPS3 requires:

“Where an Application for Planning Consent is made with respect to land within a Local Reserve, the Council shall have regard to:
(a) The objectives as outlined below; and
(b) The ultimate purpose intended for the reserve;
and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.”

The objectives for the Recreation Local Reserve (c.2.3.1) are:

- a) *“To secure and reserve land for public access and recreation.*
- b) *To maintain public recreation areas for the use of sporting and recreation bodies.*
- c) *To preserve areas of natural vegetation worthy of retention.*
- d) *To provide visual or noise buffer areas between incompatible uses.*
- e) *To reflect and protect areas already set aside for National Parks or Crown Reserves.”*

In accordance with c.5.4 of TPS3, any development of land shall conform to the requirements for that use in Table II – Development Table. There is no listing for community use in Table II and c.5.4.1 and Council must determine the requirements to apply consistent with the predominant use and objectives for the reserve.

Table II establishes setbacks, plot ratio, landscaping and car parking requirements for the various listed uses and these requirements are discussed below:

Setbacks

The proposed site for the blacksmiths shop is adjoining the existing bar building, which is located within the middle of the Showgrounds area, and will be well setback from all boundaries.

Plot Ratio

The plot ratio is not considered relevant to the proposal.

Landscaping

No additional landscaping is proposed in the application.

Car Parking

There is sufficient additional areas available within the showground area for any additional car parking required.

Heritage

The Showgrounds are contained on the Shire’s Municipal Inventory (Place No. 10602).

The listing advises:

“These Showground buildings have historical and social significance. The Kojonup Show continues to be an important event in the life of a rural community, and run by the Pastoral and Agricultural Society.”

The listing also advises the place has a high authenticity and high integrity.

Clause 5.16.1 of TPS3 advises:

“The purpose and intent of the heritage provisions are to:

- (a) *Ensure the conservation of any place, area, building, object or structure of heritage value;*
- (b) *Afford the opportunity for existing traditional uses to be continued or allow for the approval of alternative uses which are compatible with the heritage values and amenity of the locality;*

- (c) *Ensure that development or redevelopment within or adjacent to places of heritage value has due regard to the heritage value of the place and is in harmony with the character of the locality.”*

Clause 5.16.4.4 of TPS3 requires:

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

Clause 5.16.6.1 of TPS3 advises:

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

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

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;	The proposed blacksmiths shop is considered consistent with the TPS3 objectives for recreation reserves and compliant with the relevant provisions contained in TPS3.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposal satisfies the requirements of orderly and proper planning. There are no other draft scheme amendments or planning instruments that affect this proposal.
(k) the built heritage conservation of any place that is of cultural heritage significance;	The showgrounds are included on the Shire’s MI for its cultural heritage values. The proposed blacksmiths shop will provide another attraction during the annual show and will not alter the heritage values of the place.
(w) the history of the site where the development is to be located;	The site has a long-standing use as a showground.

The proposal is considered to generally comply with those relevant matters listed in the above table.

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

1 Not approve the proposal

The Council can choose to refuse to approve the proposal. If this option was chosen, the alterations would not proceed.

2 Approve the proposal

The Council can choose to approve the proposal, with or without conditions.

3 Defer the proposal

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

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition. An appeal must be lodged within 28-days of being notified of the decision/condition to be appealed.

CONSULTATION

Peta Zadow (President P&A Society)

Michelle Dennis – Development Services Coordinator

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

The applicant is required to pay the application fee of \$147 as set out in the adopted 2017/18 List of Fees and Charges. The P&A Society (applicants) are a community group and will use local sponsorship and volunteers to complete the works and have requested that Council waive the fee.

The application requires development approval and a Building Permit to be issued. As the Shire is the 'owner' of the property in this case, the Shire needs to engage the services of a Building Certifier, to complete the Building Permit documentation (cost \$350). The total application fees (including planning and building) are \$306.35 and this does not cover the cost of the processing.

STRATEGIC/CORPORATE IMPLICATIONS**Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”**

Key Pillar	Community Outcomes	Strategic Deliverables
KP 3 – Performance	<ul style="list-style-type: none"> 3.4 – Be organised and transparent with our financial management 	<ul style="list-style-type: none"> Develop a Capital Assessment Framework for all new asset decisions Act with sound long-term and transparent financial management and deliver residents considered value for money.

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Social FA – Staying Active and Entertained	<ul style="list-style-type: none"> S2.1 – Promote Kojonup as a place to live and visit 	<ul style="list-style-type: none"> S2.1.4 – Preserve and promote our history and culture
KA – Governance FA – Being Well Governed	<ul style="list-style-type: none"> G1.2 – Maintain a structured forward planning process in accordance with legislation and community aspirations 	<ul style="list-style-type: none"> G1.2.3 – Incorporate strategic, operational and asset management plans into a long term financial plan G1.2.5 – Maintain an effective asset management policy that defines colocation and rationalisation

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant approval for the blacksmith shop at the Showgrounds	Unlikely (D)	Insignificant (1)	Low	Managed by routine procedures, unlikely to need specific application of resources

ASSET MANAGEMENT IMPLICATIONS

The buildings and improvements on the Showground reserve are included on the Shire’s Asset Management Strategy. The proposed blacksmiths shop is small in area and constructed of materials that can easily be removed when no longer required.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**Southern Link VROC Strategic Directions 2015-2020**

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant development approval for the proposed blacksmiths shop on the Kojonup Showgrounds at Lot 37 Blackwood Road, Kojonup subject to the following conditions:

- a) **The development to be in generally in accordance with the stamped approved plans, unless a variation has been approved by the Chief Executive Officer.**
- b) **The improvements to be removed from the site when no longer required as a blacksmiths shop.**

Advice Notes:

- *You are required to obtain a Building Permit prior to any construction activity commencing.*
- *Please be aware that the Showgrounds and all buildings are subject to an upcoming review by Council on asset management (Building Assessment Framework) to be completed by 31 December 2017 which may affect the future use and development of buildings on this property.*

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 12.6

Kojonup P&A Society
PO Box 104 Kojonup WA 6395

21st August 2017

COPY

Michelle Dennis
Development Services Coordinator
SHIRE OF KOJONUP
93 Albany Highway Kojonup WA 6395

Dear Michelle,

The Kojonup Pastoral and Agricultural Society requests permission to proceed with the following proposal:

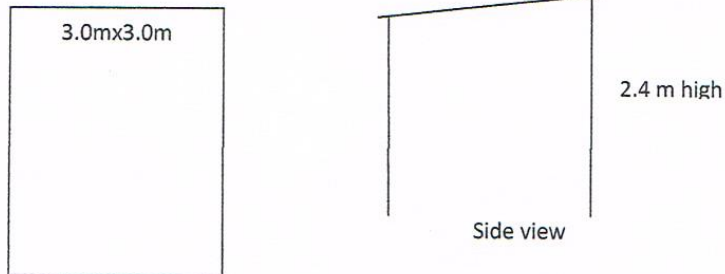
Construction of a steel framed dirt floored blacksmith shop 3m x 3m x 2.4m with a sloping flat roof line constructed largely from recycled materials offered by Brandi Builders, Digby Stretch and possibly from the Recycle Centre.

Blacksmith shop to be located near existing power box west of the Bar area on the Kojonup show Grounds - see attached file as well



**PROPOSED
BLACKSMITHS
SHOP**

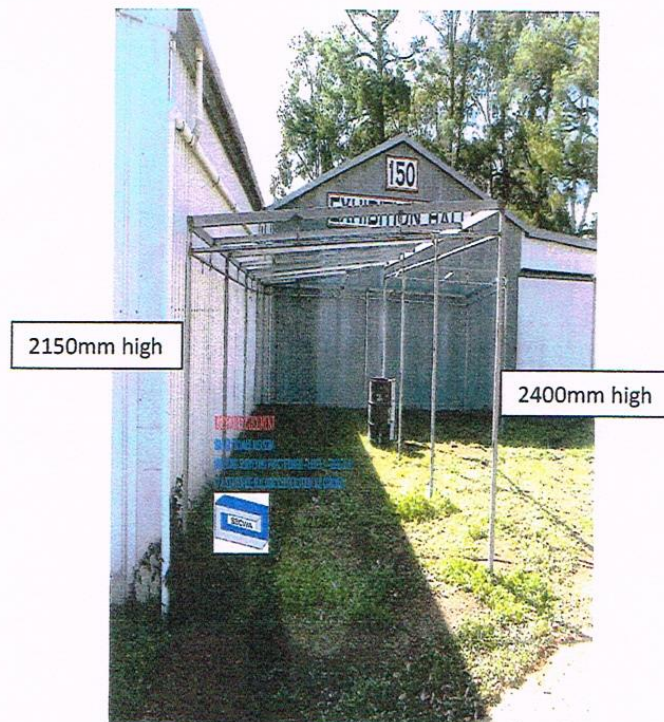
These drawings are not to scale

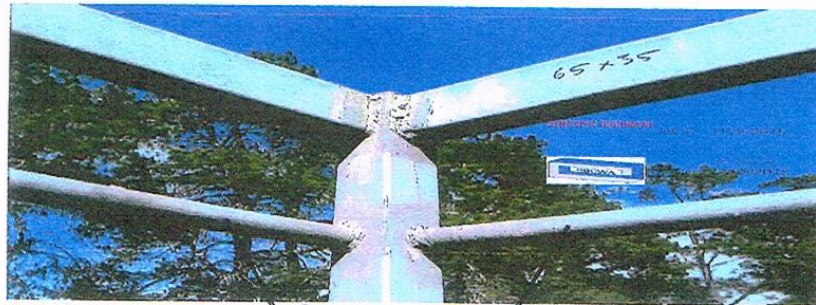


Construction is the same as other shelters built at the showgrounds as follows

4 Upright Posts 50mm x 50mm to be cemented into holes 450mm x 450mm and 600mm deep. 1 extra post to be placed half way along west wall to provide anchorage for wooden paling wall.

Frame constructed of 5 rafters 60mm x 30mm supported by 30mm pipe construction as illustrated in photo below (from previous building)





look

ROUND BAR 30

Four ceiling battens attached to frame and 3.6m roofing sheets attached with tec screws, leaving an overhang of 30mm at the front and back.



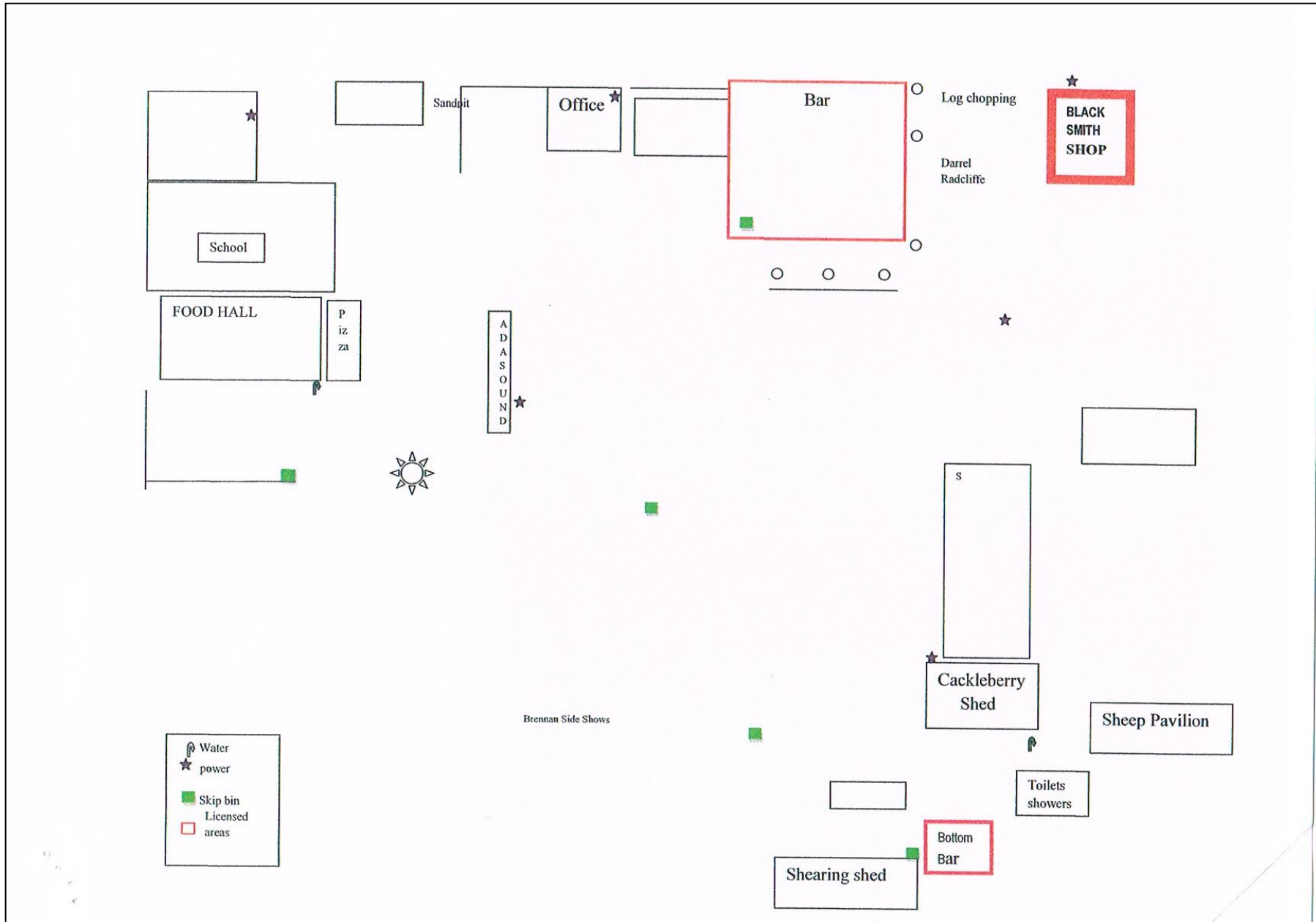
South wall fully and west wall half covered in wooden palings to provide shelter and rustic look for blacksmith shop. A metal railing will be welded 30mm above the ground on which to attach the palings.

Arthur Collins, Derek Marland and Robert Brown have offered their services to build this blacksmith shop.

The Society would appreciate the waivering of or payment by the Shire any fees that may be required in processing this request.

Yours faithfully

Peta Zadow (President 2017)



12.7 SUBMISSIONS ON REQUEST FOR ADDITIONAL LAND FOR ST JOHN AMBULANCE KOJONUP FROM HILLMAN PARK

AUTHOR: Phil Shephard – Town Planner
DATE: Monday, 11 September 2017
FILE NO: PR.RES.28103 & PR.DAC.6
ATTACHMENT: Nil

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the submissions received from the public consultation period on the proposal prior to making a final decision whether to support, or not, the request from St John Ambulance Kojonup to acquire additional land from Hillman Park to facilitate the future expansion of their building and surrounds.

The recommendation is to note the submissions and support the request.

BACKGROUND

St John Ambulance Kojonup have requested the Shire consider annexing approximately 306m² from Hillman Park for inclusion within their lot to facilitate the future expansion of their building and surrounds as set out in their attached site plan and supporting letter. The group advise they have outgrown the present facility and require additional parking and building additions/alterations to meet future needs. The improvements planned will allow them to improve and enhance the emergency service provided to the community.

Council at its 15 August 2017 meeting considered the initial request from St John Ambulance Kojonup and resolved (Resolution 91/17) as follows:

“That Council:

1. *Advise St John Ambulance Kojonup that it supports ‘in principle’ their request to acquire approximately 306m² of land from Hillman Park (Lot 3000/Reserve 25292) to be included within the St John Ambulance land (Lot 3001/Reserve 28103) including the following advice note:*

Advice Note: This ‘in principle’ support is to enable public consultation to be undertaken and should not be construed as any approval or permission to proceed at this stage. Following the consultation period, the Council will consider any submissions received and determine the request.

2. *Instruct the Chief Executive Officer to:*
 - i) *Undertake community consultation, through local advertising, for a period of 21-days to enable the community to view and provide written comment on the proposal.*
 - ii) *On completion of the community consultation provide Council with a further report for consideration of the request incorporating any submissions received.”*

COMMENTSubmissions

At the close of the submission period, 2 submissions were received from residents of Kojonup: 1 supporting the proposal and 1 opposing the proposal.

The submission supporting the proposal agreed with the St John Ambulance Kojonup intentions to expand the buildings and facilities on-site.

The submission opposing the proposal was from a resident involved in the development of Hillman Park. The submitter believes the site has too much significance and it may be costly and unsuitable to build on due to the presence of granite on-site. Suggests St John Ambulance Kojonup consider approaching the adjoining landowner to see if they are interested in selling their house.

The comment regarding the heritage significance of Hillman Park is acknowledged and represented by its inclusion with the Shire's Municipal Inventory recognising this important figure in the development of Kojonup and the Great Southern. The presence of granite is noted and this may affect the future siting and development of building(s) and parking areas although it is not expected to prevent the use of the land. The impact of any granite or other site soil constraints would be addressed through the Building Permit stage.

Amended Previous Report

St John Ambulance Kojonup occupy Lot 3001 (Reserve 28103) on the corner of Albany Highway and Newstead Road which is vested with St John Ambulance WA Ltd by the Crown for the purpose of 'Ambulance Depot'.

The lot is currently 984m² in area and the additional land would increase the lot size to approximately 1,290m². The lot is contained within the Local Reserve for Public Purposes under the Shire's Town Planning Scheme No. 3 (TPS3) to recognise its use by St John as an ambulance depot.

The land being requested forms part of Hillman Park on Lot 3000 (Reserve 25292) which is vested with the Shire by the Crown for the purpose of 'Use and Requirements of the Shire of Kojonup'. It also contains the public parking area adjoining the Northern-side of the administration building. The lot is currently 4,368m² in area and the reduction of land would reduce the lot size to approximately 4,062m². The lot is contained within the Local Reserve for Recreation under the TPS3 to recognise its use as a local park.

Hillman Park is named in honour of surveyor Alfred Hillman who in 1837, undertook the first official survey of the land and route from King George Sound Albany to the Swan River Settlement in Perth. Unable to find water, the local Aboriginals guided him and his team to the Kojonup Spring. He was enthusiastic about the area and water supply and subsequently recommended to Governor Stirling that the area be settled.

The following image shows the existing lot boundaries in red and the land proposed to be acquired bordered in yellow:



Hillman Park forms part of the listing for the Shire Administration Centre (Place 10601) on the Shire's Heritage Inventory which has aesthetic, historical and social cultural heritage significance to the community. The park and sundial are mentioned in the listing information.

The aerial image above showing the ambulance building and existing property shows clearly that there is little room available for any future expansion of the building and this would directly impact on the existing parking areas and reduce their availability on-site. There is also an existing deep sewer line contained within a 3m-wide easement that passes through the lots along the Eastern/Northern boundaries that effectively prevents any built development of this area.

The area of Hillman Park affected by the proposal can be seen in the image below. The area comprises a garden bed area with native species of trees and shrubs planted and manual reticulation dripline watering system which are now over 15-years old and planned for replacement. There is a street seat and formal path/gate to the park within the area to be annexed that would require relocation if the proposal is successful.



Street View from Google Earth showing ambulance building and existing gate, path and garden area in Hillman Park

There are no planning grounds in the TPS3 that would prevent the proposal to annex a portion of land from Hillman Park (Local Reserve for Recreation) and include it within the land for Ambulance Depot (Local Reserve for Public Purposes) if Council wishes to support the proposal. If approved, the change in reserve status from Recreation to Public Purposes can be accommodated within the new planning scheme.

In discussion with staff, the park is considered underutilised and lacks street appeal from Albany Highway as it is fenced from the street and hidden to a degree behind landscaping with limited access points for residents, passer-by's and travellers. The proposal may provide an opportunity to redesign and 'open' the front of the park to Albany Highway and encourage greater use as aspired to in the adopted Strategic Community and Corporate Business Plans.

Regarding previous planning strategies completed, the Hames Sharley Kojonup Main Street Renewal Strategy completed in 2014, showed the park being possibly redeveloped for residential unit housing into the future. The proposed annexation of land from Hillman Park and its inclusion within the St John Ambulance land would not prevent or adversely affect the future potential of the unit housing from occurring.

Given the proposal affects Hillman Park, which is a place contained on the Shire's Heritage Inventory and will, if supported, reduce the land in the local park it is recommended that Council seek public comment on the proposal and address any submissions received before proceeding to make a final decision on whether to support the proposal. If the Council do not wish to entertain the annexation of some land from Hillman Park, the applicants should be advised and there would appear to be no need to undertake any advertising.

As both parcels are Crown Land, the Council's decision will essentially form a recommendation to the State Government and the ultimate decision will be made by the Minister for Lands or their delegate at the Department of Planning, Lands and Heritage. In discussion with the Department, they advised in considering a request, they will want to see the proposal has been made available for public inspection and comment as part of the assessment and decision-making process by the Shire.

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

1 Not support the proposal

The Council can choose to not support the proposal and advise the proponent giving reasons. If this option was chosen, the additional land requested by St John Ambulance Kojonup would remain part of Hillman Park and the group would have to find other options for future expansion and development.

2 Approve the proposal

The Council can choose to approve the proposal, with or without conditions. This option would see the Shire formally request the Department of Planning, Lands and Heritage approve the land annexation.

3 Defer the proposal

The Council can choose to defer the matter for a period of time and seek additional information from the proponents or undertake further consultation, if deemed necessary before proceeding to make a decision.

CONSULTATION

Rob Cowie and Nat Beer – St John Ambulance Kojonup

Shire Supervisor/Horticultural Tradesperson

Department of Planning, Lands and Heritage

Public consultation with the local community undertaken for a period of 21-days.

STATUTORY REQUIREMENTS

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

Land Administration Act 1997 – The Act regulates the uses and purposes for reserved land within WA and sets out the administration process for any changes to Crown Reserves.

POLICY IMPLICATIONS

There are no policies applying to this report.

FINANCIAL IMPLICATIONS

The Shire holds the Management Order for Hillman Park and this requires the Shire to manage and maintain the property. The reduction in land required to be managed as a park would reduce the Shire's requirement to budget and fund maintenance of the property into the future, albeit it is only a small area and there will be some initial costs in relocating the path, gate and seat and replanting of the new garden bed area.

St John Ambulance are deemed a charitable organisation under the *Local Government Act 1995* and are exempt from paying rates under the Act and no additional income will be derived from the change of ownership to St John Ambulance.

The proposal is also expected to generate some costs associated with surveying and land administration charges for title and/or reserve documents etc. Given the request is from St John Ambulance Kojonup, these costs should be met by the group as the beneficiary of the request.

If any additional public consultation is approved, any advertising costs would be met by the Shire through the advertising budget.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”

Key Pillar	Community Outcomes	Strategic Deliverables
KP 1 – Place	<ul style="list-style-type: none"> 1.2 – Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs 1.4 – Be enjoying a Main Street which is an inviting meeting place where we celebrate our history and heritage in a modern way 	<ul style="list-style-type: none"> Celebrate the significance of cultural, social and built heritage including local indigenous and multicultural groups. Form a programmed upgrade of Main Street through landscaping, furniture and signage.
KP 2 – Connected	<ul style="list-style-type: none"> 2.1 – Be growing our state-wide and local tourism and shopping capabilities through regional alliances 	<ul style="list-style-type: none"> Cooperate to increase activation of Main Street and better use of underutilised Main Street spaces Maximise community safety through safe urban design and advocate for enhanced emergency service provisions
KP 4 – Prosperity	<ul style="list-style-type: none"> 4.4 – Have collaborated to enhance and attract diverse retail to ensure a successful and renewed Main Street 	<ul style="list-style-type: none"> Support Main Street urban renewal through in-kind support and policy development

Corporate Business Plan 2013 – 2017

Key Area & Focus Area	Objectives	Actions
KA – Economy FA – Supporting Main Street	<ul style="list-style-type: none"> E1.1 – Improve retail sustainability by enhancing the appeal of the town centre, to encourage more people to stop in the town 	<ul style="list-style-type: none"> E1.1.1 – Undertake a study to identify the opportunities to enhance the main street taking into consideration current and future uses
KA – Natural and Built Environment FA - Living in a Safe Community	<ul style="list-style-type: none"> N2.2 – To improve the efficiency of town drainage to protect infrastructure and the community and to minimise the damage to natural waterways 	<ul style="list-style-type: none"> N2.2.3 – Review the townscape plan and ‘main street’ development N2.2.4 – Redevelop the main street to create a people friendly and vibrant retail centre
KA – Social FA - Staying Active and Entertained	<ul style="list-style-type: none"> S2.2 Maintaining and active, healthy and social community 	<ul style="list-style-type: none"> S2.2.3 Plan and develop appropriate passive recreation facilities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council 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 request from St John Ambulance for additional land to be annexed from Hillman Park	Possible (C)	Insignificant (1)	Low	Manage by routine procedures, unlikely to need specific application of resources

ASSET MANAGEMENT IMPLICATIONS

If the request is successful and approved by the Minister for Planning, Lands and Heritage, the reduction of land in Hillman Park would reduce the Shire's present requirement to manage/maintain the asset accordingly.

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

Southern Link VROC Strategic Directions 2015-2020

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION**That Council:**

1. **Acknowledge and note the submissions received; and**
2. **Advise St John Ambulance Kojonup that it supports their request to acquire approximately 306m² of land from Hillman Park (Lot 3000/Reserve 25292) to be included within the St John Ambulance land (Lot 3001/Reserve 28103) and will forward a formal request to the Department of Planning, Lands and Heritage for the annexation to proceed and the costs associated with the land transfer will be recouped from St John Ambulance Kojonup.**

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

13 EXECUTIVE & GOVERNANCE REPORTS

13.1 EXTRA ORDINARY ELECTION

AUTHOR: Anthony Middleton – Manager Corporate Services
DATE: Friday, 15 September 2017
FILE NO: GO.ELE.11
ATTACHMENT: 13.1 – Proposed Timetable

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this item is to set a date for an election to fill the extra-ordinary vacancy on the Council.

BACKGROUND

During the 2017 local government election process, three (3) nominations were received for the four (4) vacant positions. As such, an extra-ordinary vacancy has been created on the Council.

COMMENT

Section 4.9(1)(b) of the *Local Government Act 1995* allows for the Council to set the date of the extra-ordinary election. Section 4.9(2) states that the date must allow enough time for the electoral processes to be completed however, cannot be later than 4 months after the vacancy occurs. The vacancy was created on 14 September 2017 and therefore an election must be held prior to 13 January 2018.

Section 4.37 of the Act also states that the same electoral roll can be used if the extra-ordinary election is to be held within 100 days of the ordinary election day. As this date would be 29 January 2018, the electoral roll processes of the attached timetable can be ignored. This then makes the commencement of this process the advertising to call for nominations, which may commence from 56 days, and no later than 45 days, before election day. As such, the election must be held between 18 November 2017 and 13 January 2018.

It would be beneficial to hold the election prior to Christmas, and indeed prior to the December Council meeting, making the following Saturdays available:

- Saturday, 18 November 2017
- Saturday, 25 November 2017
- Saturday, 2 December 2017
- Saturday, 9 December 2017

It is appropriate that the vacancy be filled as soon as possible, and therefore Saturday, 18 November 2017 is the recommended date. This will enable a newly elected Councillor to attend the November meeting and minimise the vacancy to only one ordinary Council meeting (October).

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

Section 2.32 - How Extraordinary Vacancies Occur in Offices Elected by Electors, of the *Local Government Act 1995* states:

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies;*
- (b) resigns from the office;*
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office;*
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27;*
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council;*
- (e) becomes the holder of any office or position in the employment of the local government; or*
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

Section 4.8 - Extraordinary Elections, of the *Local Government Act 1995* states:

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 or 2.33 an election to fill the office is to be held.*

Section 4.9 – Election Day for Extra Ordinary Election, of the *Local Government Act 1995* states:

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed-*
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to-*
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) advise the CEO of the day fixed.*

4.37. New roll for each election

- (1) An electoral roll is to be prepared for the election.*
- (2) If the district is not divided into wards the same electoral roll can be used for the election of an elector mayor or president and the election of a councillor or councillors.*
- (3) A new electoral roll need not be prepared for the election if —*
 - (a) it is an extraordinary election the election day for which is less than 100 days after the election day for another election; and*

- (b) *the CEO, with the approval of the Electoral Commissioner, decides that the roll that was used for the earlier election is suitable for use at the extraordinary election.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The 2017/2018 annual budget includes a \$7,500 allocation for election expenses. The extra-ordinary election will result in a double up of some advertising requirements but financially the additional expenditure will be minimal.

STRATEGIC/CORPORATE IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That, in accordance with the *Local Government Act 1995*, an extra ordinary election be held on Saturday, 18 November 2017 to fill the vacant eighth position on the Council of the Shire of Kojonup.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

Attachment 13.1



Government of **Western Australia**
Department of **Local Government and Communities**

Elections Timetable Template

Local Government Ordinary/Extraordinary and Other Elections

Proposed Election Date **18/11/2017**

Note: Please manually adjust dates in the 'Date' column which fall on a public holiday to the next business day.

Days from Polling Day	Election Activities or Events	Relevant Act sections or Regulations	Day	Date	
273 to 92	If an elected member's office becomes vacant on or between these days, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled until the ordinary election.	LGA s4.16(4) LGA s4.17(2)	Sat to Fri	18/02/2017 to 18/08/2017	
91	If an elected member's office becomes vacant on or after this day, the vacancy will remain unfilled until the ordinary election.	LGA s4.16(2)(3) LGA s4.17(1)	Sat	19/08/2017	
80	Last day for local governments to gain agreement from the Electoral Commissioner to conduct the election (compulsory if intent is to hold a postal election).	LGA s4.20(2)(3)(4) LGA s4.61(2)(4)	Wed	30/08/2017	
80	A decision for the Electoral Commissioner to conduct the election cannot be rescinded after this day.	LGA s4.20(6) LGA s4.61(5)	Wed	30/08/2017	
70 to 56	Between these days, the CEO of the local government is to give Statewide public notice of the closing date and time for elector enrolments.	LGA s4.39(2)	Sat to Sat	09/09/2017 to 23/09/2017	
56	Last day for the local government's CEO to advise the Electoral Commissioner of the need to prepare an updated residents roll.	LGA s4.40(1)	Sat	23/09/2017	
Close of Rolls	56	Advertising may begin for council nominations from 56 days, and no later than 45 days, before election day.	LGA s4.47(1)	Sat	23/09/2017
	50	Close of Rolls – 5.00pm	LGA 4.39(1)	Fri	29/09/2017
Nominations Open	45	Last day for advertisement to be placed calling for council nominations.	LGA s4.47(1)	Wed	4/10/2017
	44	Nominations Open First day for candidates to lodge completed nomination papers, in the prescribed form, with the Returning Officer. Nominations are open for 8 days.	LGA s4.49(a)	Thu	5/10/2017
Close of Nominations	38	If a candidate's nomination is withdrawn not later than 4.00pm on this day, the candidate's deposit is to be refunded.	LGA s4.50 Reg. 27(5)	Wed	11/10/2017
	37	Close of Nominations – 4.00pm	LGA 4.49(a)	Thu	12/10/2017
Election Day	36	Last day for the Electoral Commissioner to prepare an updated residents roll for the election. Last day for the local government's CEO to prepare an owners and occupiers roll.	LGA s4.40(2) LGA s4.41(1)	Fri	13/10/2017
	36	Returning Officer to give Statewide public notice of the election as soon as practicable but no later than 19 days before election day.	LGA s4.64(1)	As soon as practicable	
	22	The preparation of any consolidated roll (combined roll of residents, owners and occupiers) under regulation 18(1) is to be completed on or before this day.	LGA s4.38(1) Reg. 18(1)(2)	Fri	27/10/2017
	19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA s4.64(1)	Mon	30/10/2017
	4	Close of absent voting and close of postal vote applications for 'voting in person' elections – 4.00pm.	LGA s4.68(1)(c) Reg. 37(3)(4)	Tue	14/11/2017
	1	Close of early voting for 'voting in person' elections – 4.00pm.	LGA s4.71(1)(e) Reg. 59(2)	Fri	17/11/2017
	0	Election Day Close of poll – 6.00pm.	LGA s4.7 LGA s4.68(1)(e)	Sat	18/11/2017
	2	Election results declared and published.	LGA s4.77	As soon as practicable	
	2 - 14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election. (See Online 'Form 20' at www.dlgs.wa.gov.au)	LGA s4.79(1)(2) Reg. 81	As soon as practicable	
	Within 28 days of result publication	An invalidity complaint can be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA s4.81(1)	As applicable	
Within 2 months of result declaration	Newly elected members to make their declarations of office.	LGA s2.29(1)(2) LGA s2.32(c) LGA s2.34(1)(c)	As soon as practicable		
Within 3 months of members making declarations	Newly elected members to lodge their Primary Returns with the local government's CEO.	LGA s5.75(1)	As soon as practicable		

* All Act sections refer to the *Local Government Act 1995*. All regulations refer to the *Local Government (Elections) Regulations 1997*.

14 AGED CARE SERVICES REPORTS

Nil

15 COMMUNITY DEVELOPMENT & TOURISM REPORTS

Nil

16 COMMITTEES OF COUNCIL**16.1 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE**

ATTACHMENTS 16.1 – Natural Resource Management Advisory Committee
Unconfirmed Minutes for 10 August 2017

OFFICER RECOMMENDATION

That the attached unconfirmed minutes for the Natural Resource Management Advisory Committee meeting held 10 August 2017 be received by Council and Council approve the following Committee Decisions:

COMMITTEE DECISION 33/17

That the Natural Resource Management Advisory Committee seek Council’s approval to purchase five (5) laminated AO size Reserve Location Maps from GL Code 5686. Jane Kowald will seek a new quote and request that vesting order information be included on the Map and ask for a digital copy of the Map.

COMMITTEE DECISION 36/17

That the Natural Resource Management Advisory Committee recommends to Council that Jane Kowald be given permission to liaise with Annabelle Garratt from the Wagin Woodanilling Landcare Zone group to run a ‘Pest Management Workshop’ in the Kojonup Shire, working with Southern DiRT where possible.

Advice Note:

There is no cost involved to bring this workshop to the Shire of Kojonup as it is fully funded through the Department Primary Industries and Regional Development: Agriculture and Food and refreshments will be provided by the Wagin Woodanilling Landcare Zone group.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

16.3 BUSHFIRE ADVISORY COMMITTEE

- ATTACHMENTS**
- 16.3.1 – Bushfire Advisory Committee Unconfirmed Minutes for 4 September 2017
 - 16.3.2 – Wheatbelt Regional Fire Management Plan 2012-2017

OFFICER RECOMMENDATION

That the attached unconfirmed minutes for the Bushfire Advisory Committee meeting held 4 September 2017 be received by Council and Council approve the following Committee Decisions:

COMMITTEE DECISION 14/17

That the Bushfire Advisory Committee recommends to Council that:

1. **It adopt the Wheatbelt Regional Fire Management Plan 2012-2017 in its entirety to become policy for Council moving forward.**
2. **An electronic and a hard copy be issued to all Zulu's;**
3. **The Fire Chief and Ranger organise a training session for the use of Plan within the Shire; and**
4. **The Plan be reviewed every 12 months to ensure it is still relevant**

COMMITTEE DECISION 15/17

That the Bushfire Advisory Committee recommends to Council the following dates for its 2018 meetings to be held on a Monday at 7:30pm in the Shire Reception Lounge:

- **12 February 2018**
- **9 April 2018**
- **3 September 2018**

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

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

Nil

18 **NEW BUSINESS**

Nil

19 CONFIDENTIAL REPORTS**19.1 CHIEF EXECUTIVE OFFICER – CONTRACT VARIATION**

AUTHOR: Anne Lake – Consultant (Anne Lake Consulting)
DATE: Monday, 4 August 2017
FILE NO: Personnel File
ATTACHMENT: Nil.

19.2 REQUEST FOR TENDER 02/2017 AND 03/2017

AUTHOR: Michelle Dennis – Development Services Coordinator
DATE: Friday, 15 September 2017
FILE NO: FM.TND.3 / CP.DAC.2
ATTACHMENT: Nil.

Funding from the Southern Inland Health Initiative has included the installation of solar panels and a backup generator at Springhaven Frail Aged Lodge. Tenders closed on Monday 11 September 2017. Due to the technical nature of the tenders they have been preliminary assessed by Shire staff and the short list referred to a Consultant Electrical Engineer for a formal recommendation. This recommendation has resulted in clarifications needing to be obtained from contractors which has not enabled the final report to be completed in time for the agenda close for the September 2017 Council Meeting.

To ensure that the Shire meets its funding obligations (i.e. completion of project by December 2017) it is necessary that a report be considered by Council at its September meeting. The report will be made available as soon as possible.

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

/17 Moved Cr , seconded Cr

CARRIED/LOST /

OFFICER RECOMMENDATION

That Item 19.2 – Request for Tender 02/2017 and 03/2017, be considered.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

20 **NEXT MEETING**

The nomination period for candidates closed at 4:00pm on Thursday, 14 September 2017. The Shire received a total of 3 nominations for the 4 vacancies and as a result, will not need to hold a Council Election on 21 October 2017. It is therefore proposed that the Ordinary Council Meeting for the month of October be held on Tuesday in the third week of the month as occurs with the majority of Council’s ordinary meetings.

OFFICER RECOMMENDATION

That Council’s Ordinary Meeting for October 2017 be held on Tuesday, 17 October 2017 at 3:00pm in the Council Chambers and that appropriate public notice be given as per the *Local Government Act 1995*.

COUNCIL DECISION

/17 Moved Cr , seconded Cr

CARRIED/LOST /

21 **CLOSURE**

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

22 **ATTACHMENTS (SEPARATE)**

- Item 10.1 Monthly Statement of Financial Activity
- Item 10.2 Monthly Payment Listing 01/08/2017 – 31/08/2017
- Item 10.3 Delegation Register
- Item 10.4 ‘Smart Implementation’ – Corporate Business Plan 2017 – 2021
- Item 11.1 Evaluation Matrix Spreadsheet
- Item 11.3.1 Trees Proposed for Removal
- Item 16.1 Natural Resource Management Advisory Committee Unconfirmed Minutes for 10 August 2017
- Item 16.2 Kodja Place Advisory Committee Unconfirmed Minutes for 24 August 2017
- Item 16.3 Bushfire Advisory Committee Unconfirmed Minutes for 4 September 2017
- Item 19.1 Confidential Report
- Item 19.2 Confidential and Late Report