

**MINUTES
ORDINARY COUNCIL MEETING**

13 SEPTEMBER 2016

**COUNCIL CHAMBERS
SHIRE OF NARROGIN
89 EARL STREET
NARROGIN WA 6312**

These minutes were confirmed at the Ordinary Council Meeting held on 27 September 2016.

Signed: Date 27/9/2016
(Presiding Member at the meeting at which minutes were confirmed)

Council Minutes are 'Unconfirmed' until they have been adopted at the following meeting of Council.

**ORDINARY COUNCIL MEETING MINUTES
13 SEPTEMBER 2016**

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

7.32 pm – Commissioner Yuryevich declared the meeting open.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Commissioners

Commissioner R Yuryevich AM RFD (Chairperson)
Commissioner G Ballard
Commissioner L Ballard

Staff

Mr A Cook – Chief Executive Officer
Mr A Awang – Executive Manager Development & Regulator Services
Mr C Bastow – Director Corporate and Community Services
Mr T Evans – Executive Manager Technical Services
Ms R Hawkins – Manager Finance
Ms C Thompson – Executive Assistant

Visitors

Mr B Seale
Mr D Charlesworth
Mr T Wiese
Mr R Little
Mr N Walker
Mr C Ward
Mr C Bartron
Mr N Mitchell
Mr T Dillon
Mr P Hoskin
Mr P Sims

3. DECLARATION OF INTEREST BY ELECTED MEMBERS AND COUNCIL EMPLOYEES IN MATTERS INCLUDED IN THE MEETING AGENDA

Commissioner L Ballard declared an interest in item 10.1.104. The nature of his interest was proximity.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

No questions taken on notice.

5. PUBLIC QUESTION TIME

Mr A Paternoster – Narrogin

Question 1

My question relates to the duty of confidentiality by Shire Officers. In my research into local government law I have come across the confirmed minutes of a WA country shire where it was alleged that a CEO had shared confidential commercial information with a third party. A ratepayer had discussed a confidential business proposition and business plan with the CEO. Subsequently it was alleged that the CEO had inappropriately disclosed the proposal and business plan to a third party.

Can the commissioners confirm that the Shire of Narrogin has procedures and policies in place that ensure that all officers and staff of the Shire of Narrogin are aware of their obligation of confidentiality in relation to this type of commercial information?

The Chairman responded – The Shire of Narrogin has an adopted Code of Conduct 2012, stand-alone adopted document resolution 0212.027, which outlines how both Officers and Elected Members are to perform their duties in regards to an acceptable standard, and code of conduct, including dealing with confidential information.

Question 2

My question arises out of the “Guiding Principles” adopted by the shire and in particular to the “Council Mission” which provides:

“Provide leadership, direction and opportunities for the community.”

Recently a business man moved into Narrogin and purchased one of two competing businesses including the business name associated with his business. The businesses cater for tourists and visitors to Narrogin.

The recently arrived business man chose to register a business name very similar to that of his competitor. This person then instructed the Chamber of Commerce to not allow his competitor to advertise his business in the same manner as he had previously. This has had the affect of restricting the manner in which the existing competitor could promote his business.

My question is will council give consideration to investigating the possibility of establishing a mediation process in conjunction with the Chamber of Commerce to try and prevent this type of unfair competition in the future?

The Chairman responded – The Shire of Narrogin does not involve itself with commercial matters and this question should be presented to the Department of Commerce who regulate these matters. As such, the question has been refused.

Mr B Seale – Narrogin

Question 1

Will Council edit the agenda, item 10.2.116 to correct error, ie replace the word ‘Council’ in line 2 with ‘Department of Commerce’?

The Chairman responded – that the amendment will be made.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION 0914.130 AND OFFICER'S RECOMMENDATION

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

Accept the minutes of the Ordinary Council Meeting held 23 August 2016 and be confirmed as an accurate record of proceedings.

CARRIED 3/0

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

DISCLAIMER READING

The Presiding Member will read the disclaimer to those present.

The recommendations contained in this Agenda are Officer's Recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTERS WHICH REQUIRE DECISIONS

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10.1 DEVELOPMENT AND TECHNICAL SERVICES

7.36 pm – Commissioner L Ballard declared an interest in the following item and left the meeting.

10.1.104 2016/17 ROAD SEAL TENDER

File Reference: 28.1.1
Disclosure of Interest: Nil
Applicant: Executive Manager Technical & Rural Services
Previous Item Nos: Nil
Date: 26 August 2016
Author: Torre Evans Executive Manager Technical & Rural Services

Attachments

Nil

Summary

Council is requested to consider awarding the 2016/17 Road Seal quotes to Colas for \$490,310 ex GST and utilise projected savings of \$203,301 ex GST for further road seal works in both Roads To Recovery (RTR) and Regional Road Group (RRG).

Background

In adopting the 2016/17 annual budget, Council allocated a total of \$693,610 ex GST worth of capital expenditure on road seals within the Shire. As these works would need to be completed by external contractors and with the valuation of work exceeding \$150,000, it was necessary for the road seal works to be facilitated through a tender process.

The road seal quote was facilitated through the WALGA Preferred Supplier, eQuotes portal with seven WALGA Preferred Suppliers invited to tender. A total of six submissions were received.

Comment

The tender documentation provided prospective tenderers with a list of the proposed road seal works, detailing the square metre area, aggregate size and application rates. This was done to ensure a consistent approach to the tender pricing. The following is a list of the road seal projects included in the tender:

Primer Seal

Road	Length	Width	Area
Tawonga Rd	500	7.2	3500
Wandering Rd	2000	2.5	5000
Narrogin Dongolocking Rd	2000	7.2	14400
Havelock St	400	2.5	1000

Furnival St	62	12	744
Narrakine South Rd	1500	4	6000
Narrogin Valley Rd	2000	7.2	14400
Narrakine South - Town	160	8	1280
Highbury West Rd	900	8	7200

Reseals

Road	Length	Width	Area
Narrogin Harrismith Rd	2500	7.2	18000
Tawonga Rd	3500	7.2	25200
Wandering Rd	2000	7.2	14400
Narrogin Dongolocking Rd	1000	7.2	7200
Havelock St	400	2.8	1120
Butler St	350	10	3500
Eston St	220	10	2200
Fox St	620	10	6200
Hansard St	220	8.5	1870
Furnival St	1272	12	15264
Lock St	500	11.4	5700
May St	360	8	2880
Fairway St	400	10	4000
Narrogin Valley Rd	1600	10	16000

Two types of aggregate were asked to be priced in this tender being Basalt and Granite. These two aggregates are extensively used by Main Roads WA and other Local Governments throughout the state.

Following the WALGA Preferred Supplier eQuote Tender process, responses were received from six (6) companies. The below table shows the submissions received with pricing:

Company	Basalt ex GST	Granite ex GST
Colas	\$ 501 863	\$ 490 310
Downer	\$551 715	\$ 506 335
Bitutek	\$ 534 156	\$ 534 156
Malatesta	\$ 771 692	Not supplied
Boral	Not supplied	\$1 115 936
Fulton Hogan	\$1 124 451	Not supplied

All companies were asked to provide laboratory certification (Los Angeles Test) of the aggregates to be supplied. The Tender also specified that all works and aggregate must meet Main Roads specification 503 for bituminous surfacing.

Prior to the tender process, the Main roads Narrogin Manager was contacted as to what the differences were between granite and basalt i.e. strength. Mr Russell stated that both aggregates were extensively used by Main Roads in road maintenance and construction and were similar in strength however would need to meet Main Roads specification 503.

The selection criteria outlined in the tender, indicated that, in determining the successful supplier, the following factors will be taken into consideration:

- 85% Price.
- 15% Demonstrated experience in completing similar works for Local Government.

All tenderers have been supplied with dates that the work needs to be undertaken by. Similarly, all have experience in completing works of this size and nature, therefore price is deemed the significant determining factor in selecting the successful tender submission.

Colas submitted the most cost effective price utilising granite aggregate for this tender. Colas are a WALGA Preferred Supplier and have extensive experience in servicing the Local Government sector. It is also worth noting that Colas will be using Great Southern Quarry to supply the granite aggregate for this tender. Great Southern Quarry is a local supplier within 25kms of Narrogin.

It is also worth noting that the submitted tender price may alter slightly as sand sampling needs to occur to confirm application rate pricing. This is not expected to differ greatly from the submitted price.

2016/17 Cheaper Rates

When estimating the square meter rate costings for the 2016/17 road seal works program for inclusion in the 2016/17 budget, figures were used from last year's accepted road seal tender rates. Subsequently the 2016/17 budgeted allocation for road seal works \$693,610 ex GST compared to the Colas tender submission \$490,309 ex GST (rounded) has provided savings of \$203,301 ex GST for additional road seal works to be conducted.

Subsequently the \$203,301 ex GST savings are split between two categories of the 2016/17 road seal budget allocation as follows:

	2016/17 Budget Allocation ex GST	Colas Submitted Tender Price ex GST	Savings ex GST
RTR (Roads To Recovery Funding)	\$440,870	\$320,929	\$119,941
RRG (Regional Road Group Funding)	\$252,740	\$169,380	\$83,360
Total	\$693,610	\$490,309	\$203,301

It is requested Council consider endorsing the use of the saved budgeted \$203,301 ex GST for further road seal works in both RTR and RRG as follows:

RTR

- Additional project for reseal works on Wagin Wickepin Road 2500 metres \$50,900 ex GST estimated

- Additional project for reseal works on Win Bin Rock Road 3000 metres \$69,941 ex GST estimated

RRG

- Extend the Tawonga Road seal by 5,500 metres \$83,360 ex GST estimated. This will need to be confirmed with Main Roads WA and also the South West Regional Road Group SWRRG. As the author is not seeking additional funding from Main Roads for this already allocated amount it should meet the approval of Main Roads and the SWRRG.

On the basis of the information supplied and the selection criteria being 85% price, it is recommended that the tender submission from Colas be accepted.

Consultation

- Aaron Cook – Chief Executive Officer
- Gary Rasmussen – Works Manager
- Mark Russell – Main Roads WA

Statutory Environment

Quotes for the proposed reseal program were called for in accordance with the requirements of *section 3.57 of the Local Government Act* through the WALGA Preferred Supplier eQuotes portal.

Policy Implications

Nil

Financial Implications

The 2016/17 road seal program cost is contained within the 2016/17 adopted budget.

Strategic Implications

Nil

Voting Requirements

Simple Majority.

COUNCIL RESOLUTION 0914.131 AND OFFICER'S RECOMMENDATION

Moved: Commissioner G Ballard

Seconded: Commissioner R Yuryevich

That Council:

Award the 2016/17 Road Seal contract to Colas for \$490,310 ex GST.

CARRIED 2/0

7.3 pm – Commissioner L Ballard returned to the meeting.

10.1.105 FIRE CONTROL OFFICERS – MEETING OUTCOMES

File Reference: 9.2.1
Disclosure of Interest: Nil
Applicant: Not Applicable
Previous Item Nos: Nil
Date: 3 September 2016
Author: Niel Mitchell, Merger Project Manager

Attachments

- Fire Control Officers' Meeting of 17 August 2016 – program

Summary

Consideration of a number of matters arising from the recent fire control officer meeting.

Background

A meeting of the fire control officers took place on 17 August 2016, attended by 11 of the 21 FCOs, together with senior staff. Also in attendance was Mr Dave Gossage, President WA Volunteer Bush Fire Brigades Association, Mr Greg Cook, Local Government Insurance Services and Mr Simon Vogel, DFES Narrogin Regional Officer.

Comment

The meeting was well attended and those present were canvassed on a range of matters, as per the attached program. In particular, the delegation of authority to FCOs was noted, together with the proposal in the draft Bush Fire Brigades Local Law for mandatory training prior to appointment as an FCO.

From the discussion, a range of matters were raised for action and recommendation to Council.

For action –

- a) Training
 - Radio – operator and base
 - Fire Control Officer – only 3 from the Shire attended the course on 3 August 2016
 - Volunteer Fire Fighters
 - Specific matters such as filling of aircraft water bombers, use of bush fire brigade units
- b) Highbury unit and garaging – requires a full validation of need to be put forward
- c) Radios – a number additional units required, both vehicle and base
- d) Fuel cards
- e) Meet and greet night for volunteers – perhaps after a training session or some other event
- f) Succession planning at all levels

Actions for matters (a) to (d) are underway.

Recommendations to Council –

- a) Current bush fire appliances – the current appliances are both single cab 4x2 units. These are considered unsuitable for application within the Shire. However, as the application for replacements were like for like, upgrade to 4x4 units, with one being a crew cab as desired by the brigades will mean effectively going to the end of the queue if the proposed replacement units are accepted, and new applications are made. However, as the need for replacement is established, if the proposed units are declined and redirected by DFES to another area, application for 4x4 units may occur earlier. However, it is a very high likelihood that there will still be a wait of a number of years.

Despite the virtual certainty of a wait of several years, the consensus of the meeting was that the proposed 2x4 units be declined and immediate application be made for two 4x4 units, one being single cab, the other being dual cab.

- b) Highbury appliance – recommended that Council pursue an appropriate unit to be based in the Highbury townsite
- c) Controlled burning – implement a series of controlled burns where appropriate –
- a number of Shire reserves, such as around Highbury.
 - areas of the rail reserve.
- d) Narrogin Industrial Area – to be included in the Gazetted Fire and Rescue Service area, due to building density, the likelihood of structural fire, and the possibility of involvement of chemical or flammable liquids.
- e) Fire Control Officers – several changes were discussed as one FCO advised they did not wish to continue and the meeting suggested a replacement, and a second FCO advising that they no longer owned a farm, but resided in Town.

Appointment of Fire Control Officers is at Council's discretion, and a recommendation from the meeting is not obligatory. Council may also limit an FCO's authority to particular matters or particular areas – appointment as an FCO is not necessarily a blanket authorisation for the whole of the district.

Two matters that Council may wish to consider are –

- the number of FCO appointments for each brigade area, and
- appointment of an "out of area" FCO.

Generally the number of FCO's is 2, however –

- Ockley has had four, but one is not continuing, and one has now relocated to town
- Highbury South has had three FCOs.

Clarification of the willingness of FCO not in attendance at the meeting will be sought for consideration at the next Council meeting.

Consultation

- Aaron Cook, Chief Executive Officer
- Fire Control Officers meeting 17 August 2016

Statutory Environment

Bush Fire Brigades Act 1954 –

s.41 – Bush Fire Brigades, establishment, register etc

Policy Implications

Draft new policy

Financial Implications

Nil

Strategic Implications

Compliance with the *Bush Fire Act* and insurance requirements

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0914.132 AND OFFICER'S RECOMMENDATION

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

1. Supports the two proposed 4x2 single cab fire fighting appliances approved by Department of Fire and Emergency Services for the Shire of Narrogin be declined, and application be made for replacement appliances that are both 4x4, one being single cab and the second being crew cab.
2. Supports the application be made for an appropriate fire fighting appliance to be based in Highbury townsite, together with funding for a shed for garaging of the unit.
3. Requests that appropriate areas be identified by the Chief Fire Control Officer, relevant FCO, Brigade Captain and Shire staff for controlled burning, but subject to the prior approval of the Chief Executive Officer before commencement of burning.
4. That the Narrogin Industrial Area be incorporated into the declared fire district under the *Fire Brigades Act 1942*, in order that it be included in the area under the responsibility of the Narrogin Fire and Rescue Service.
5. That adjoining Shires be advised that all dual fire control officer nominations –
 - to the Shire of Narrogin and subsequently appointed are cancelled, and that they are requested to re-advise nominations for appointment;
 - from the Shire of Narrogin previously are cancelled, and updated nominations for their consideration will be made.

CARRIED 3/0

Commonly-used abbreviations:

CEO	Chief Executive Officer
DFES	Dept of Fire and Emergency Services
4x2	Four wheel drive, 2000 litre vehicle
4x4	Four wheel drive, 4000 litre vehicle

FCO & BFB Captains meeting

Fire administration arrangements 2016-2017

3.00pm, Wednesday 17 August 2016

Program

1. Welcome and introductions – Aaron Cook, CEO (2 min)
2. Review of last summer (15 min)
3. Implications of merger (5 min)
 - Restricted and prohibited burning periods
 - Firebreaks and Fuel Hazard Reduction Notice and period
 - Local fire information hotline
 - Use of SMS, website and Facebook for public information
 - Use of email for contact with FCO/Captains
4. Dave Gossage, President, Association of Volunteer Bush Fire Brigades WA (15 min)
 - Roleystone and Yarloop fires
 - o Have a look at avbfb.org.au for some information about Dave and the Association
 - o Dave will speak briefly regarding the Roleystone fires a couple years ago, and the recent Yarloop fire, where he is coordinating recovery on behalf of Shire of Waroona

Afternoon tea (15 min)

5. Open discussion – Chaired by Dave Gossage (30 min)
 - Improvements needed
 - Expectations of community, volunteers
 - Legal and insurance requirements
6. Draft Shire of Narrogin Bush Fires Brigades Local Law – Niel Mitchell (5 min)
 - FCO meeting – between April & June each year, when past summer is fresh in memory, matters for Shire Budget consideration, ESL grant application etc
 - Mandatory training requirement for appointment as FCO, as they have statutory responsibilities and duties, and are officers of Council – 12 month phase in
- 6a. Delegations to Fire Control Officers – Niel Mitchell
7. Happening next (5 min)
 - Procedures and protocols documents from LGIS to be finalised
 - Training requirements – FCO, volunteers, office staff
8. Recommendations to Council – Aaron Cook (10 min)
 - FCO appointments – current people to continue? New appointments? Too many? Dual?
 - Radio base stations – who holds?
 - Notifications to ABC etc of harvest bans
 - Other matters?
9. Closing summary – Greg Cook (5 min)
 - o Greg's got the job of developing the internal processes needed to ensure everything runs smoothly, especially in an emergency, and from the volunteers point of view
10. Close

10.1.106 DRAFT POLICY – VOLUNTEER BUSH FIRE BRIGADES

File Reference: 9.3.1
Disclosure of Interest: Nil
Applicant: Not Applicable
Previous Item Nos: Nil
Date: 3 September 2016
Author: Niel Mitchell, Merger Project Manager

Attachments

- Draft Policy – Volunteer Bush Fire Brigades – Establishment.

Summary

Consideration of a draft policy formalising the establishment of the bush fire brigades and the area.

Background

The Bush Fires Act 1954 s.41 requires a local government to keep a register of volunteer bush fire brigades if any have been established, and their members.

Comment

The attached is the draft Policy takes up the provisions of the former Shire of Narrogin Policy in relation to Volunteer Bush Fires Brigades and is consistent with the draft Bush Fire Brigades Local Law being proposed.

The Policy constitutes the register of brigades as required, and the map defines the area of responsibility of each brigade. The defined area of responsibility in no way interferes with the ability of a brigade to assist an emergency outside of the defined area, either within the district or within another Shire. However, it does mean that where multiple brigades are in attendance, the brigade having responsibility for the area takes precedence in the chain of command.

The policy is also intended to ensure that there is clear entitlement to insurance coverage should a volunteer need to make a claim, by removing as many contestable areas as possible.

The brigade areas were considered by the Fire Control Officers at the meeting on 17 August 2016, and endorsed without change.

Consultation

- Aaron Cook, Chief Executive Officer, Shire and Town of Narrogin
- Fire Control Officers meeting 17 August 2016

Statutory Environment

Bush Fire Brigades Act 1954 –

- s.41 – Bush Fire brigades, establishment, register etc

Policy Implications

Draft new policy

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0914.133 AND OFFICER'S RECOMMENDATION

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

Adopt policy 5.1 Volunteer Bush Fire Brigades – Establishment and boundaries, as attached.

CARRIED 3/0

Commonly-used abbreviations:

CEO	Chief Executive Officer
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Draft Policy

5.1 Volunteer Bush Fire Brigades – Establishment and boundaries

Statutory context Bush Fires Act 1954 –
• s.41 – establishment and maintenance of bush fire brigades

Council context None

History Adopted _____

Policy Statement

The following Council Policy Schedules are adopted, and form part of this Statement –
5.1 Volunteer Bush Fire Brigades areas

In accordance with the Bush Fires Act section 41(1) the following Bush Fire Brigades are established, and have the area shown in Council Policy Schedule 5.1 Bush Fire Brigade areas –

- Central
- Minigin
- Central South
- Highbury West
- Highbury South
- Highbury East
- Narrogin Valley
- Nomans Lake
- Ockley
- Boundain

This Policy constitutes the register of brigades required by the Bush Fires Act s.41(2).

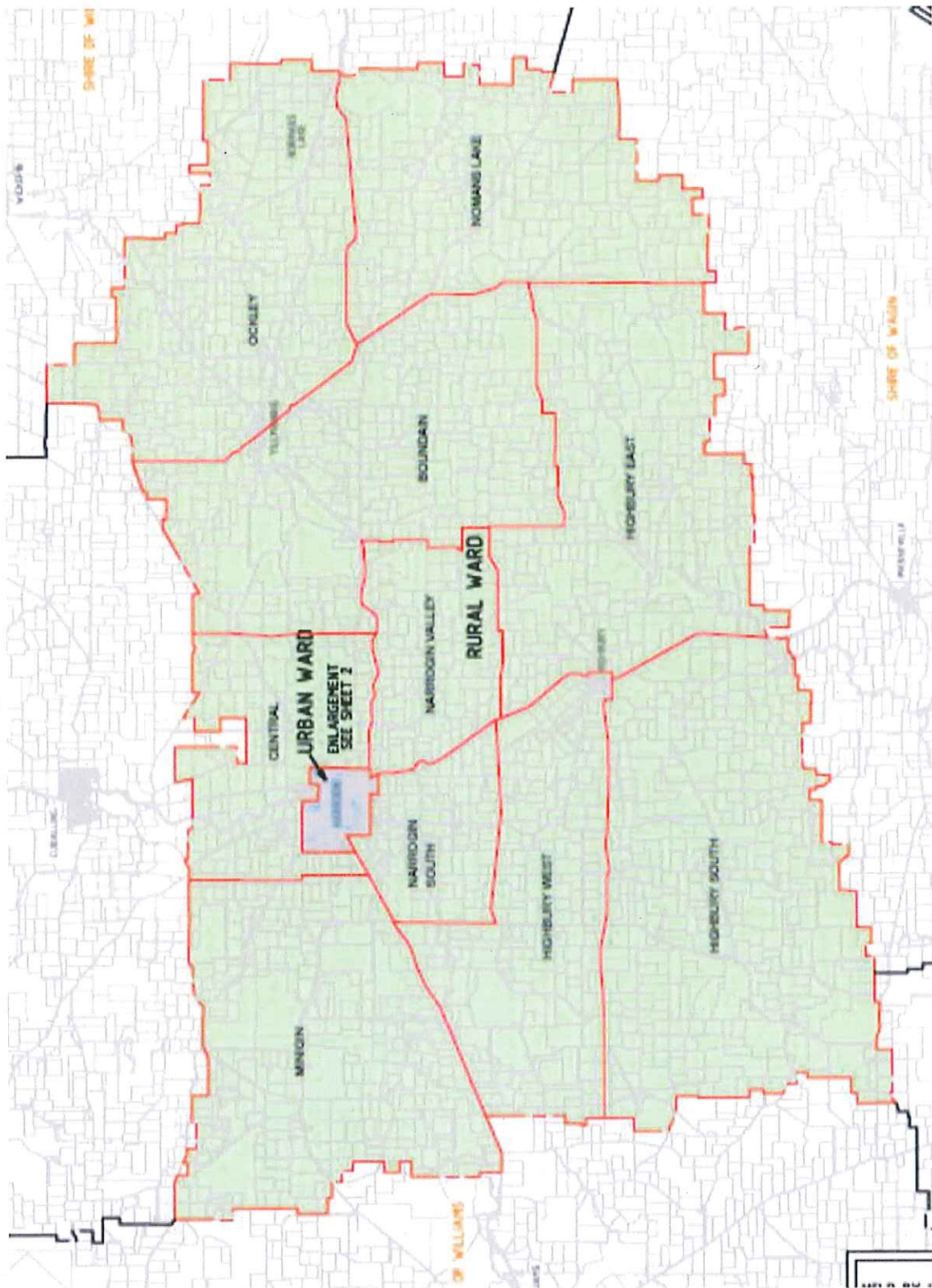
– End of Policy

Notes

Brigades are not incorporated organisations.

Council Policy Schedule 5.1 – Bush Fire Brigade areas

As at 1 August 2016



- End of Schedule

10.1.107 PROPOSED VARIATION TO MOTOR VEHICLE WRECKING – LOT 257 STEWART PLACE, NARROGIN

File Reference: A331700, IPA168658
Disclosure of Interest: Nil
Applicant: Lawrence O'Connell (Narrogin Smash Repair)
Previous Item Nos: Item 9.1.133 - 25 February 2003
Date: 8 September 2016
Author: Azhar Awang, Executive Manger Development and Regulatory Services

Attachments

- Location Plan
- Aerial Photo
- Photo of property
- Application Form
- Site Plan.

Summary

Council's consideration is requested in regards to the proposed variation to clause 3.2.6 (c) regarding the storage of vehicles not exceeding 2 meters in height.

Background

Council has received a planning application from Mr Lawrence O'Connell of Narrogin Smash Repair at Lot 257 Stewart Place, Narrogin requesting a variation to the requirements of clause 3.2.6(c) of Town Planning Scheme No 2 which states:

A person shall not in any Industrial zone, store, or permit to be stored or to remain on any land, any disused motor vehicles, or old machinery or any parts thereof unless they are placed in neat rows not exceeding two metres in height.

The applicant's request is to increase the height limit of the storage of cars on the current site to a height of 3 metres from the required 2 metres. This will allow the vehicles to be stacked 2 vehicles high (not exceeding 3 metres) around the property so as to allow the business to grow.

Comment

Zoning

Lot 257 Stewart Place, Narrogin, under Town Planning Scheme No 2, is zoned 'General Industry'. The Policy Statement of this zone is:

Primarily industry which by reasons of its emission, bulk or other features is not classified as light industry, but which is not noxious or hazardous industry. Light industry and other uses including warehousing would be permitted, on the assumption that the proprietors of such uses will be aware of the affects from adjacent general industry.

Approval for the Motor Vehicle Wrecking was granted to the property on 25 February 2003. Motor Vehicle Wrecking is defined as:

Means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

The site has a total area of 3950 m².

Proposed Variation

Clause 3.2.6 Motor Vehicle Wrecking (c), states:

A person shall not in any Industrial zone, store, or permit to be stored or to remain on any land, any disused motor vehicles, or old machinery or any parts thereof unless they are placed in neat rows not exceeding two metres in height.

The applicant is seeking a variation to this clause to increase the maximum height from 2 metres to 3 metres in order to allow the stacking of 2 cars.

An average car height is approximately 1.5m for a sedan and 1.9m for a 4 wheel drive. The intent of clause 3.2.6(c) is to restrict the storage of vehicles to a height of an average single car. If the height is to be increase to 3m, this would allow up to 2 vehicle to be stored on top of each other.

Clause 6.2 of the Town Planning Scheme No 2 makes provision for the relaxation of the standards as follows:

6.2 Relaxation of Standards

6.2.1 If a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed by the Scheme, the Council may approve the application unconditionally or subject to such conditions as the Council thinks fit, always provided that the Council is satisfied that:

(i) approval of the proposed development would be consistent with the orderly and proper planning of the locality, the preservation of the amenity of the area and be consistent with the objectives of the Scheme;

(ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and

(iii) the spirit and purpose of the requirements or standards will not be unreasonably departed from thereby.

The subject site is well fenced with colourbond fencing to the front at a height of 1.8m to 2m fence which is setback approximately 15m from the front boundary. The rear of the property backs onto Great Southern Highway and is well screened with existing trees. The property abuts existing business on both sides of the property. From an amenity aspect this would not be a major concern as the property is well screened.

There is a concern of the cars being stacked up to a height of 3 metres directly abutting the property boundary of an adjoining property which may cause potential risk to adjoining properties such as fire risk and damage to property due to the instability of the stacked cars.

Given the above considerations it is proposed to support the variation to support the height of stacking the vehicles to a maximum of 3 metres in the following areas:

Rear boundary of the property;

Side boundaries to be setback 1.5m.

No variation is supported for the height of the vehicles abutting the side boundaries.

Consultation

- Nil

Statutory Environment

- *Town of Narrogin Town Planning Scheme No. 2*
- Clause 3.2.6 - Motor Vehicle Wrecking.
- Clause 6.2 – Relaxation of Standards

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0914.134 AND OFFICER'S RECOMMENDATION

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

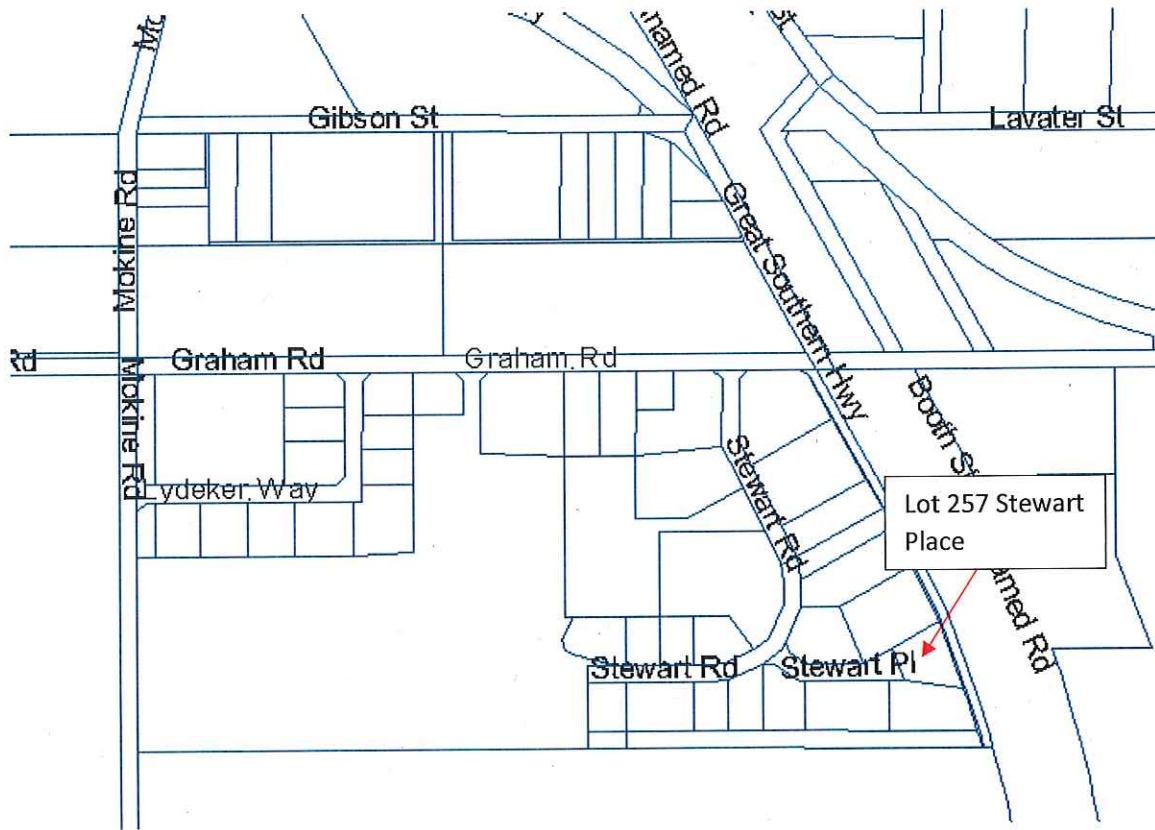
Supports the variation to clause 3.2.6(c) for Motor Vehicle Wrecking for the vehicle to be stacked to a maximum of two vehicles high not exceeding 3 meters in height at Lot 257 Stewart Place, Narrogin subject to the following conditions:

1. No stacking of cars shall be supported within 1.5m from the side boundaries as marked on the attached plan.
2. This approval shall expire if the development hereby permitted is not completed within two years of the date of the approval or within extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted in writing.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the Shire. The plans approved as part of this application form part of the planning approval issued.
4. Any use, additions to and further intensification of any part of the development of land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.

Advice Notes

1. If the applicant and/or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.

CARRIED 3/0



Attachment 1 – Locality Plan Lot 257 Stewart Place, Narrogin



Attachment 2 – Aerial Photo



Attachment 3 - Photo from the front of the property

Lawrence O'Connell
Narrogin Smash Repairs
257 Stewart Place, NARROGIN WA 6312
August 1, 2016

Azhar Awang
Executive Manager / Developing and Regulatory Services
Shire of Narrogin
89 Earl Street, NARROGIN WA 6312 proposed

Dear Azhar Awang:

SUBJECT: Application for Planning Consent / Request a Variation to Scheme No2 Clause 3.2.6 Motor Vehicle Wrecking.

Currently Narrogin Smash Repairs are following the Town of Narrogin's Town Planning Scheme No 2 clause 3.2.6 in reference to Motor Vehicle Wrecking. We are looking for a variation of the current scheme to be tabled to the Council for its consideration.

Narrogin Smash Repairs would like to gain approval to increase the height limit of the storage of cars in our industrial block to a height of 3 meters from the now current 2 meter height.

We will continue to adhere to the current clause and remain under the 200 vehicle limit. We currently have 85 vehicles on our property which are being used for wrecking. If our variation to the clause was approved we would be able to neatly stack 2 vehicles high (not exceeding 3 meters) around the boarder of our property and enable us to grow as a business whilst maintaining a neat organized work space.

I have attached the Application for Planning Consent to this letter and also a plan showing the site on our property which we would like to stack our cars at the newly approved height. If you require any further information on the application, please feel free to contact me on 9881 4339 or 0417 179 744.

We are happy to also pay the fee of \$147.00 that is required for the application. Please email any details in regards to this payment to nghsmash@westnet.com.au and we will process the payment.

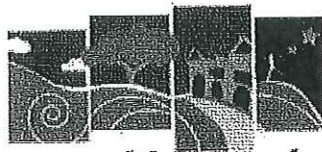
Whatever your decision, please accept my sincere thanks for your time and consideration of my request.

Sincerely,



Lawrence O'Connell

Narrogin Smash Repairs



Town of Narrogin

TOWN PLANNING SCHEME NO. 2 DISTRICT SCHEME

APPLICATION FOR PLANNING CONSENT

I/We NARROGIN SMASH REPAIRS
(Full Name of Applicant)

of LOT 257 STEWART PLACE NARROGIN Postcode 6812
(Address for Correspondence)

hereby apply for planning consent to:

- (1) use the land described hereunder for the purpose of
MOTOR VEHICLE WRECKING
- (2) erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached).

The existing use of the land is: _____

The approximate cost of the proposed development is: \$ _____

The estimated time of completion is: _____

The approximate number of persons to be housed/ employed when the development is completed is: _____

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

(Indicate distance to nearest intersecting street)

HOUSE NO: _____ STREET: _____

LOT NO: _____ PLAN OR DIAG: _____

LOCATION NO: _____

CERTIFICATE OF TITLE: VOLUME: _____ FOLIO: _____

LOT DIMENSIONS

SITE AREA: _____ square metres

FRONTAGE: _____ metres

DEPTH: _____ metres

AUTHORITY

SIGNATURE OF APPLICANT: _____ DATE: 1/9/2016

NOTE: WHERE THE APPLICANT IS NOT THE OWNER THE OWNER'S SIGNATURE IS REQUIRED.
NOTE: NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

SIGNATURE OF OWNER: _____ DATE: 1/9/2016

NOTE: THIS FORM IS TO BE SUBMITTED IN DUPLICATE, TOGETHER WITH THREE COPIES OF PLANS, COMPRISING THE INFORMATION SPECIFIED IN THE PARTICULARS REQUIRED WITH APPLICATION OUTLINED BELOW.

THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE

PARTICULARS REQUIRED WITH APPLICATION FOR PLANNING CONSENT

Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless specifically exempted by the Council:

- (a) indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed;
- (b) indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours;
- (c) indicate the position, type and height of all existing trees on the site and indicate those to be retained and those to be removed;
- (d) indicate the areas to be landscaped and the location and type of shrubs, trees and other treatment proposed;
- (e) indicate site contours and details of any proposed alteration to the natural contour of the area;
- (f) indicate car parking areas, their layout and dimensions and accessways and the position of existing and/or proposed crossovers; and
- (g) indicate site dimensions and be to metric scale.

FOR OFFICE USE ONLY

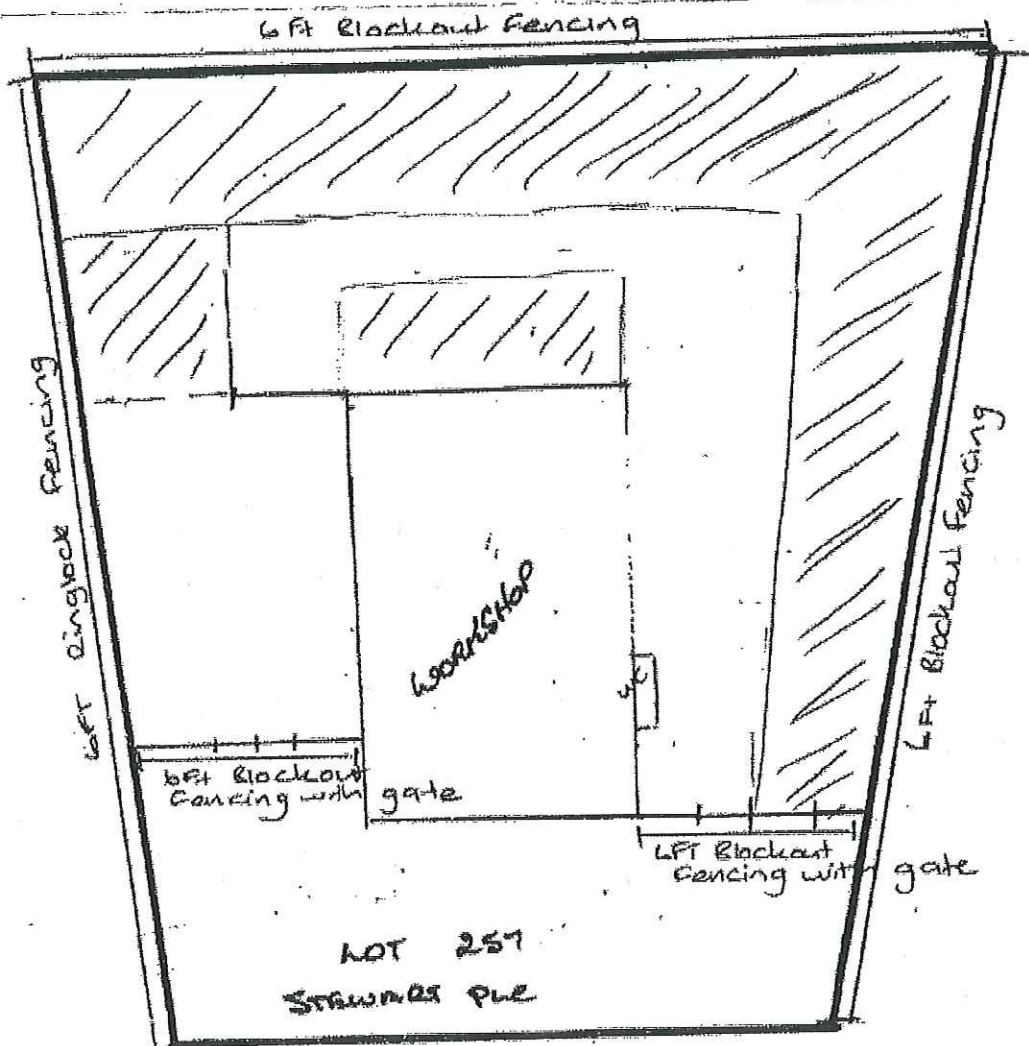
File Reference: _____
Application Number: _____
Date Received: _____
Date of Approval / Refusal: _____
Date of Notice of Decision: _____

LOCATION AND OWNER (To be completed by Applicant)

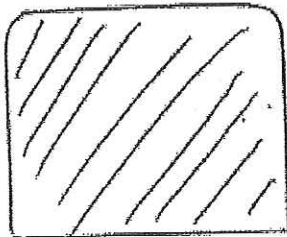
NAME (Block Letters) JACK O'CONNOR

LOT No. 257 STREET STEWART PL Town NARROGIN

BLOCK PLAN (not less than 1 : 100 scale)



KEY



← shaded Area for Proposed Variation

LOCATION AND OWNER (To be completed by Applicant)

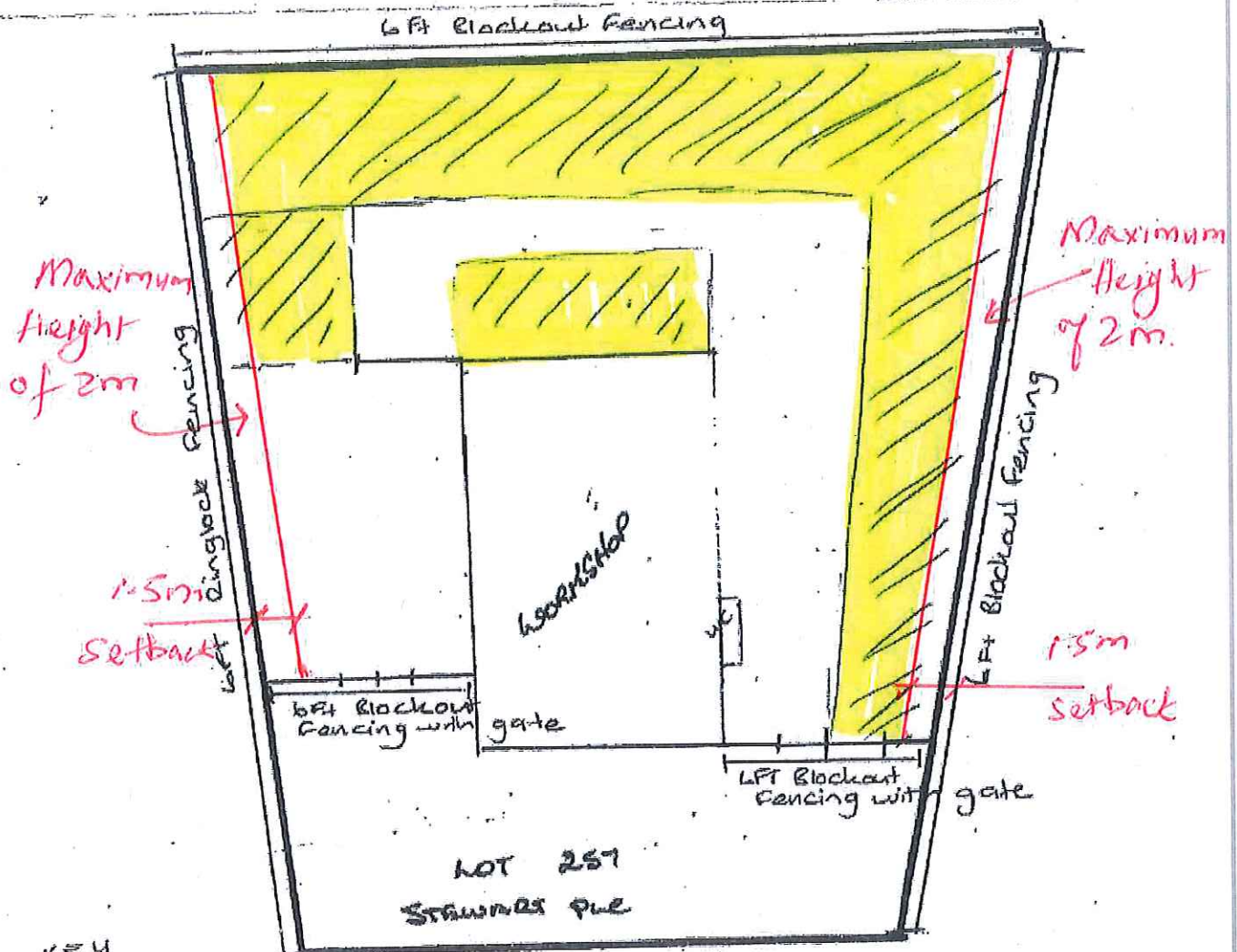
NAME (Block Letters) Jay O'Connell

LOT No. 257

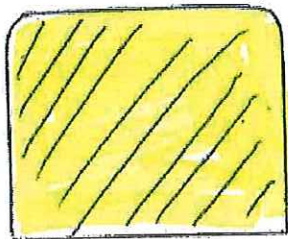
STREET STEWART PLE

Town NARROGIN

BLOCK PLAN (not less than 1 : 100 scale)



KEY



← Shaded Area for proposed variation
3m maximum Height

10.1.108 PROPOSED SCHEME AMENDMENT NO 5 – LOT 22 GREAT SOUTHERN HIGHWAY, NARROGIN

File Reference: **18.6.4**
Disclosure of Interest: Nil
Applicant: Harley Dykstra Planning & Survey Solutions
Previous Item Nos: 19 November 2015 (TP-GEN), 16 July 2015
Date: 8 September 2016.
Author: Azhar Awang, Executive Manager Development and Regulatory Services.

Attachments

- Location Plan
- Copy of Council's resolution of 19 November 2015
- EPA Decision under section 48A(1)(a)
- Schedule of Submissions
- Scheme Amendment Documents

Summary

Council is requested to consider the adoption of Scheme Amendment No 5 to the Shire of Narrogin Town Planning Scheme No 2 and endorsing the amendment for final approval.

Background

The proposed Scheme Amendment No 5 is to rezone Lot 22 Great Southern Highway Dumberning from 'Farming' to 'Special Use' under the Shire of Narrogin Town Planning Scheme No 2. The proposal is to create 3 different precincts which include:

- 12 Special Rural lots in most northern part of Lot 22. Land use permissibility will be as per the current Special Rural zone requirements in the Scheme.
- 15 lots in an Enterprise Living precinct central to Lot 22 which will cater for a house and some forms of enterprise including home occupation, cottage industry, light industry, service industry and rural pursuit.
- 6 lots within a Transport precinct in the south portion of Lot 22 which will cater for Transport Depots, caretakers dwellings, service station, freeway service centre and a range of industries.

The matter was previously considered by the Shire of Narrogin Council on 19 November 2015, whereby Council resolved to initiate Scheme Amendment No 5 to include 'Special Use' as a zone to clause 3.1.1, inserting a new Clause 3.3 to allow the creation of 'Special Uses'. The resolution also approved the advertising of Scheme Amendment No 5 for public comment. A full copy of the resolution is attached in this report (Attachment 1).

A copy of the Scheme Amendment Documentation has been forwarded to the Environmental Protection Authority (EPA) for assessment of the potential environmental impact in accordance with clause 81 of the *Planning and Development Act 2005*. Advice of Council's decision was also forwarded to the Western Australian Planning Commission which resulted in a number of modifications to the scheme documentation prior to advertising.

On 25 January 2016, the EPA provided its decision under section 48A(1)(a) of the *Environmental Protection Act 1986* advising that the scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and provides its advice and recommendations (see attachment 2).

Following receipt of advice from the EPA, the amendment was advertised for public comment for a period of 60 days as a Complex amendment.

The scheme amendment was advertised in the 'Narrogin Observer' which commenced on 5 May 2016 and closed on 8 July 2016, with letters to adjoining landowners and relevant agencies affected by the proposal.

Comment

At the close of the submission period, nine (9) submissions were received (See Attachment 3 - Schedule of Submissions). The issues raised during the submission period can be summarised as follows:

- The lot is not within the boundary of any sites under the *Aboriginal Heritage Act 1972*, and that developers are advised to familiarise themselves with the State's Cultural Heritage Due Diligence Guidelines.
- The proposal is unlikely to cause any impact to known significant biodiversity values.
- Support the condition for reticulated water to be connected to all lots.
- The proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy and basic raw materials.
- The subject lot has a number of poorly defined waterways that drain to the south and south west of the property. It is recommended that a Local Water Management Strategy be prepared and approved in consultation with the Department of Water, as to how stormwater will be adequately protected from nutrients, hydrocarbons and chemicals from new land use.
- A splendid development proposal which will enable growth and sustainable economic benefit for this community.
- Frequent vehicle dyno tuning on adjoining property due to noise. The adjoining property also undertake aircraft maintenance as part of its business and other associated activities including sand blasting. *The applicant in its comment to this submission stated that the operation as outlined by the objector is at least 400m from the subject site and therefore has sufficient buffer to ensure no land use conflict.*
- A separation distance of 4.3km required from Narrogin feedlots to the Rural Residential Precinct in order to minimise the environmental impacts at sensitive receptors. *Under the EPA Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses indicates that a desirable buffer distance between animal feedlots and sensitive land uses should be 1 - 2 km.*

- The Local Development Plan shows that the proposed development is in close proximity to surrounding broad acre agricultural land which presents potential land use conflict. Minimum setbacks/buffers as guided by the Department of Health should be incorporated in the zone areas and designated in the Local Development Plan.
- An approved livestock management plan will be required for the keeping of livestock within the subject land as guided by the Department of Agriculture and Food guidelines.
- The minimum Lot size for the Transport Precinct is set at 4 hectares and the Local Development Plan is to be reviewed to reflect the minimum lot size.
- The EPA notes that the building envelopes as indicated in the Local Development Plan are not in accordance with the EPA guidance No.3 *Separation Distances between Industrial and Sensitive Land Uses* recommending a minimum of 200m buffer from Transport depot to sensitive land uses.

In reference to the comments provided during the submission period, the majority of the above issues can be incorporated as a condition of approval at subdivision and development stages.

Local Development Plan

The applicant has also submitted a Local Development Plan as part of the Scheme Amendment documentation which outlines how the land is to be developed and the development standards applicable over the area. It is noted in the earlier report to Council that the Local Development Plan need to identify areas of low capability for onsite effluent disposal and granite rock outcrops to ensure building envelope locations are optimum and to address any land requirements for onsite drainage or compensating basins. This requirement is further reinforced in the scheme amendment no 5 in Schedule 3 – Special use zones in the Scheme area under conditions no 3 for the any onsite drainage or compensation basins and low capability for onsite effluent disposal or rock outcrops to be identified in the Local Development Plan.

The Department of Water in its submission has identified a number of risks (management of stormwater, potential contamination of groundwater and surface water with nutrients from the onsite disposal of waste water and potential hydrocarbon and chemical contamination of groundwater) over the subject property and it is recommended that condition 10 in the Schedule be amended to read as follows:

All single houses, caretakers dwellings, domestic ancillary outbuildings and associated on-site effluent disposal systems shall be ATU's with nutrient stripping capacity and are to be confined to designated Building Envelopes on a Local Development Plan approved by the local government.

It is further noted that the Local Development Plan does not meet minimum lot size of 4 hectares for the Transport Precinct which shows lot sizes ranging from 3.4 hectares to 3.8 hectares. This needs to be amended to reflect the minimum lot size of 4 hectares.

It is therefore recommended that the applicant submit an amended Local Development Pan as a separate application to the scheme amendment.

Draft Joint Town Planning Scheme No 3

The Draft Town Planning Scheme No 3 as advertised, proposed that the land be rezoned to 'Rural Residential'. Under Draft Scheme No 3, subdivision is to be guided by a Structure Plan endorsed by the Shire and the Western Australian Planning Commission (WAPC). Lot sizes can range between 1-4 hectares. It should be noted that any amendments to the existing Scheme can be consolidated into the Draft Shire of Narrogin Local Planning Scheme No 3.

Based on the above submissions, it is recommended that Council supports the final adoption for Scheme Amendments No 5 with minor modifications in relation to condition No 10 and therefore does not require further advertising.

Consultation

- The proposed scheme amendment no 5 was advertised in the Local Paper (Narrogin Observer), Shire's web page, sign placed on site, letters to adjacent land owners and relevant government agencies (Western Power, Department of Fire and Emergency Services, Department of Mines and Petroleum, Main Roads WA, WA Heritage Council, Department of Health, Department of Environment Regulation, Department of Aboriginal Affairs, Department of Agriculture and Food, Department of Water, Department of Parks and Wildlife)

Statutory Environment

Amendments to Local Town Planning Scheme are undertaken in accordance with *section 75 of the Planning and Development Act 2005*.

Shire of Narrogin Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Application fees for a scheme amendment are regulated by Western Australia Planning Commission (WAPC) Policy relating to fees and charges. Essentially the applicant is responsible for all costs associated with processing the amendment documentation and the cost of advertising. Hourly rates identified within the Shire of Narrogin Schedule of Fees and Charges, adopted as part of Council's 2016/2017 annual budget are in accordance with the WAPC Policy. Payment of the applicable fees will be required prior to the amendment being referred to the Minister for Planning for final approval and gazettal of the amendment.

Strategic Implications

Nil

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0914.135 AND OFFICER'S RECOMMENDATION

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

Pursuant to *clause 44(1)(d) of the Town Planning Regulations 2015* adopt Amendment No 5 to the Shire of Narrogin Town Planning Scheme No 2 for final approval by:

1. Amending Clause 3.1.1 to include 'Special Use' as a zone as follows:

3.1 ZONES

- 3.1.1 There are hereby created the several zones set out hereunder:

RURAL TOWNSITE
INDUSTRIAL
SPECIAL RURAL
FARMING
SPECIAL USE

2. Inserting a new Clause 3.3 to allow the creation of 'Special Uses' as follows:

3.3 SPECIAL USE ZONES

- (1) The Table sets out –

- (a) special use zones for specified land that are in addition to the zones in the zoning table;
- (b) the classes of special use zone that are permissible in that zone; and
- (c) the conditions that apply in respect of the Special Uses.

- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special Use zones apply to special categories of landuses which do not comfortably sit within any other zone in the Scheme.

3. Amending 'Schedule 1 Amending 'Schedule 1 – Interpretation' by inserting the following land use terms and definitions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* model provisions:

SCHEDULE 1 - INTERPRETATION

- a) **Commercial Vehicle Parking**; means premises used for parking of one or two commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or

- (b) parking of commercial vehicles incidental to the predominant use of the land;
- b) **Freeway Service Centre:** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services —
- (a) service station facilities;
 - (b) emergency breakdown repair for vehicles;
 - (c) charging points for electric vehicles;
 - (d) facilities for cyclists;
 - (e) restaurant, cafe or fast food services;
 - (f) take-away food retailing;
 - (g) public ablution facilities, including provision for disabled access and infant changing rooms;
 - (h) parking for passenger and freight vehicles; and
 - (i) outdoor rest stop facilities such as picnic tables and shade areas;
- c) **Home Business:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —
- (a) does not involve employing more than 2 people who are not members of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 50 m²;
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- d) **Home Office:** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —
- (a) is solely within the dwelling;
 - (b) does not entail clients or customers travelling to and from the dwelling;
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
- e) **Telecommunication Infrastructure:** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network; and

- f) **Warehouse/Storage:** means premises including indoor or outdoor facilities used for —
- (a) the storage of goods, equipment, plant or materials; or
 - (b) the display or sale by wholesale of goods.
4. Amending 'Schedule 1 – Interpretation' by modifying the following land uses terms to accord with the *Planning and Development (Local Planning Schemes) Regulations 2015* Model Provisions:
- a) **Caretaker's Dwelling:** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;
 - b) **Fuel Depot:** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —
 - (a) as a service station; or
 - (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
 - c) **Home Occupation:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —
 - (a) does not involve employing a person who is not a member of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not occupy an area greater than 20 m²;
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²;
 - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet;
 - (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
 - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
 - d) **Industry Light:** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;
 - e) **Motor Vehicle Repair:** means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
 - (b) repairs to tyres other than recapping or re-treading of tyres;
- f) **Restaurant/Café:** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;
- g) **Rural Pursuit/Hobby Farm:** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —
- (a) the rearing, Agistment, stabling or training of animals;
 - (b) the keeping of bees;
 - (c) the sale of produce grown solely on the premises;
- h) **Service Station:** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; and
- i) **Transport Depot:** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
- (a) any ancillary maintenance or refueling of those vehicles;
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another.
5. In Table 1 – Land Use Zoning remove land use terms 'motor vehicle repair station' and 'rural pursuit' and replace them with 'motor vehicle repair' and 'rural pursuit/hobby farm' respectively.
6. Inserting a new Schedule 3 in which provisions relating to 'Special Uses' are identified and establishing special provisions for lot 22 Great Southern Highway Dumberning as follows:

SCHEDULE 3 – SPECIAL USE ZONES IN THE SCHEME AREA

No.	Description of Land	Special Use	Conditions
1.	Lot 22 Great Southern Highway	<p>The symbols used for landuse permissibility in this Schedule shall have the same meaning as the symbols under Clause 3.2.2 of the Scheme.</p> <p>The following outlines landuse control within the zone for each Precinct identified on a Local</p>	<p>1. Subdivision and development shall generally be in accordance with a Local Development Plan approved by the Shire of Narrogin.</p>

		<p>Development Plan approved by the local government:</p> <p><u>1. Special Rural Precinct:</u></p> <p>Land Use permissibility shall be in accordance with 'Table 1 – Zoning Table' as applicable to the Special Rural zone.</p> <p><u>2. Enterprise Living Precinct</u></p> <p>Single house – AA Home Business - AA Home Occupation – AA Home Office - P Industry - Cottage – D Commercial Vehicle Parking - D Rural Pursuit/Hobby Farm – D Industry - Light – AA Industry - Service – AA Warehouse/storage - AA</p> <p><u>3. Transport Precinct</u></p> <p>Commercial Vehicle Parking – P Fuel Depot – AA Freeway Service Centre – AA Industry - Light – P Motor Vehicle Repair – AA Restaurant / Café – AA Industry - Service – AA Telecommunications Infrastructure - AA</p> <p>Transport Depot – P Warehouse/storage – AA Service Station – AA Caretaker's Dwelling – AA</p> <p>The term 'enterprise' applicable to this Special Use zone refers to any non-residential landuse excluding home office, home occupation, home business or development ancillary to any dwelling.</p>	<p>2. The Local Development Plan shall identify a Special Rural Precinct, an Enterprise Living Precinct and Transport Precinct.</p> <p>3. The Local Development Plan shall identify:</p> <p>(i) Areas required for any on site drainage or compensating basins.</p> <p>(ii) Areas of low capability for on-site effluent disposal or rock outcrops.</p> <p>4. The objectives of the Enterprise Living and Transport Precinct is to accommodate a range of compatible land uses to facilitate local economic activity and employment to the benefit of the Narrogin townsite and the broader region, which can co-exist with rural and special rural land uses.</p> <p>5. The objectives of the Special Rural Zone under Clause 4.11 of the Scheme shall apply to the Special Rural Precinct identified on the approved Local Development Plan.</p> <p>6. Clause 4.11.1 and 4.11.2 of the Scheme shall apply to development in the Special Rural Precinct identified on the approved Local Development Plan.</p> <p>7. Minimum lot sizes in the Special Rural and Enterprise Living Precincts shall be 1.0 hectare.</p> <p>8. Minimum lot sizes in the Transport Precinct shall be 4 hectares.</p>
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			<p>9. Prior to subdivision, the subdivider shall provide a servicing report by a suitable qualified engineer that includes a drainage management strategy addressing the natural drainage lines on the property (which potentially feed into dams on adjacent farming lots).</p> <p>10. All single houses, caretakers dwellings, domestic ancillary outbuildings and associated on-site effluent disposal systems shall be ATU's with nutrient stripping capacity and are to be confined to designated Building Envelopes on a Local Development Plan approved by the local government.</p> <p>11. All non-residential buildings in the Enterprise Living precinct associated with an Enterprise are to be confined to an Enterprise Envelope depicted on the approved Local Development Plan. Council may at its discretion require buildings within this area to comprise colourbond and/or non-reflective materials.</p> <p>12. The local government has discretion to approve outbuildings ancillary to any dwelling within the designated Building Envelope on the approved Local Development Plan. The local government shall not approve a domestic outbuilding on any vacant lot.</p> <p>13. The local government only has discretion to consider approving development of a single house in the Enterprise</p>
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			<p>Living Precinct or a caretakers dwelling in the Transport Precinct following substantial commencement of construction of an enterprise on the lot subject to the application for dwelling construction.</p> <p>14. Prior to subdivision, the subdivider shall prepare a Bushfire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local authority and the Fire and Emergency Services Authority of Western Australia. The approved Bushfire Management Plan shall be implemented prior to subdivision of the land.</p> <p>15. All lots abutting Great Southern Highway and Wanerie Road (Narrogin Bypass) shall not have any direct access to these roads. Any proposed emergency fire access onto Great Southern Highway and/or Wanerie Road shall be designed and constructed to the satisfaction of the local government.</p> <p>16. Stormwater drainage shall be contained onsite to the satisfaction and specifications of the local government.</p> <p>17. All lots shall be connected to reticulated water.</p> <p>18. The subdivider shall prepare and implement a Revegetation Plan prior</p>
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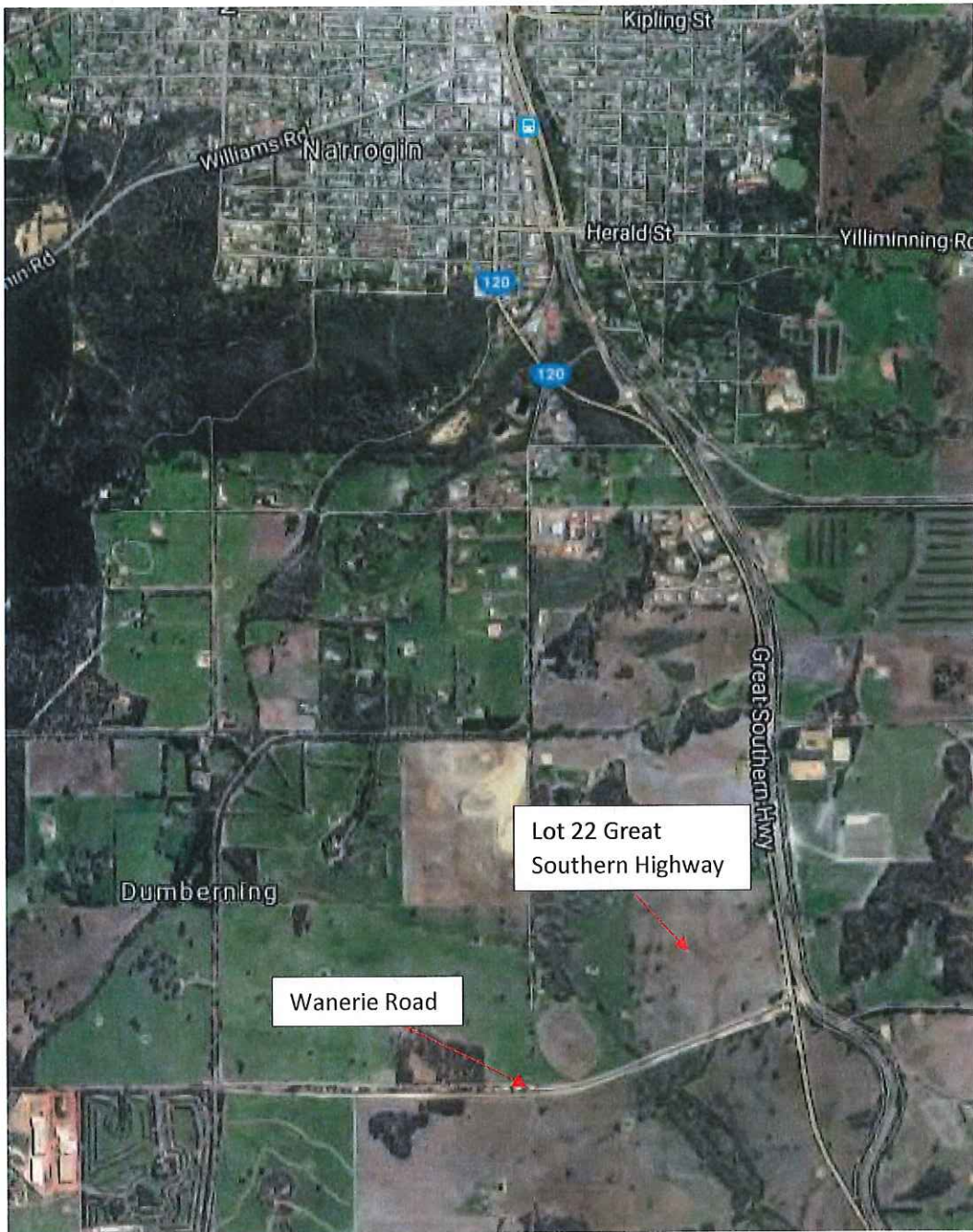
			<p>to subdivision of the Lots. The revegetated areas are to be maintained by landowners in accordance with the Revegetation Plan.</p> <p>19. Revegetation areas shall be identified on the Local Development Plan and include adequate buffers to adjacent lots in the Farming zone to address spray drift, noise and dust.</p> <p>20. A Notification shall be placed on the titles of all lots, at the time of subdivision, advising landowners in relation to the objectives and landuse controls applicable to the "Special Use" zone.</p> <p>21. Stocking rates for rural pursuits to generally guided by Department of Agriculture and Food Guidelines.</p> <p>22. Buildings within the Enterprise Envelope shall be limited to a maximum total area of 900 m² on any lot, unless otherwise approved by the local government.</p> <p>23. Use of land or buildings for any form of human habitation is prohibited within the Enterprise Envelopes.</p> <p>24. The local government may require any application for a Business or Enterprise to be accompanied by information demonstrating any potential impacts resulting from the activity, (including noise, dust, odour and traffic) would not adversely impact amenity of the area. Council may require supplementary</p>
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			<p>information from a suitably qualified expert, prior to determining such applications.</p> <p>25. All Development Applications for land uses within the Transport Precinct may be required to be accompanied by traffic and/or environmental studies/statements at the Council's discretion.</p>
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7. Rezoning Lot 22 Great Southern Highway, Dumberning from "Farming" to "Special Use" as depicted on the Scheme Amendment map.
8. Amending condition 10 of Schedule 3 – Special use zones in the scheme area to read as follows:

All single houses, caretakers dwellings, domestic ancillary outbuildings and associated on-site effluent disposal systems shall be ATU's with nutrient stripping capacity and are to be confined to designated Building Envelopes on a Local Development Plan approved by the local government.
9. The applicant to submit an amended Local Development Plan in accordance with the requirements of conditions as outlined in the newly adopted *Schedule 3 – Special Use zones in the Scheme Area* for Council's further consideration.
10. The Chief Executive Officer and President be authorised to endorse the amendment documentation for final approval and affix the Shire of Narrogin common seal in accordance with section 9.49A of the *Local Government Act 1995*;
11. That on receipt of the applicant's payment of the relevant fees, forward the amendment to the Western Australian Planning Commission with a request that the Minister for Planning grant final approval to the Amendment with minor modification;
12. Advise those persons who lodged submissions accordingly of the outcome.

CARRIED 3/0



Attachment 1 – Locality Plan

9. B&TP BUILDING AND TOWN PLANNING

9.B&TP.205 SCHEME AMENDMENT REQUEST - LOT 22 GREAT SOUTHERN HIGHWAY, DUMBERNING

Moved Cr Sieber
That Council:

Seconded Cr Quartermaine

A. Initiate Amendment 5 to the Shire of Narrogin Town Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 by:

1. Amending Clause 3.1.1 to include 'Special Use' as a zone as follows:

'3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

- RURAL TOWNSITE**
- INDUSTRIAL**
- SPECIAL RURAL**
- FARMING**
- SPECIAL USE'**

2. Inserting a new Clause 3.3 to allow the creation of 'Special Uses' as follows:

'3.3 SPECIAL USE ZONES

(1) The Table sets out --

- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
- (b) the classes of special use zone that are permissible in that zone; and
- (c) the conditions that apply in respect of the Special Uses.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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PRESIDENT

Note: Special Use zones apply to special categories of landuses which do not comfortably sit within any other zone in the Scheme.'

3. Inserting a new Schedule 3 in which provisions relating to 'Special Uses' are identified and establishing special provisions for lot 22 Great Southern Highway Dumberning as follows:

SCHEDULE 3 – SPECIAL USE ZONES IN THE SCHEME AREA

No.	Description of Land	Special Use	Conditions
1.	Lot 22 Great Southern Highway	<p>The symbols used for landuse permissibility in this Schedule shall have the same meaning as the symbols under Clause 3.2.2 of the Scheme.</p> <p>The following outlines landuse control within the zone for each Precinct identified on a Local Development Plan approved by the local government:</p> <p><u>1. Special Rural Precinct:</u></p> <p>Land Use permissibility shall be in accordance with 'Table 1 – Zoning Table' as applicable to the Special Rural zone.</p> <p><u>2. Enterprise Living Precinct</u></p> <p>Single house – AA Home Business - AA Home Occupation – AA Home Office - P Cottage Industry – D Commercial Vehicle Parking - D Rural Pursuit – D Light Industry – AA Service Industry – AA Warehouse/storage - AA</p> <p><u>3. Transport Precinct</u></p> <p>Commercial Vehicle Parking – P Fuel Depot – AA Freeway Service Centre - AA</p>	<ol style="list-style-type: none"> 1. Subdivision and development shall generally be in accordance with a Local Development Plan approved by the Shire of Narrogin. 2. The Local Development Plan shall identify a Special Rural Precinct, an Enterprise Living Precinct and Transport Precinct. 3. The Local Development Plan shall identify: <ol style="list-style-type: none"> (i) Areas required for any on site drainage or compensating basins. (ii) Areas of low capability for on-site effluent disposal or rock outcrops. 4. The objectives of the Enterprise Living and Transport Precinct is to accommodate a range of compatible land uses to facilitate local economic activity and employment to the benefit of the Narrogin townsite and the broader region, which can co-exist with rural and special rural land uses. 5. The objectives of the Special Rural Zone under Clause 4.11 of the Scheme shall apply to the Special Rural Precinct identified on the approved Local Development Plan. 6. Clause 4.11.1 and 4.11.2 of the Scheme shall apply to development in the Special Rural Precinct identified on the approved Local Development Plan. 7. Minimum lot sizes in the Special Rural and Enterprise Living Precincts shall generally be 1.0 hectare. 8. Minimum lot sizes in the Transport

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Ordinary Council Meeting
19th November 2015

		<p>Light Industry – P Motor Vehicle Repair - AA Restaurant / Café – AA Service Industry – AA Telecommunications Infrastructure - AA Transport Depot - P Warehouse/storage - AA Service Station - AA Caretakers Dwelling - AA</p> <p>The term ‘enterprise’ applicable to this Special Use zone refers to any non-residential landuse excluding home office, home occupation, home business or development ancillary to any dwelling.</p>	<p>Precinct shall generally be 4 hectares.</p> <p>9. Prior to subdivision, the subdivider shall provide a servicing report by a suitable qualified engineer that includes a drainage management strategy addressing the natural drainage lines on the property (which potentially feed into dams on adjacent farming lots).</p> <p>10. All single houses, caretakers dwellings, domestic ancillary outbuildings and associated on-site effluent disposal systems are to be confined to designated Building Envelopes on a Local Development Plan approved by the local government.</p> <p>11. All non-residential buildings in the Enterprise Living precinct associated with an Enterprise are to be confined to an Enterprise Envelope depicted on the approved Local Development Plan. Council may at its discretion require buildings within this area to comprise colourbond and/or non-reflective materials.</p> <p>12. The local government has discretion to approve outbuildings ancillary to any dwelling within the designated Building Envelope on the approved Local Development Plan. The local government shall not approve a domestic outbuilding on any vacant lot.</p> <p>13. The local government only has discretion to consider approving development of a single house in the Enterprise Living Precinct or a caretakers dwelling in the Transport Precinct following substantial commencement of construction of an enterprise on the lot subject to the application for dwelling construction.</p> <p>14. Prior to subdivision, the subdivider shall prepare a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the</p>
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			<p>specifications and satisfaction of the local authority and the Fire and Emergency Services Authority of Western Australia. The approved Fire Management Plan shall be implemented prior to subdivision of the land.</p> <p>15. All lots abutting Great Southern Highway and Wanerie Road (Narrogin Bypass) shall not have any direct access to these roads. Any proposed emergency fire access onto Great Southern Highway and/or Wanerie Road shall be designed and constructed to the satisfaction of the local government.</p> <p>16. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the local government.</p> <p>17. All lots shall be connected to reticulated water.</p> <p>18. The subdivider shall prepare and implement a Revegetation Plan prior to subdivision of the Lots. The revegetated areas are to be maintained by landowners in accordance with the Revegetation Plan.</p> <p>19. Revegetation areas shall be identified on the Local Development Plan and include adequate buffers to adjacent lots in the Farming zone to address spray drift, noise and dust.</p> <p>20. A Notification shall be placed on the titles of all lots, at the time of subdivision, advising landowners in relation to the objectives and landuse controls applicable to the "Special Use" zone.</p> <p>21. Stocking rates for rural pursuits to generally guided by Department of Agriculture and Food Guidelines.</p> <p>22. Buildings within the Enterprise Envelope shall be limited to a maximum total area of 900 m² on any lot, unless otherwise approved by the local government.</p>
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			<p>23. Use of land or buildings for any form of human habitation is prohibited within the Enterprise Envelopes.</p> <p>24. The local government may require any application for a business or Enterprise to be accompanied by information demonstrating any potential impacts resulting from the activity, (including noise, dust, odour and traffic) would not adversely impact amenity of the area Council may require supplementary information from a suitably qualified expert, prior to determining such applications.</p> <p>25. All Development Applications for land uses within the Transport Precinct may be required to be accompanied by traffic and/or environmental studies/statements at the Council's discretion.</p>
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4. Rezoning Lot 22 Great Southern Highway, Dumberning from "Farming" to "Special Use" as depicted on the Scheme Amendment map

- B. Resolve that the in the opinion of the local government Amendment 5 to the Shire of Narrogin Town Planning Scheme No 2 should be classified as complex amendment in accordance with Regulation 34 and 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
- (i) It proposes variations to the Draft Local Planning Strategy and the Strategy has not been endorsed by the Western Australian Planning Commission.
 - (ii) The amendment relates to development that is potentially significant relative to surrounding farming in the locality.
- C. Pursuant to Regulation 37 (1) (b) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to proceed to advertise the amendment with modifications (that have already been included in this resolution) and authorise the Chief Executive Officer to request that the applicant lodge 5 final hardcopy amendment documents to the Shire.**
- D. Authorise the Chief Executive Officer to submit 2 copies of the (final) scheme amendment documents to the Western Australian Planning Commission to comply with Regulation 37 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015. The Regulations require the amendment to be lodged with WAPC within 21 days.**

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- E. Note that the WAPC has to examine the scheme amendment documents and advise the local government whether the Commission considers any modification to the documents is required before the scheme amendment is advertised.
- F. Authorise Gray & Lewis Landuse Planners to refer Amendment 5 to the Environmental Protection Authority on behalf of the Shire seeking written confirmation that no formal environmental assessment is required under Part IV Division 3 of the Environmental Protection Act 1986. The referral to include a completed EPA checklist.
- G. Note that formal advertising of the Amendment will be organized by the Shires Chief Executive Officer (in liaison with Gray & Lewis) on receipt of:
- (i) Confirmation from the Commission that the amendment is suitable for advertising (with or without modifications).
 - (ii) Formal advice from the EPA confirming that no environmental assessment is required.

Advertising shall include a public notice in an official local newspaper, letters to nearby and surrounding landowners, and letters to relevant government agencies and service authorities.

- H. Note that a further report will be referred to a future Council meeting to consider any submissions received during public advertising, and to determine whether to adopt the amendment for final approval (with or without modifications).

CARRIED 7/0

THERE BEING NO FURTHER BUSINESS THE PRESIDENT THANKED COUNCILLORS FOR THEIR ATTENDANCE AND CLOSED THE MEETING AT 2.40PM

CONFIRMED17th December 2015..... R.E. CHADWICK
PRESIDENT



Environmental Protection Authority

SHIRE OF NARROGIN
FILE NO.
RECEIVED
1 FEB 2016
Refer To:
Mining No:
Approval:

Chief Executive Officer
 Shire of Narrogin
 43 Federal Street
 NARROGIN WA 6312

Your Ref:
 Our Ref: CMS16002
 Enquiries: Angela Coletti, 6145 0800
 Email: Angela.Coletti@epa.wa.gov.au

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME: Shire of Narrogin - Town Planning Scheme 2 - Amendment 5
LOCATION: Lot 22 Great Southern Highway Dumberning
RESPONSIBLE AUTHORITY: Shire of Narrogin
DECISION: Scheme Not Assessed: Advice Given (no appeals)

Thank you for referring the above proposed scheme to the Environmental Protection Authority (EPA).

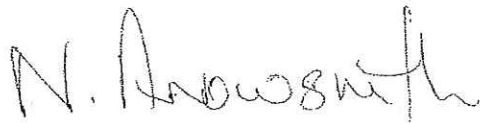
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. Arrowsmith'.

Naomi Arrowsmith
A/Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

25 January 2016

Encl. Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

Shire of Narrogin

Town Planning Scheme No 2 – Amendment 5

Location: Lot 22 Great Southern Highway, Dumberning

Determination: Scheme Not Assessed – Advice Given (no appeals)

Determination Published: 25 January 2016

Summary

The Shire of Narrogin proposes to rezone Lot 22 Gt Southern Highway Dumberning from 'Farming' to 'Special Use – Special Rural, Enterprise Living and Transport Precinct'.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) having regard to its relevant published policies.

Having regard to the EPA's significance framework referred to in EAG 9 - *Application of a significance framework in the environmental impact assessment process*, the EPA considers that the environmental impacts of the scheme amendment are not so significant as to warrant formal assessment under Part IV of the EP Act, providing the following advice is implemented.

1. Environmental Factors and relevant policy

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

Amenity

2. Advice and Recommendations regarding Environmental Factors

The EPA has based its decision on the scheme amendment documentation provided by the Shire of Narrogin. The EPA notes that the Proposed Scheme Amendment Report acknowledges that there is potential for conflict between living and working environments and that this will require careful management. Relevantly development of future residences within the amendment area may not provide for an adequate separation distance between the development within the proposed Transport Precinct and residential development within the Enterprise Living Precinct.

Recommendation

The EPA notes that the building envelopes, in the Enterprise Living Precinct, as indicated on the Structure Plan dated 14/10/2015 by Harley Dykstra, are not in accordance with EPA Guidance No.3 *Separation Distances between Industrial and Sensitive Land Uses*. EPA Guidance 3 recommends a 200m buffer distance from transport vehicles depot to sensitive land uses unless a site specific study and planning measures determines a reduced acceptable separation distance may be applied. This may include an established vegetated buffer to mitigate the impacts resulting from an activity, including noise, dust and odour. The EPA

recommends that in the preparation of the Local Development Plan, consideration be given to appropriate separation distances between residential building envelopes in the Enterprise Living Precinct and development in the Transport Precinct.

The EPA supports the provisions in Schedule 3 - Special Use zones in the Scheme Area to address environmental issues such as revegetation, drainage, noise, dust, odour and traffic.

Further information concerning appropriate buffers to lots in the farming zone, to address noise and dust can be obtained from the Department of Health *Guidelines for Separation of Agricultural and Residential Land Uses*, August 2012, available on the Department of Health website.

Schedule of Submissions – Scheme Amendment No 5, Lot 22 Great Southern Highway

Submissions	Comment	Applicants 'Response	Officer's Comments
Submission 1 – Department of Aboriginal Affairs	<p>The lot is not within the boundary of any sites under the Aboriginal Heritage Act, 1972 (AHA) as currently mapped on the Register of Aboriginal Sites. There may be Sites present to which the AHA applies that are yet to be identified and are therefore not in DAA records, and these Sites are still afforded protection under the AHA.</p> <p>It is recommended that developers are advised to familiarise themselves with the State's Cultural Heritage Due Diligence Guidelines. These have been developed to assist proponents identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The guidelines are available electronically at: http://www.daa.wa.gov.au/globalassets/pdf-files/ddg</p>	Noted.	<p>Noted.</p> <p>This can be included as an Advice Note to the Applicant prior to commencing any site works.</p>
Submission 2 Department of Parks' and Wildlife	Based on currently available information, this matter is unlikely to cause any impact to known significant biodiversity values.	Noted.	Noted.
Submission 3 Water Corporation	<p>There is no objection to the rezoning proposal as outlined in proposed amendment. It is noted that the Shire has included a condition for reticulated water to be connected to all lots. This is supported by the Corporation based on the following conditions:</p> <p>In order to provide an appropriate level of services with respect to capacity, continuity of supply and water quality, all of the proposed lots must be connected to the town reticulation only. Connections onto farmland mains will not be available.</p> <p>The attached concept sketch outlines two main extension options. From a desktop perspective, option 1 appear shorter, can be constructed without interruption to existing customers, does not require major road and rail crossings and provides improved services capacity for future development in this locality. The proponent will be required to fund the preferred option following a more detailed service investigation.</p> <p>These water supply improvements will need to be included as a recommended condition at the subdivision stage of development.</p> <p>The farmland service that currently exists for Lot 21 will also need to be transferred onto the new reticulation main to the north. The farmlands service</p>	<p>Noted. This advice is helpful and appreciated. What is important at the rezoning stage is that a water connection is available, and this is clear from the advice provided here.</p> <p>Furthermore, consultation would occur with the Water Corporation regarding the connection to a water supply during the subdivision stage.</p>	<p>This requirement is included in the proposed Schedule 3 – Special Use zones in the Scheme Area under conditions number 17 requiring <i>all lots shall be connected to reticulated water.</i></p> <p>The requirements noted by Water Corporation can be included as a condition of approval at subdivision stage and Water Corporation will be the clearance</p>

Schedule of Submissions – Scheme Amendment No 5, Lot 22 Great Southern Highway

	pipeline to the south, which appears to cross 4 proposed lots can then be abandoned and the easement cancelled. This new standard service supplied from the town reticulation will provide an improved level of service for Lot 21.		agency for this condition.
Submission 4 Department of Environmental Regulation	DER has no comment on this matter in reference to regulatory responsibilities under the <i>Environmental Protection Act 1986</i> and the <i>Contaminated sites Act 2003</i>	Noted.	Noted.
Submission 6 Department of Mines and Petroleum	The proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy and basic raw materials.	Noted.	Noted.
Submission 7 Department of Water	<p>As shown in the Local Development Plan in your referral (Plan No. 20377-08C dated 14/10/15), the 'Special Use' includes a 'Special Rural Precinct', 'Home Enterprise Precinct' and 'Transport Precinct'. These precincts encompass a range of activities from a Home Business to a Fuel Depot.</p> <p>It is noted that the development will have on-site effluent disposal systems, as prescribed by Condition 10 of Schedule 3 of the amendment.</p> <p>It is also noted that Condition 17 states that all lots shall be connected to reticulated water.</p> <p>Our GIS imagery and contours show that the subject lot has a number of poorly defined waterways that drain to the south and south west of the property. The GIS imagery also indicates that the land may have a high water table, as evidenced by the darkened areas.</p> <p>In view of the above situation, DoW has identified the following risks:-</p> <ul style="list-style-type: none"> • Management of stormwater from an increase in impervious surfaces, • Potential contamination of groundwater and surface water with nutrients and pathogens from the on-site disposal of wastewater, • Potential for hydrocarbon and chemical contamination of groundwater and surface water from industrial activities such as Fuel Depots, Motor Vehicle Repair and Light Industry 	<p>Noted. As proposed by the Scheme Amendment document, an LWMS covering the issues raised in this submission will be prepared at the subdivision stage.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>This requirement can be conditioned at subdivision stage of development.</p>

Schedule of Submissions – Scheme Amendment No 5, Lot 22 Great Southern Highway

	<p>To mitigate against the above risks, DoW notes 'Schedule 3 – Special Use Zones in the Scheme Area', which imposes the following Conditions:</p> <ul style="list-style-type: none"> • Condition 3 (areas required for site drainage/compensating basins; and low capability areas), • Condition 9 (drainage management strategy), • Condition 10 (on-site effluent disposal systems), <ul style="list-style-type: none"> ○ Note: DoW's preference is for ATU's in lieu of conventional septic tank and leach drain systems for their nutrient stripping capacity; and the Shire of Narrogin to give regard to the resources required to regulate the ATUs on the subject land • Condition 16 (stormwater to be fully contained on-site) <p>that assist in addressing the risks.</p> <p>RECOMMENDATION: DoW recommends that Conditions 3, 9, 10 & 16 should be incorporated into a Local Water Management Strategy (LWMS), which would be prepared and approved, in consultation with DoW, to the satisfaction of the Shire of Narrogin.</p> <p>The LWMS is expected to contain sufficient details on how stormwater will be adequately managed; and how surface water and groundwater resources will be adequately protected from nutrients, hydrocarbons and chemicals from the new landuse.</p>		<p>Noted.</p> <p>Noted.</p> <p>It is recommended that condition 10 be amended to insert the wording "shall be ATU's with nutrient stripping capacity" after the word "effluent disposal systems".</p> <p>This requirement can be imposed at subdivision stage</p>
Submission 8	A splendid Development proposal which will enable growth & sustainable economic benefit for this Community. A commendable proposal – fully supported.	Noted with thanks.	Noted.
Submission 9	Special use zoning will join my property and I would like the following considered: Assuming there will possibly be residents in close proximity in the future I would like to make the following points Frequent vehicle dyno tuning takes place on my property, possibly creating noise issues Aircraft maintenance is part of this business, with a private airstrip and	Supported for this development is noted. In response to the potential land use conflict issues raised by the submitter, I would note that it appears that all sheds that could accommodate the kind of operations detailed	Noted. It is recommended that a

Schedule of Submissions – Scheme Amendment No 5, Lot 22 Great Southern Highway

	<p>ultra-light flying activity likely into the future. (approved by Bob Walker 2004) Industrial sand blasting a frequent activity on this property.</p> <p>The property was purchased in 2001 with its close proximity to Narrogin CBD in mind. Having the location behind the industrial area surrounded by pig farming activities at the time suited the business plan I had in mind into the future.</p> <p>There is no objection to the development or rezoning of the land, but would I not expect to receive complaints regarding the points shown above.</p> <p>Should I decide to subdivide, I would expect the application would be considered favourably as it has been refused before.</p>	<p>in this submission are at least 400m from the subject site. This creates a sufficient buffer ensuring that no land use conflict would occur as a result of these operations.</p>	<p>memorial be placed on the Certificate of Title Adjoin Lot 23 Comini Road, that the subject lot adjoins an existing land use that may have land use conflict that may be adversely affected by virtue of noise and dust emitted from the adjoining land use. Each application needs to be considered on its own merit based on the local planning strategy of the area as to what the land is proposed to be developed.</p>
<p>Submission 10 Department of Agriculture and Food</p>	<p>In Principle, the Department of Agriculture and Food Western Australia support any activity that will boost the population in the Wheatbelt region, as long as such developments do not constraint or impose limits on surrounding agricultural activities.</p> <p>Potential Odour Risk: The National Guidelines for Beef Cattle Feedlots in Australia provides "S factor calculations" to determine the separation distance required from feedlots to minimise the environmental impacts at sensitive receptors. Applying these calculations, it was determined that an appropriate separation distance of 4.3km is required between Narrogin Feedlot and a rural residential lot. As Narrogin Beef is only approximately 3km from the edge proposed to be rezoned, there may be risk of odour to the Enterprise Living and Transport Precinct.</p> <p>DAFWA Recommendation No 1: The Local Development Plan should identify distance and direction from the local intensive animal facilities that may pose</p>	<p>Noted.</p> <p>In relation to the potential odour risk we would note that the EPA Guidance Statement No. 3 indicates that a desirable buffer distance between Animal Feedlots and sensitive land uses should equate to between 1km – 2km (depending on size). Given this facility is some 3km away from the site it is compliant with this Western Australian Government Policy. Furthermore, the S-Factor Calculation used by a National guideline (as opposed to a state specific guideline) utilises a highly conservative</p>	<p>Noted.</p> <p>The EPA Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses indicates that a desirable buffer distance between Animal Feedlots and sensitive land uses should be between 1km – 2km</p>

	<p>a risk of odour to residents in the development.</p> <p>Buffers The Local Development Plan shows three precincts are in close proximity and surrounded by broad acre agricultural land. This presents the potential for land use conflict. Department of Health recommends the minimum requirements that would be considered suitable is A separation distance of 300m for control spray Drift, dust, smoke and ash. Alternatively a 40m separation distance can be used where a vegetative buffer has been adequately designed, implemented and maintained in accordance with these guidelines. More information can be obtained from the Department of Health "Guidelines for Separation of Agricultural and Residential Land Uses". This guideline can be downloaded from the Department of Health websites at http://www2.health.wa.gov.au/Articles/F_1/Guidelines-for-separation-of-agricultural-and-residential-land-use. DAFWA Recommendation No 2: Minimum setbacks/buffers as guided by the Department of Health should be incorporated in the rezone areas and designated in the Local Development Plan. Another useful documents in the EPA Guidelines: "Separation Distances between Industrial and Sensitive Land Uses", available on the EPA's website at www.epa.wa.gov.au/docs/1840_GS3.pdf.</p> <p>Stocking Rates for Rural Lifestyle Lots Stocking rates for rural pursuits to generally be guided by the Department of Agriculture and Food guidelines. The Department of Agriculture and Food's stocking rate guidelines do not apply to the soil-landscape in and around Narrogin. These guidelines only apply to areas with annual rainfall above 650mm per year (average year) and assume no supplementary feeding is required. These guidelines cannot be applied to the drier inland areas where most stock require supplementary feeding over summer. DAFWA Recommendation No 3: The Shire requires an approved livestock management plan for anyone wanting to keep livestock on rural living lots in the Shire of Narrogin. DAFWA is not able to</p>	<p>formula and as such is an overly onerous standard. It also utilises Queensland weather data which cannot be considered as reliable in Western Australian conditions. As such there is no need to implement the requirement of recommendation No.1</p> <p>In response to the buffers issue, there are no intensive agricultural uses adjacent to the site and as such there is no great risk of potential spray drift, dust, smoke and ash impacting on the property. Therefore, the implementation of any further setbacks as suggested in recommendation 2 of this submission is not required.</p> <p>The land use "Rural Pursuit/Hobby Farm" has been listed as a "D" use in the Enterprise Living precinct and as such a development application would be required to exercise this use on any lot within that precinct ensuring that it can be managed appropriately.</p>	<p>(depending on size). This meets with the minimum requirement.</p> <p>The surrounding adjoining farmland is mainly involved in Canola and Wheat Farming. It is noted in regards to the buffer requirement of possible land use conflict with broad acre farming. The proposal is to develop the northern portion of the subject property to Special Rural and Home Enterprise precinct with a minimum lot area of 1 hectare. It is recommended that a condition if required be imposed at subdivision stage of the likely adverse impact to the adjoining property due to spraying activity of the adjoining farmland.</p> <p>The requirement for stocking rate can be imposed as a condition of approval at subdivision or</p>
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Schedule of Submissions – Scheme Amendment No 5, Lot 22 Great Southern Highway

	<p>assist with this approval process or provide advice apart from what is on our website.</p> <p>Lot sizes The minimum lot size as defined in the scheme amendment for the Transport Precinct, is set at 4 hectares. The local development plan shows that the lot sizes in the Transport Precinct range from 3.4 hectares to 3.8 hectares, which is below the minimum lot size. DAFWA Recommendation No 4: The local development Plan is reviewed to ensure minimum lot sizes are achieved.</p>	<p>The scheme amendment document notes that the minimum lot size should "generally" be 4ha and as such other lot sizes are permissible. The nature of this precinct is that the lot size required for various businesses to operate within it is unknown and could vary. Therefore a general adherence to the minimum lots size, as opposed to strict adherence should be required. If preferred the scheme amendment document could be amended to state that lot sizes should be in accordance with the Local Development Plan.</p>	<p>at development stage.</p> <p>Condition 8 of Schedule 3 – Special Use ones in the Scheme Area states that a minimum lot sizes in the Transport Precinct shall be 4 hectares. An amendment will be required on the proposed plan to reflect a minimum of 4 hectares to the Transport Precinct area.</p>
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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF NARROGIN

TOWN PLANNING SCHEME NO. 2

AMENDMENT NO. 5

The Council of the Shire of Narrogin under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act, 2005, hereby amends the above Local Planning Scheme by:

1. Amending Clause 3.1.1 to include 'Special Use' as a zone as follows:

'3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

RURAL TOWNSITE
INDUSTRIAL
SPECIAL RURAL
FARMING
SPECIAL USE'

2. Inserting a new Clause 3.3 to allow the creation of 'Special Uses' as follows:

'3.3 SPECIAL USE ZONES

- (1) The Table sets out –
 - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use zone that are permissible in that zone; and
 - (c) the conditions that apply in respect of the Special Uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special Use zones apply to special categories of landuses which do not comfortably sit within any other zone in the Scheme.'

3. Amending 'Schedule 1 – Interpretation' by inserting the following land use terms and definitions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* model provisions:

SCHEDULE 1 - INTERPRETATION

- a) **Commercial Vehicle Parking:** means premises used for parking of one or 2 commercial vehicles but does not include —
- (a) any part of a public road used for parking or for a taxi rank; or
 - (b) parking of commercial vehicles incidental to the predominant use of the land;
- b) **Freeway Service Centre:** means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services —
- (a) service station facilities;
 - (b) emergency breakdown repair for vehicles;
 - (c) charging points for electric vehicles;
 - (d) facilities for cyclists;
 - (e) restaurant, cafe or fast food services;
 - (f) take-away food retailing;
 - (g) public ablution facilities, including provision for disabled access and infant changing rooms;
 - (h) parking for passenger and freight vehicles;
 - (i) outdoor rest stop facilities such as picnic tables and shade areas;
- c) **Home Business:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —
- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
 - d) **Home Office:** means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
 - e) **Telecommunication Infrastructure:** means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network; and
 - f) **Warehouse/Storage:** means premises including indoor or outdoor facilities used for —
 - (a) the storage of goods, equipment, plant or materials; or
 - (b) the display or sale by wholesale of goods
4. Amending 'Schedule 1 – Interpretation' by modifying the following land uses terms to accord with the *Planning and Development (Local Government) Regulations 2015 Model Provisions:*
- a) **Caretaker's Dwelling:** means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;
 - b) **Fuel Depot:** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —
 - (a) as a service station; or
 - (b) for the sale of fuel by retail into a vehicle for use by the vehicle;
 - c) **Home Occupation:** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —
 - (a) does not involve employing a person who is not a member of the occupier's household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and

- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
 - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- d) **Industry Light:** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;
- e) **Motor Vehicle Repair:** means premises used for or in connection with —
- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
 - (b) repairs to tyres other than recapping or re-treading of tyres;
- f) **Restaurant/Café:** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;
- g) **Rural Pursuit/Hobby Farm:** means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —
- (a) the rearing, Agistment, stabling or training of animals;
 - (b) the keeping of bees;
 - (c) the sale of produce grown solely on the premises;
- h) **Service Station:** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles; and

- i) **Transport Depot:** means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
- (a) any ancillary maintenance or refueling of those vehicles; and
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another.

5. In Table 1 – Land Use Zoning remove land use terms ‘motor vehicle repair station’ and ‘rural pursuit’ and replace them with ‘motor vehicle repair’ and ‘rural pursuit/hobby farm’ respectively.
6. Inserting a new Schedule 3 in which provisions relating to ‘Special Uses’ are identified and establishing special provisions for lot 22 Great Southern Highway Dumberning as follows:

SCHEDULE 3 – SPECIAL USE ZONES IN THE SCHEME AREA

No.	Description of Land	Special Use	Conditions
1.	Lot 22 Great Southern Highway	<p>The symbols used for landuse permissibility in this Schedule shall have the same meaning as the symbols under Clause 3.2.2 of the Scheme.</p> <p>The following outlines landuse control within the zone for each Precinct identified on a Local Development Plan approved by the local government:</p> <p><u>1. Special Rural Precinct:</u> Land Use permissibility shall be in accordance with ‘Table 1 – Zoning Table’ as applicable to the Special Rural zone.</p> <p><u>2. Enterprise Living Precinct</u> Single house – AA Home Business - AA Home Occupation – AA Home Office - P Industry-Cottage – D Commercial Vehicle Parking - D Rural Pursuit/Hobby Farm – D Industry-Light – AA Industry-Service – AA Warehouse/storage - AA</p> <p><u>3. Transport Precinct</u> Commercial Vehicle Parking – P Fuel Depot – AA Freeway Service Centre - AA Industry-Light – P Motor Vehicle Repair - AA</p>	<p>1. Subdivision and development shall generally be in accordance with a Local Development Plan approved by the Shire of Narrogin.</p> <p>2. The Local Development Plan shall identify a Special Rural Precinct, an Enterprise Living Precinct and Transport Precinct.</p> <p>3. The Local Development Plan shall identify: (i) Areas required for any on site drainage or compensating basins. (ii) Areas of low capability for on-site effluent disposal or rock outcrops.</p> <p>4. The objectives of the Enterprise Living and Transport Precinct is to accommodate a range of compatible land uses to facilitate local economic activity and employment to the benefit of the Narrogin townsite and the broader region, which can co-exist with rural and special rural land uses.</p> <p>5. The objectives of the Special Rural Zone under Clause 4.11 of the Scheme shall apply to the Special Rural Precinct identified on the approved Local Development Plan.</p> <p>6. Clause 4.11.1 and 4.11.2 of the Scheme shall apply to development in the Special Rural Precinct identified on the approved Local Development Plan.</p> <p>7. Minimum lot sizes in the Special Rural and Enterprise Living Precincts shall be 1.0</p>

		<p>Restaurant / Café – AA Industry-Service – AA Telecommunications Infrastructure - AA Transport Depot - P Warehouse/storage - AA Service Station - AA Caretaker's Dwelling - AA</p> <p>The term 'enterprise' applicable to this Special Use zone refers to any non-residential landuse excluding home office, home occupation, home business or development ancillary to any dwelling.</p>	<p>hectare.</p> <ol style="list-style-type: none"> 8. Minimum lot sizes in the Transport Precinct shall be 4 hectares. 9. Prior to subdivision, the subdivider shall provide a servicing report by a suitable qualified engineer that includes a drainage management strategy addressing the natural drainage lines on the property (which potentially feed into dams on adjacent farming lots). 10. All single houses, caretakers dwellings, domestic ancillary outbuildings and associated on-site effluent disposal systems are to be confined to designated Building Envelopes on a Local Development Plan approved by the local government. 11. All non-residential buildings in the Enterprise Living precinct associated with an Enterprise are to be confined to an Enterprise Envelope depicted on the approved Local Development Plan. Council may at its discretion require buildings within this area to comprise colourbond and/or non-reflective materials. 12. The local government has discretion to approve outbuildings ancillary to any dwelling within the designated Building Envelope on the approved Local Development Plan. The local government shall not approve a domestic outbuilding on any vacant lot. 13. The local government only has discretion to consider approving development of a single house in the Enterprise Living Precinct or a caretakers dwelling in the Transport Precinct following substantial commencement of construction of an enterprise on the lot subject to the application for dwelling construction. 14. Prior to subdivision, the subdivider shall prepare a Bushfire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the local authority and the Fire and Emergency Services Authority of Western Australia. The approved Bushfire Management Plan shall be implemented prior to subdivision of the land. 15. All lots abutting Great Southern Highway and Wanerie Road (Narrogin Bypass) shall not have any direct access to these roads. Any proposed emergency fire access onto
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			<p>Great Southern Highway and/or Wanerie Road shall be designed and constructed to the satisfaction of the local government.</p> <p>16. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the local government.</p> <p>17. All lots shall be connected to reticulated water.</p> <p>18. The subdivider shall prepare and implement a Revegetation Plan prior to subdivision of the Lots. The revegetated areas are to be maintained by landowners in accordance with the Revegetation Plan.</p> <p>19. Revegetation areas shall be identified on the Local Development Plan and include adequate buffers to adjacent lots in the Farming zone to address spray drift, noise and dust.</p> <p>20. A Notification shall be placed on the titles of all lots, at the time of subdivision, advising landowners in relation to the objectives and landuse controls applicable to the "Special Use" zone.</p> <p>21. Stocking rates for rural pursuits to generally guided by Department of Agriculture and Food Guidelines.</p> <p>22. Buildings within the Enterprise Envelope shall be limited to a maximum total area of 900 m² on any lot, unless otherwise approved by the local government.</p> <p>23. Use of land or buildings for any form of human habitation is prohibited within the Enterprise Envelopes.</p> <p>24. The local government may require any application for a business or Enterprise to be accompanied by information demonstrating any potential impacts resulting from the activity, (including noise, dust, odour and traffic) would not adversely impact amenity of the area. Council may require supplementary information from a suitably qualified expert, prior to determining such applications.</p> <p>25. All Development Applications for land uses within the Transport Precinct may be required to be accompanied by traffic and/or environmental studies/statements at the Council's discretion.</p>
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7. Rezoning Lot 22 Great Southern Highway, Dumberning from "Farming" to "Special Use" as depicted on the Scheme Amendment map.

Planning and Development Act 2005

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

**Shire of Narrogin Town Planning Scheme No. 2
Amendment No. 5**

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

Amending the Land Use Zoning from 'Farming' to 'Special Use'

The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- (a) It is an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (b) It is an amendment that is not addressed by any local planning strategy;
- (c) It is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;


Dated this 21st day of APRIL 2016



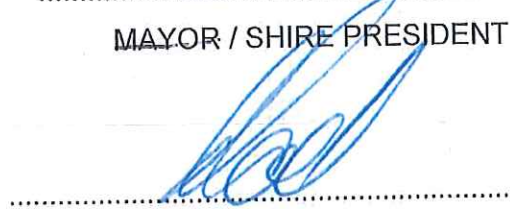
(Chief Executive Officer)

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Narrogin at the Ordinary Meeting of the Council held on the 19th NOVEMBER 2015



MAYOR / SHIRE PRESIDENT



CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the Shire of Narrogin at the Ordinary Meeting of the Council held on the and the Common Seal of the Shire of Narrogin was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR / SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

APPROVAL GRANTED

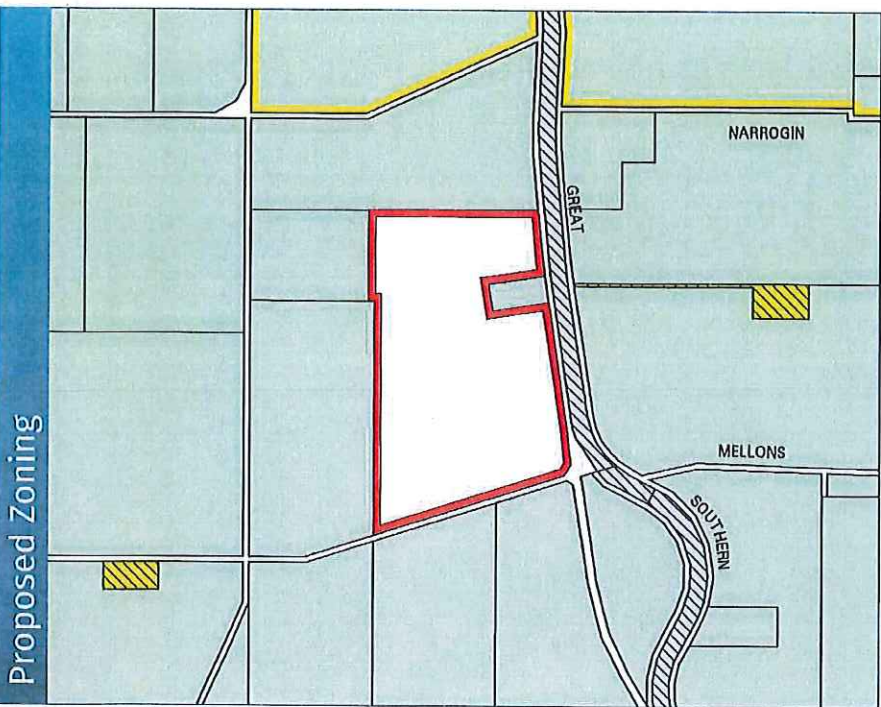
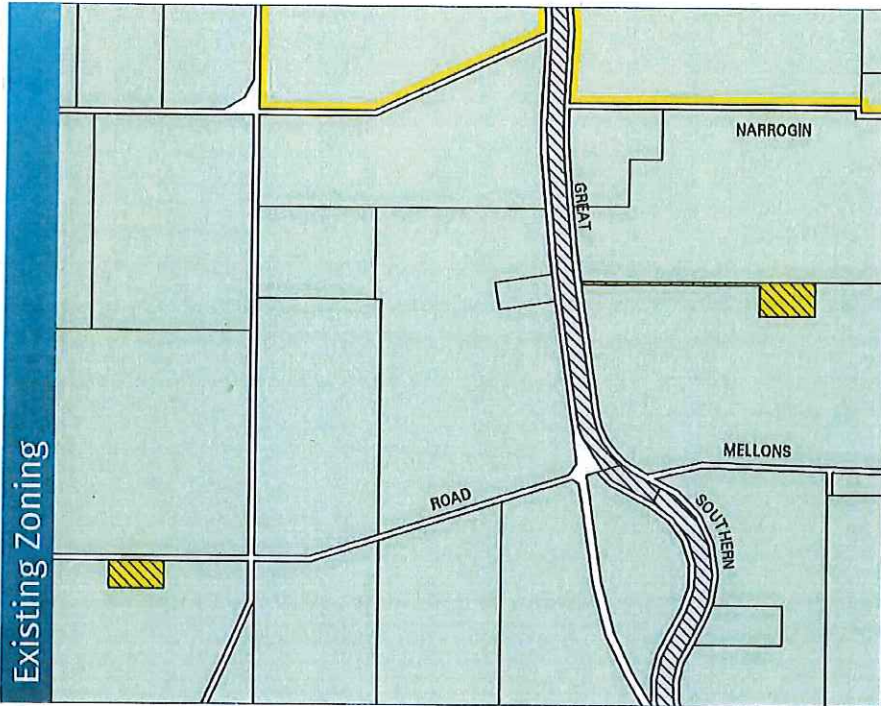
.....
MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....

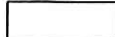


SHIRE OF NARROGIN

Town Planning Scheme No. 2

Proposed Amendment



LOCAL SCHEME RESERVES

-  Local Roads
-  Railway
-  Public Purpose

ZONES

-  Farming
-  Special Rural

OTHER

-  Special Use



Mapping prepared by Harley Dykstra
 6/2954 Albany Highway, Kelmscott WA 6991
 T: 08 9495 1947 F: 08 9495 1946
 Plan No. | 20377-09D Drawn | JV 23/03/16



10.1.109 PROPOSED TEMPORARY MOBILE CONCRETE BATCHING PLANT – LOT 5 EARL STREET, NARROGIN

File Reference: A674
Disclosure of Interest: Nil
Applicant: NOPL Halanson Earthmoving
Previous Item Nos: Nil
Date: 8 September 2016
Author: Azhar Awang, Executive Manager Development and Regulatory Services

Attachments

- Locality Plan
- Aerial Photograph
- Planning Application

Summary

This application in regards to the proposed Temporary Mobile Concrete Batching Plant which is to be located at Lot 5 Earl Street, Narrogin was previously considered by Council at its meeting held 23 August 2016. Council at that meeting resolved (Council resolution 0814.123) to defer this item until the next ordinary Council meeting of 13 September 2016. The reason is to allow for Commissioners' consideration of additional conditions.

Prior to the item being presented to Council for its reconsideration, the Shire's Chief Executive Officer and the Executive Manager Development and Regulatory Services had met with the applicant to discuss the location of the potential permanent site. Two potential sites were identified by the applicant which are:

- 175 Narakine Road (Kata Road);
- 3656 Williams Kondinin Road.

These sites will be subject to a separate application by the applicant through the Shire of Narrogin and the Department of Environment and Regulation in order to secure a more permanent site.

This item is again presented to Council for its consideration.

Background

Council has received a Planning Application in regards to a proposed Temporary Mobile Concrete Batching Plant to be located at Lot 5 Earl Street, Narrogin for a period of twelve months. This is to allow the operator the time to look for a permanent site.

The proposal also includes the construction of bunkers for the storage of raw materials for the processing of concrete such as sand, aggregates, loading ramp for loading the materials into the concrete batching plant, water tank, truck wash down bay including slurry pit and a sump for sediment liquid. Sprinkler systems will be installed around the bunker areas where the materials are contained for the purpose of dust suppression.

The concrete bunkers are no longer than 4m and no higher than 1.2m with 150mm thick concrete floor.

According to the applicant there will be one (1) cement truck on the premises which will require one to two movements per day. (The applicant has advised that this is an indicative average number of movements). It is estimated that it will be producing approximately 1,500 tonnes of concrete per annum.

Comment

Zoning

Lot 5 Earl Street, Narrogin is zoned "Industrial" under the *Shire of Narrogin Town Planning Scheme No 2*. The Proposed Concrete Batching Plant can be categorised as "General Industry" which is defined as:

- *Means an industry other than cottage, extractive, hazardous, light, noxious, rural, or service industry.*

Such use is listed as an "AA" use which means that the use is not permitted unless the Council has granted planning approval.

The proposed consolidated Draft Shire of Narrogin Town Planning Schema No 3 is to rezone the property to "Service Commercial" with an Additional Use for the purpose of Industry – General, Transport Depot, Storage Yard and Concrete Batching.

On this basis it is considered that the proposed Temporary Concrete Batching Plant is consistent with the Draft Shire of Narrogin Town Planning Scheme No 3.

A Concrete Batching Plant is also controlled under the *Environmental Protection Regulation 1998* and therefore any license and works approval will need to be issued by the Department of Environmental Regulation (DER). This requirement will be a condition of approval for the proposal prior to commencing the operation.

Although it is not a requirement for the proposal to undergo public advertising, Council has received correspondence from an adjoining landowner on the proposed development and this can be summarised as follows:

1. *All the blocks in this area are registered with the "L849724 Memorial Contaminated Sites Act 2003. It is our belief there is potential for soil and ground water contamination beneath lots 5 and 6 which exists as a result of these blocks being hydrologically down gradient of lot 2 which was once a bulk fuel depot and will have hydrocarbon impacted ground water contamination. Therefore the stockpiling of raw materials has a high probability to absorb contamination from the ground. This material will then be used to mix the concrete and thus spreading far and wide throughout Narrogin. There is also the risk of this contaminated material leaching into our property as the stock piling is on our fence line.*

Officer's Comment

Lot 5 has also been registered in the Certificate of Title (L528995) with a memorandum stating that the land is a Contaminated Sites under the Act which was registered on 13.1.2011. The proposal is to have a concrete floor for the sand and aggregates and

to install a slurry pit and a sump for the collection of liquid sediment. The proposal has also been referred to the Department of Environment Regulation by the applicant as part of the License and Works approval, which will form part of the conditional approval should Council support the proposal.

- 2. The dumping of the materials and the loading of materials into the batching plant will cause a dust hazard putting office workers and tradesmen at risk. The shed/workshop houses expensive electrical equipment and parts, these parts cannot be polluted with dust or they might very well fail when put into use.*

Officer's Comment

The applicant has installed sprinklers systems around the concrete bunding areas where the sand and aggregates are stored to suppress any dust. This will be a requirement of the DER licence and works approval and will form part of the conditional approval of the planning application. It is also recommended that the applicant provide a management plan as to demonstrate how the dust is managed on site.

- 3. When considering the purchase of lot 6 we had a consultant do a viability on the site and one of the favorable points was that a proposal to re-zone to "Service Commercial" when the new Joint Shire and Town of Narrogin Local Planning Scheme is approved. (extract attached) In conversation with Brian Robinson, the then Town Planner, assured us that a retail outlet would be consistent with the objectives and purpose of this zone. This was confirmed by the then Chief Executive Officer, Geoff McKeown. (Email attached) We went ahead and built the workshop with a showroom and retail area for future use. I do not believe a concrete batching plant is "Service Commercial" and would definitely have a disadvantageous bearing on a retail outlet in the adjacent area.*

Officer's Comment

The Proposed Joint Shire of Narrogin Town Planning Scheme No 3 is proposing to rezone the subject site to "Service Commercial". It is noted that under the "Service Commercial" zone, General Industry is a prohibited use. However based on the current use of the land, the proposed Scheme No 3 has included Industry – General, Transport Depot, Storage Yard & Concrete Batching under Schedule 2 – Additional Uses. The proposed Scheme states that under Additional Uses, *despite anything contained in the zoning table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.*

On this basis the proposed development is consistent with the Draft Joint Shire of Narrogin Town Planning Scheme No 3.

- 4. We also have concerns that the waste water and concrete slurry from the plant will run into our site further contaminating our site since we have not seen any system for the treatment and disposal of waste being installed.*

Officer's Comment

The proposal shows that the applicant will install a slurry pit and a sump for the collection of liquid sediment. This will form part of the DER licensing and Works approval and a condition of approval.

5. *In September 2013 our concerns over a similar issue was addressed by Geoff McKeown (Email Attached) he assured us that with the EXCEPTION of stock piling materials, the lot would only be used as a depot for the storage of plant and equipment for earthmoving. The owner of lot 5 has at no time sort to confer with us on these issues or informed us of the establishment of a batching plant.*

Officer's Comment

The applicant has only recently approached the owner of the subject property for the proposed Concrete Batching Plant. The email dated 6 September 2013 which was sent by the then Chief Executive Officer Shire of Narrogin, Geoff McKeown was only dealing with the current proposal and could not possibly have anticipated the proposed development. It is also noted that the CEO had requested the land owner at that time to make a formal Planning Application if he wishes to continue with the activities on site based on its merit.

6. *We are concerned for our future financial hardship in our retirement, that endeavors to lease the premises for the purpose they were built and approved by the Shire of Narrogin will not be met favorably by any prospective tenant with an unsightly and potentially health hazardous concrete batching plant next door.*

Officer's Comment

Council can only deal with the application based on its merit in accordance with the current and future draft Town Planning Scheme. Concerns addressed by residents are considered and assessed accordingly. In regards to financial hardship it is not a valid planning reason to refuse the application.

7. *In late 2011 I applied to be able to continue using the existing batch plant located on Lot 1 Myers Place. This was rejected because the previous owner of this lot did not conform to the EPA requirements and also because of the proposed subdivision of Lot 123 Earl Street into residential lots.*

Officer's Comment

DER approval is required in regards to the development on "Prescribed Premises", which includes Concrete Batching Plant. Where the proposed development adjoins sensitive land use, there is a requirement for a buffer as stipulated in accordance with the *Environmental Protection Authority – Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) – Separation Distances between Industrial and Sensitive Land Uses (No.3 June 2005)*. This will be dependent on what management plan has been put in place to ensure that pollution such as dust does not spill over the adjoining boundary. The guidelines stipulated a minimum of 300-500m buffer depending on the size of the development. The proposed development is considered relatively small scale given that there is only

one cement truck to be used at one to two movements per day. Although the adjoining land to the west is zoned for Residential no development has progressed as this is subject to a structure plan being prepared for subdivision. It is anticipated that this will not be developed in the foreseeable future given the requirement for connection to available services. It is agreed that the permanent use of the land for such would restrict the future residential development in the area. As the proposal is only for a temporary 12 months period it is considered reasonable to support the proposed development subject to the required management plans to control the issues of dust and noise generated from the activities on site.

8. *We had no choice but to purchase a block in the industrial area of Narrogin, apply to both the Department of Environment Regulations and the Town of Narrogin for building approval of a batch plant, outlining how we are going to conform to EPA standards before we could even begin construction.*

Officer's Comment

As a permanent use for a concrete batching plant it is recommended for such activity to be located in a more suitable land which would allow the potential for the business to grow and not be a future risk from sensitive land use such as Residential land being developed close to the industrial activities. It is a requirement that the EPA approval be obtained for licence and works approval given the classification of the industrial activity.

9. *Tony Hall purchased his property in 2012. To the best of my knowledge this lot had never had raw materials previously stored on it. Sometime in 2013 he allowed another contractor to store material on this property.*

Officer's Comment

It is a requirement of the Town Planning Scheme that a Planning approval is to be submitted to Council for any development on any land. It is noted from the email from the then CEO advising the landowner to make a planning application for the activities on site.

10. *There have been many complaints about dust blowing off these stockpiles. To date, he has not made any attempt to rectify this situation and meet the minimum requirements as outlined in the Environmental Protection Act. The Shire of Narrogin has also been negligent in not ensuring that this land owner abides by EPA requirements when storing materials on his property.*

Officer's Comment

We are not able to comment on the procedures from previous entity, however we note through the correspondence that the then CEO had made attempts to work through the issues between the land owner and the concerned neighbours.

11. *Our tenants in Lot 50 Earl St (West Coast Energy) store sensitive electrical components on site and have raised concerns about dust blowing into the shed. We are at threat of losing these tenants if dust continues to be a problem.*

Officer's Comment

The DER licencing and Works approval have certain requirements for the storage of aggregate and cement for Concrete Batching Plant under the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* which include the following requirements:

- (1) *An operator must store all aggregate and sand kept on the premises in storage bins or bays which are designed to minimize airborne dust, or where the use of such bins or bays is not practicable, in stockpiles on the ground.*
- (2) *An operator must not allow the height of aggregate or sand in a storage bin or bay to exceed the height of the bin or bay (including any windshields fitted to it).*
- (3) *Where aggregate or sand is stored in a stockpile on the ground the operator must keep it covered or damp, or otherwise treat it, so as to minimize airborne dust.*
- (4) *If, during the unloading of aggregate or sand, any visible dust escapes from the premises the operator must ensure that unloading stops immediately and does not resume until appropriate measures have been taken to prevent the escape of the dust from the premises.*

12. *I have no confidence that he will be able to maintain dust suppression on a concrete batching plant so close to other businesses.*

Officer's Comment

There is a strict requirement in the operation of Concrete Batching Plant which requires the licence and works approval from the DER. In the event that the conditions are not met the DER will be notified and necessary actions undertaken to ensure compliance. Similarly in the event that the planning conditions are not complied with, Council under the *Planning and Development Act 2005* has the power to take the necessary action to ensure compliance for any breaches of the conditions of approval.

13. *In 2013 we sold Lot 6 Earl Street, to Narrogin Electrical Services. A condition of the sale was they could obtain Shire of Narrogin approval to operate a commercial workshop with a showroom and that these lots were to be rezoned "commercial" after the amalgamation.*

Officer's Comment

The applicant has successfully obtained the necessary approval to conduct a commercial business from the premises.

14. *I have no objection to any contractor operating a business in competition with me, as long as they have to follow the same rules & regulations.*

Officer's Comment

The applicant is going through the process and seeking the necessary approval from the relevant authorities including the Shire for the proposed development.

15. *The Shire of Narrogin and Town of Narrogin would not allow us to operate the existing batch plant on Lot 1 Myers Place and insisted on us building in the industrial area. We feel that precedence has been set by both councils and that a concrete batch plant needs to be located in an industrial area and conform to all EPA requirements, whether it is a temporary or a permanent batch plant.*

Officer's Comment

Developments are assessed based on the merit of the application in terms of the size of the development, its intensity and potential growth. As this is a temporary business for a twelve month period until a more permanent site can be identified, it is considered reasonable to support such use. Any permanent development will need to be revisited to consider whether such use is suitable to be established in the area. Based on the future nearby residential development that may be developed in the next 3 to 5 years, it would be unlikely that a permanent Concrete Batching Plant business would be supported due to the likely nuisance and restrictions applied between conflicting uses.

16. *We operate an EPA approved concrete batch plant and we know how difficult it is to conform to these requirements, however, it is a necessary requirement that we all need to abide to.*

Officer's Comment

Every application needs to undergo the same process and there is no preferential treatment in determining the outcome of the application. There are legislations in place to enforce compliance and any breached of conditions will be dealt with through the process.

Based on the issues raised above from the concerned neighbours regarding the proposal, the issues can be overcome through the provisions of condition of the approval. Furthermore the licencing and works approval is under the jurisdiction of the DER. As the proposal is only for a temporary 12 months period, it is recommended that Council supports the proposal subject to the conditions as outlined in the Officer's recommendations.

Consultation

- Shiralee Langford, Environmental Health Officer

Statutory Environment

Shire of Narrogin Town Planning Scheme No 2

4.5 b) Site Requirements. – Industrial zone

i) The front setback shall be not less than 11 metres, the rear shall not be less than 10 metres, and the side setbacks shall not be less than 5 metres on one side;

ii) Where a lot has frontage to two streets the Council may reduce the minimum setback to one only of those streets to not less than 50% of the distance specified in paragraph (i);

iii) The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only when the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 which include the following requirements: (For the licence and works approval)

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

The Corporate Business Plan 2012 – 2022

Key Objectives 7 – Longer Term Strategies

7.5	Promote Narrogin as a potential location for large to major industry to establish or relocate and develop their business.	Council	Ongoing	3
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Voting Requirements

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

Grant Planning Approval for the proposed Temporary Mobile Concrete Batching Plant at Lot 5 Earl Street, Narrogin subject to the following conditions:

1. The approval is for a twelve (12) months period only from the date of this approval.

2. All buildings and structures on site are to comply with the required boundary setback distances as stipulated in the Shire of Narrogin Town Planning Scheme No 2 (*The front setback shall be not less than 11 metres, the rear shall not be less than 10 metres, and the side setbacks shall not be less than 5 metres on one side*).
3. The applicant is to submit a dust management plan prior to commencing any work on site to the satisfaction of the Shire's Chief Executive Officer and the Department of Environment and Regulation.
4. Parking bays and ground treatment are to be installed to the satisfaction of the Shire of Narrogin Chief Executive Officer within three months of the date of the Planning Approval prior to commencement of operation.
5. All stormwater and drainage run off is to be contained on site or connected to the Shire's stormwater legal point of discharge prior to commencement of operation.
6. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Shire.
7. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Shire's Chief Executive Officer.
8. At the conclusion of the approved period, the Concrete Batching Plant is to be removed and the site rehabilitated to the satisfaction of the Shire's Chief Executive Officer.
9. No onsite work or production of concrete shall commence without the written approval from the Department of Environmental Regulation.

Advice to Applicant

1. Compliance with the provisions of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* Environmental Protection.
2. Compliance with the provisions of the *Environmental Protection (Noise) Regulations 1997*.
3. This is not a building licence for which a separate application is required.
4. The applicant be advised of the listing of the property as a potential contaminated site and will be required to comply with all obligations in relation to the declaration.
5. Failure to meet the conditions above may result in approval being suspended

COUNCIL RESOLUTION 0914.136

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

Refuse Planning approval for the proposed Temporary Mobile Concrete Batching Plant at Lot 5 Earl Street Narrogin for the following reasons:

- The proposal, if approved, would adversely affect the amenity of the surrounding areas by reason of noise, dust, fumes emitted from the proposed development;
- The proposed is within the required 300-500m buffer to sensitive land uses (Residential zone) as stipulated in the Environmental Protection Authority Guidance of the Assessment of Environmental Factors – (in accordance with the Environmental Protection Acts 1986) – Separation Distances between Industrial and Sensitive Land Uses (No. 3 June 2005) and therefore would not be appropriate resulting in land use conflict.

Advice Note:

Council staff are to assist the applicant to identify a suitable site.

CARRIED 3/0

Please note reason for change was due to Council proposing that alternative sites would be more appropriate.

10.2 CORPORATE AND COMMUNITY SERVICES

10.2.110

REVIEW OF AGED CARE & DISABILITY SERVICES

File Reference: 24.6.9
Disclosure of Interest: Nil
Applicant: Not Applicable
Previous Item Nos: 10.1.079 Proposed site for relocation of Jessie House –
Lot 1721 (Reserve 49048) Hale Street, Narrogin
Date: 15 August 2016.
Author: Colin Bastow, Director Corporate & Community Services.

Attachments

- Aged Care Review Scope

Summary

Council is requested to consider postponing consideration of the relocation of Jessie House until after the Shire undertakes a review of its aged care and disability services.

Background

At the 12 July 2016 ordinary meeting, council had resolved the following:

2. *Advise the working group to look for an alternative site for the relocation of Jessie House for Council's further consideration.*

The aged care industry has recently undergone significant change due to the Federal Government's implementation of a new funding model called Consumer Directed Care (CDC). CDC allow the clients of aged and disability services to determine where their funds are to be spent. This approach, while beneficial to the clients, make it more difficult to determine staffing levels for any service provider as the clients may want to purchase equipment such a wheelchair and receive less ongoing services such as cleaning and other labour intensive services.

To enable the working group to be able to effectively assess alternative sites, the Shire should firstly determine what service are likely to be offered by Narrogin Regional Homecare at the new location.

Currently Home and Community Care (HACC) services are funded by the State Government and therefore not subject to CDC funding arrangements. However, HACC services will be transferred to the Federal Government in the near future so this arrangement may change.

Comment

The Shire does not need to make any quick decisions as to the future location of Jessie House as the current site is suitable for the current services. Although it is acknowledged that the current location does limit the recreational use of the land around it as well as preventing further growth to the Shire's aged care and disability services.

The Shire has undertaken a limited internal assessment of the likely impact of CDC to its aged care and disability services, however due to the greater financial risk being placed on aged care providers it would be appropriate to undertake a more extensive review of the potential financial impacts.

The Shire should take a more strategic view when it comes to promoting or providing aged care and disability services in the Wheatbelt region. A focus should be placed on promoting sustainable service, by either encouraging new services to the region, supporting beneficial partnerships or seek additional funding to provide services itself.

With regards to the Shire providing direct services to the local community, Jessie House will need to be relocated on a site that provides sufficient space for not only current services but also for any future services such as respite accommodation.

The aged care review should consider the following to ensure the community is provided the best possible service in a sustainable manner:

- Assessment of the financial viability of the aged care service (self-sufficient, only funded by user fees and grant income);
- Recommend an efficient and effective governance model (Service managed by the Shire, another organisation or partnership with another organisation);
- Identify gaps in current and future aged care services that are or should be provided in the Narrogin catchment area including infrastructure improvements such as aged care housing and dementia care services;
- Identify the most appropriate provider of specific aged care services and infrastructure.

Consultation

- Aaron Cook, Chief Executive Officer
- Lynne Yorke, MCCS

Statutory Environment

Nil.

Policy Implications

Nil.

Financial Implications

The Shire's 2016/17 budget contains a \$30,000 allocation for the drafting of concept plans associated with a possible relocation of Jessie House. However, as the sector has experienced change, it would be prudent to firstly determine the Shire's future aged and disability service requirements as this information will greatly assist in determining potential future sites

As the adopted budget allocation of \$30,000 was for consultancy services and the proposed review of Narrogin Regional Homecare would also likely be undertaken by an independent consultant, there would not be a requirement to amend the Shire's adopted budget.

A preliminary quote has been received that would indicate the aged care review would cost around \$17,500. However this estimate may change because the Shire has further developed the scope of the review.

Strategic Implications

The Corporate Business Plan 2012-2022

	Strategy	Task Allocation	Timeline
2.2	Continue to support the development of the Aged Care industry, services and support in Narrogin to assist in retaining aged residents within the community.	DCCS	Ongoing

Voting Requirements

Simple Majority.

COUNCIL RESOLUTION 0914.137 AND OFFICER'S RECOMMENDATION

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

1. Requests the Chief Executive Officer to undertake a review of the Shire's current aged care and disability services. The review should also consider additional aged care and disability services, possible partnerships arrangements and ways to encourage/support other parties to provide quality aged care and disability services within the district;
2. Endorse the Aged Care Review document as attached;
3. Limit the future expansion of aged care and disability services provided by the Shire until the completion of the above review; and
4. Defers any consideration of the location for Jessie House until after the recommendations of the aged care and disability services review is presented to Council.

CARRIED 3/0

Commonly-used abbreviations:

CEO	Chief Executive Officer
MCCS	Manager Community Care Services
CDC	Consumer Directed Care
HACC	Home and Community Care
CDC	Consumer Directed Care



AGED CARE REVIEW

Objective

The Shire of Narrogin wishes to undertake a review of its aged care service to ensure it is sustainable, effective and efficient and that the Narrogin catchment area is being provided with an appropriate infrastructure and ongoing services. The review should include the following items:

1. Assessment of the financial viability of the aged care service (self-sufficient, only funded by user fees and grant income),
2. Recommend an efficient and effective governance model (Service managed by the Shire, another organisation or partnership with another organisation),
3. Identify gaps in current and future aged care services that are or should be provided in the Narrogin catchment area including infrastructure improvements such as aged care housing and dementia care services,
4. Identify the most appropriate provider of specific aged care services and infrastructure.

The review is to include direct consultation with other relevant service providers in the aged care and mental health areas.

The finding of this review may be used to determine the future direction of the Shire's aged care support including actual services provided and the possible relocation of current aged care building/facility.

Project Scope

The Shire of Narrogin is seeking support from a suitable qualified and experienced consulting firm to undertake a review of:

- Current studies (e.g. the Wheatbelt Integrated Aged Care Solution and accompanying needs studies),
- The policies of funders, including both State and Federal,
- Consult with all current aged care and mental health service providers in the Narrogin catchment area,
- Implications of aged care reform and the timing of the changes with direct reference to the Shire of Narrogin and Narrogin aged care catchment area,
- Evaluate the Shire's current service provision in the Narrogin catchment area,

- The status of service planning for future service delivery across all Providers within the Narrogin catchment area,
- Evaluate current and possible future governance / partnership arrangements.

The review seeks to understand what the Shire's Aged Care services, staffing and infrastructure needs will be in 18 months, 5 years and 10 years. A critical element to be addressed by the study is the infrastructure needs for community aged care.

Deliverables

(1) A report detailing:

- The findings of the review of the elements detailed in the scope
- Analysis of the findings
- Implications for the Shire of Narrogin and the community of aging people within the Narrogin catchment (18 months, 5 years and 10 years)
- Recommendations regarding service planning, staffing and infrastructure needs which would include potential expansion of aged services into area's that are not currently being serviced in the local community.
- Identify any risk or threats to the Shire as a result of the current and future service, financial arrangements and management structure.
- Recommendation as to the most effective governance / partnership arrangements.

(2) A presentation to council

Method/Resources

Method and Resources

Item	Step	Cost (GST Inc)	When	Whom
1	Confirm Scope		Completed	Shire
2	Review all relevant documents including internal proposal for additional office space.			Consultant

Item	Step	Cost (GST Inc)	When	Whom
3	Telephone Interviews with all Narrogin Catchment: <ul style="list-style-type: none"> ▫ Service providers ▫ Mental Health (Senior Mental Health) ▫ Alzheimer's Australia ▫ The Shire's relevant program staff ▫ WA HACC ▫ WACHS ▫ Federal CHSP ▫ Federal HCP ▫ Federal Veterans Homecare 			Consultant
4	Dévelop Report: <ul style="list-style-type: none"> ▫ Draft ▫ Final 			Consultant
5	Present to Council			Consultant
	Other Charges			

10.2.111 NARROGIN REGIONAL HOMECARE CANCER COUNCIL APPLICATION FOR PROVISION OF SERVICES

File Reference: 24.6.9
Disclosure of Interest: Nil
Applicant: Cancer Council of WA
Previous Item Nos: N/A
Date: 7 September 2016
Author: Lynne Yorke, Manager Community Care Services

Attachments

- Cancer Council Western Australia Practical Support Program Guidelines.

Summary

Narrogin Regional Homecare has been requested to provide services for the Cancer Council Practical Support Program.

Background

The type of services being requested from the Cancer Council of Western Australia (WA) would likely be Domestic Assistance or Home Maintenance, although could be any of the services that Narrogin Regional Homecare provides under other funding agreements.

As part of the Shire's commitment to provide comprehensive Home and Community Services in the Region, Narrogin Regional Homecare requires Council to endorse the request from Cancer Council of WA for the Shire to become a Preferred Provider for their practical support program.

Comment:

The current services provided by Narrogin Regional Homecare are restricted to people who have an ongoing functional disability. There is a definite gap in service provision in the Region for people who are unwell and going through the cancer process. Provision of services to people with cancer will be a service that is lacking in the Region and a service that consequently would be most welcome.

The Cancer Council of WA, practical support program is intended as short term emergency relief, where the treatment for cancer is having a serious direct effect on the functional capacity of the family or the person's capacity to remain independent at home. The assistance is for the delivery of basic practical support services up to a maximum value of \$500 per person (including GST). Cancer Council WA pays this directly to the service provider on invoice. This is not an entitlement and eligibility is determined by assessment of practical need.

Consultation

- Loretta Zanella, Practical Support Coordinator, Cancer Council WA
- Lynne Yorke, Manager Community Care Services Shire of Narrogin
- Colin Bastow, DCCS

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Proposal will bring more funding to Narrogin Regional Homecare which assists to ensure viability into the future.

At this stage it is only anticipated that minor amount of income would be generated from this program.

Strategic Implications

2.3	Continue to support the development of the Aged Care industry, services and support in Narrogin to assist in retaining aged residents within the community.	DCCS	Ongoing
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Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0914.138 AND OFFICER’S RECOMMENDATION

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

Endorse the Shire’s participation in the Cancer Councils of WA practical support program as a preferred supplier.

CARRIED 3/0

Commonly-used abbreviations:	
DCCS	Director Corporate & Community Services
WA	Western Australia

Practical Support Program Guidelines

When and How to Submit an Application to Cancer Council WA for Practical Assistance for Cancer Patients

What is the Practical Support Program?

Practical support is intended as short-term practical relief, where the treatment for cancer is having a serious direct effect on the functional capacity of the family or the person's capacity to remain independent at home.

Cancer Council WA (CCWA) relies on the referrer to make a complete assessment of the applicant's eligibility for existing community social support resources and to approach the CCWA only as an agency of last resort. It is not the responsibility of the CCWA to assist the patient and his/her family with ongoing practical support. Staff at CCWA do not have access to full information about clients and or their situation. As such it is the responsibility of external agencies to refer into our program. Callers to Cancer Council 13 11 20 will be referred back to external agencies or regional CCWA staff to complete any assessment and determine whether or not an application is applicable.

The assistance is for the delivery of basic practical support services (listed below) up to a maximum value of \$500 per person. Cancer Council WA pays this directly to the service provider on invoice. This is not an entitlement and eligibility is determined by assessment of practical needs within the context of the family's resources. The fact that a cancer patient is undergoing treatment is not grounds for automatic approval of applications.

CCWA's Practical Support Program is funded through community donations. It receives no government support.

Who is eligible?

A person with a **confirmed, current cancer diagnosis** who is undergoing further investigation; cancer treatment, or has completed cancer treatment within the last six months and is experiencing hardship as a result of a significant lack of social resources.

CCWA must be notified if the client's circumstances change during the provision of these services.

Who is not eligible?

- Those who are in receipt of a HACC funded practical support service or other care package.
- Those who have family or friends who are able to provide support.

What services are covered?

Cancer patients and their families can receive the following practical support services. These services can only be provided if preferred providers are available in the location requested. More

than one service can be accessed provided the total value of all combined services does not exceed \$500.

Domestic Assistance (home help)

Light housekeeping/home cleaning services for basic home maintenance, up to a maximum of \$500 including GST

Gardening

Basic gardening services, up to a maximum of \$500 including GST

Family Assistance

Short-term child care for the purposes of assisting with attendance at cancer treatment or recovery from surgery, up to a maximum of \$500 including GST. This is to be serviced through the child care provider listed on the Practical Support Program panel.

Access to this service should be discussed with Practical Support Program Officer prior to application.

Are there exceptional circumstances?

If a referrer identifies that the person with cancer is experiencing extraordinary practical hardship that is not listed in the Practical Support Program outlined above, the referrer should contact the CCWA Practical Support Program Officer for guidance or liaise with the Manager, Community Support Services.

Services for clients after death may be provided under exceptional circumstances however this must be discussed with the Practical Support Program Officer prior to submission of the application. After discussion, detailed information about the exceptional circumstance must be submitted in writing.

Who can make an application?

Applications are made by:

- CCWA Regional Support Coordinators;
- Oncology or treatment centre Social Workers;
- Cancer Network Nurses; or
- Welfare Officers and other health professionals.

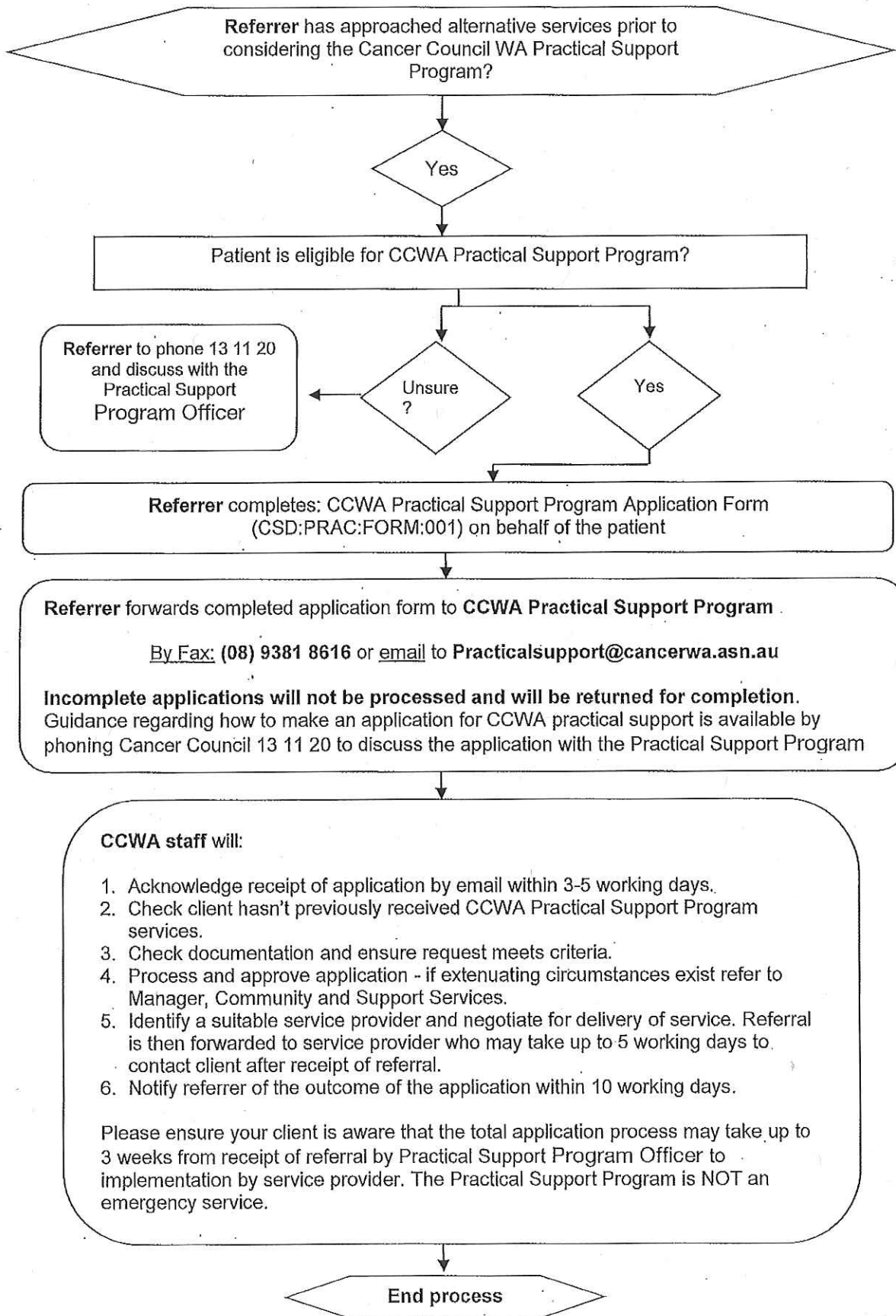
How to make an application?

Applications must be made using the CCWA Practical Support Application Form (CSD:PRAC:FORM:001), in alignment with the Program Guidelines. The application should be faxed to (08) 9381 8616 or emailed to Practicalsupport@cancerwa.asn.au

Please ensure your client is aware that the total application process may take up to 3 weeks from receipt of referral by Practical Support Program Officer to implementation by service provider.

Important: Incomplete forms will be returned to the referrer for completion before any processing occurs.

PRACTICAL SUPPORT APPLICATION PROCESS



APPLICATION FOR PREFERRED PROVIDER STATUS FOR CANCER COUNCIL WA PRACTICAL SUPPORT

Please tick and attach relevant documentation to support your application

- Empathy towards the mission of the Cancer Council WA. The Cancer Council WA aims to minimise the incidence and impact of cancer on our community through advocacy, research education and by providing people affected by cancer with support to enhance their quality of life.
- A commitment to respecting the need for a high level of confidentiality amongst your workers to Cancer Council clients.
- Provide ABN Number.
- Provide current copy of your National Police Certificate and/or can confirm that employees providing services to Cancer Council clients hold a current National Police Certificate.
- Provide a copy of 'Working with Children' check and/or can confirm that employees providing services to Cancer Council clients hold a current 'Working with Children' check (if applicable).
- Public Liability Insurance – please provide a copy of current certificate from insurer.
- Workers Compensation Insurance – please provide a copy of current certificate from insurer.
- Provide a copy of current fee schedule.
- Agreement to thirty (30) day payment of accounts on receipt of tax invoice (or can be negotiated).

Name of Agency _____

Contact Name _____

Street Address _____

Postcode _____

Postal Address _____

Postcode _____

Phone _____ Fax _____

Email _____

*Providers should be mindful of the above eligibility guidelines.
The process for renewing eligibility will be undertaken annually.*

Manager Cancer Helpline and Supportive Services: _____

Signature of Agency: _____

Date: _____

Date: _____

10.2.112 2016/17 BUDGET AMENDMENT REPLACEMENT HOMECARE VEHICLE

File Reference: 12.4.1
Disclosure of Interest: Nil
Applicant: Nil
Previous Item Nos: N/A
Date: 7 September 2016
Author: Lynne Yorke, Manager Community Care Services
Colin Bastow, Director Corporate and Community Services

Attachments

- VW Caddy Specifications

Summary

Council is requested to consider amending the Shire's 2016/17 budget to allow for the replacement of Narrogin Regional Homecare's Renault Kangoo.

Background

The Renault Kangoo is used by Narrogin Regional Homecare to transport aged care clients and has been in service with the Shire since 25 February 2009 (46,000 km). The Shire was required to substantially modify the vehicle before it was capable of transporting persons who require wheelchairs.

There are a number of operational issues with the current Kangoo due to limited room for wheelchair access and the low number of clients that can be transported at any one time, which is only two.

The Shire has been advised that the Department of Health will likely require the return of any 2015/16 surplus HACC funding unless it is spent on asset replacement such as the replacement of the Renault Kangoo.

Comment

The Shire is considering replacing the Renault Kangoo with a Volkswagen (VW) Caddy. The Caddy will allow the Shire to transport up to five clients at any one time and has a superior design that will allow for a more effective loading of wheelchairs.

Consultation

- HACC Vehicle Best Practise Manual
- Linda Smith, HACC Project Officer
- Funded Assets (Accrual Financial Reporting) Policy

Statutory Environment

Local Government Act 1995 s.6.8 Expenditure from municipal fund not included in annual budget.

The Shire has received approval from Department of Health to replace the Renault Kangoo from HACC surplus grant funding.

Policy Implications

Nil

Financial Implications

The cost of purchasing a new VW Caddy (net change over price) and associated modifications is to be funded by transfer from the Shire HACC Reserve. Therefore the impact to the Shire's budget is consider to be negligible.

The net change cost of the Renault Kangoo is expected to be under \$50,000.

The HACC Reserve has an estimated balance of \$590,000.

The Shire has received quotes from three car yards. Unfortunately only one of these car yards has stock while the others will need to order stock from oversea (expected six month delivery time).

Strategic Implications

2.3	Continue to support the development of the Aged Care industry, services and support in Narrogin to assist in retaining aged residents within the community.	DCCS	Ongoing
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Voting Requirements

Absolute Majority

COUNCIL RESOLUTION 0914.139 AND OFFICER'S RECOMMENDATION

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

Amend the 2016/17 budget to include the following items:

1. Replacement the Narrogin's Regional Homecare Renault Kangoo for a net changeover price of up to \$50,000.
2. Transfer the net change over cost for the replacement of the Renault Kangoo of up to \$50,000 from the HACC Reserve account

**CARRIED 3/0
BY ABSOLUTE MAJORITY**



Commercial
Vehicles

The Caddy Van

Specifications



Shire of Narrogin

City of Geraldton

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Features and Specifications

Safety and Security	SWB Van TSI220 DSG	Maxi Van TSI220 Manual and DSG	Maxi Crewvan TSI220 Manual and DSG
Airbags			
Front airbag for driver and front passenger	●	●	●
Side/head airbags for driver and front passenger	●	●	●
Seat belts			
3-point seat belts with height adjustment and belt tensioners for driver and front passenger	●	●	●
3-point seat belts in 2nd row of seats, outer seats with seat belt tensioners	—	—	●
Seat belt warning light and buzzer for driver and front passenger seats	●	●	●
Brakes and Traction Control			
Multi-collision brake (MCB)	●	●	●
Electronic Stabilisation Programme (ESP)	●	●	●
Anti-lock Braking System (ABS)	●	●	●
Brake Assist system (BA)	●	●	●
Traction Control System (TCS)	●	●	●
Electronic Differential Lock (EDL)	●	●	●
Extended Electronic Differential Lock (XDL)	●	●	●
Hill hold control	●	●	●
Driver Assistance Technology			
Driver Alert (Fatigue Detection System)	●	●	●
Rear park distance control, with acoustic warning	○	○	○
Rear park distance control with rear view camera system (requires lifting tailgate)	○	○	○
Lighting			
Halogen headlights (H4)	●	●	●
Headlight range adjustment	●	●	●
Daytime running lights (DRL)	●	●	●
High stop light	●	●	●
Rear fog light	●	●	●
Locking			
Engine immobiliser (electronic)	●	●	●
Central locking system with radio remote control and interior release mechanism	●	●	●
Two (2) remote control folding keys	●	●	●
Head Restraints			
Front safety optimised head restraints, height adjustable	●	●	●
Rear head restraints, height adjustable (3)	—	—	●

Exterior Equipment / Styling	SWB Van TSI220 DSG	Maxi Van TSI220 Manual and DSG	Maxi Crewvan TSI220 Manual and DSG
Doors			
Sliding door, left, in load/passenger compartment	●	●	●
Sliding door, right, in load/passenger compartment	○	●	●
Rear wing doors with windows, asymmetrically split	●	●	●
Lifting tailgate with window and rear spoiler	○	○	○
Windows			
Heat-insulating windshield made of laminated glass	●	●	●
Heat-insulating glass (green)	●	●	●
Windscreen wiper intermittent control	●	●	●
Heated rear window(s) with wiper/washer system	●	●	●
Power windows with comfort operation and circuit breaker (front)	●	●	●
Side window (fixed) in sliding door, left	—	○	—
Side window (fixed) in sliding door, right	—	○	—
Body Enhancements			
Black bumpers	●	●	●
Body coloured bumpers	—	—	○
Black exterior mirror housings and door handles (without sliding door cover)	●	●	●
Black side protective strips	●	●	●
Black grained radiator grille with 1 decorative chrome molding	●	●	●
Roof rack mounting points (per side)	3	4	4
Trailer hitch preparation	○	○	—
Wheels and Tyres			
16" steel wheels with centre wheel trim - 205/55 R16 94H tyres	●	●	●
4 x 16" alloy wheels - BENDIGO - 205/55 R16 94H tyres	○	○	—
Steel spare wheel - full size, OE tyre	●	●	●
Tool kit with vehicle jack	●	●	●
Comfort and Convenience			
Air Conditioning			
Air conditioning system, manual	●	●	●
Dust and pollen filter	●	●	●
Cruise control			
Cruise Control, including speed limiter	●	●	●
Floor Covering			
Rubber floor covering in cab	●	●	●
Rubber floor covering in load/passenger compartment	—	—	●
Plastic floor covering in load area	○	○	—

Comfort and Convenience	SWB Van TSI220 DSG	Maxi Van TSI220 Manual and DSG	Maxi Crewvan TSI220 Manual and DSG
In-Car Entertainment and Technology			
Composition Colour audio system 5" colour touch screen display, AM/FM radio with phase diversity tuner, CD player (MP3/WMA compatible), AUX and SD card slot, external USB input, and two (2) speakers. Car menu with convenience and service settings. Includes display for park distance control (if fitted) and air conditioning systems.	●	●	●
Composition Media audio system 6.33" colour touch screen display with proximity sensor, AM/FM radio, CD player (MP3/WMA compatible), SD card slot, external AUX and USB inputs, and four (4) speakers. Car menu with convenience and service settings. Includes display for park distance control (if fitted) and air conditioning systems. App-Connect USB interface for Apple CarPlay®, Android Auto™ and Mirror Link® in front centre console.	○	○	○
Discover Media audio and satellite navigation system 6.33" colour touch screen display with proximity sensor, AM/FM radio, CD player (MP3/WMA compatible), 2 x SD card slots for music and navigation data, external AUX and USB inputs, and four (4) speakers. 2D and 3D (bird's eye) map views. Car menu with convenience and service settings. Includes display for park distance control (if fitted) and air conditioning systems. App-Connect USB interface for Apple CarPlay®, Android Auto™ and Mirror Link® in front centre console.	○	○	○
Bluetooth® phone connectivity with contacts display and Bluetooth® audio streaming, operation via touch screen audio unit or Multi-Function Display	●	●	●
Audio, telephone, cruise control and Multi-Function Display controls mounted on steering wheel	●	●	●
Instrumentation			
Speedometer & tachometer, electronic odometer and trip meter, service interval display, fuel and coolant gauges, low fuel warning light, adjustable illumination	●	●	●
Multi-Function Display (MFD Plus) - trip time, trip length, average and current speed, average and current fuel consumption, display until empty and ambient temperature, digital clock, vehicle status, audio, telephone and navigation (if fitted) menus	●	●	●
Interior Lighting			
Reading lights, front	●	●	●
Roof light in load compartment	●	●	●
Load Compartment			
Lashing rings for load restraint	6	8	6
Hardboard side trim panels	●	●	●
12-volt socket	●	●	●
Partition (high) without window (removes dimming breakaway interior rear view mirror)	○	○	—
Mirrors			
Commercial vehicle exterior mirrors (left: convex, right: aspherical)	●	●	●
Exterior mirrors, power adjustable and heated	●	●	●
Dimming breakaway interior rear view mirror	●	●	●
Power Steering			
Servotronic (electro-mechanical speed-sensitive power steering)	●	●	●

Comfort and Convenience	SWB Van TSI220 DSG	Maxi Van TSI220 Manual and DSG	Maxi Crewvan TSI220 Manual and DSG
Seating			
Height adjustment for driver's seat	●	●	—
Height adjustment for both front seats	—	—	●
Lumbar support (manually adjustable) for driver's seat	●	●	●
Backrest release for front seat	—	—	●
3-seater bench in 2nd row of seats (folding, folding/tipping, removable)	—	—	●
Cloth seat covering "Austin"	●	●	●
Leatherette seat covering "Mesh"	○	○	○
Grab handles for driver and front passenger	●	●	●
Steering Wheel			
3 spoke leather covered flat bottom steering wheel	●	●	●
Audio, telephone, cruise control and Multi-Function Display controls mounted on steering wheel	●	●	●
Steering wheel height and tilt adjustment	●	●	●
Storage			
Storage compartment under front seats	●	●	—
Drawers under front seats	—	—	●
Centre console with 4 cup holders (2 front and 2 rear)	●	●	●
Roof shelf above front seats	●	●	●
Front door pockets	●	●	●
Front sunvisors with ticket holder	●	●	●
Illuminated glove compartment with lockable lid	●	●	●
Central upper storage compartment (open)	●	●	●
Open storage compartment above glovebox	●	●	●
Open storage compartment in front of gear lever	●	●	●
Ashtray, portable	●	●	●

*Leatherette is not official leather.

Optional Packages	SWB Van TSI220 DSG	Maxi Van TSI220 Manual and DSG	Maxi Crewvan TSI220 Manual and DSG
Driver Assistance Package			
Adaptive Cruise Control (ACC) - with "Stop & Go" function for DSG only			
Forward Collision Warning "Front Assist" with City Emergency Braking (City EB)			
Front fog lights with static cornering function	○	○	○
Light and Vision system: auto dimming inside rear view mirror; automatic headlight activation with separate daytime running lights, "Leaving Home" and manual "Coming Home" function; rain sensing wipers			
Interior Comfort Package			
Light and Vision system: auto dimming inside rear view mirror; automatic headlight activation with separate daytime running lights, "Leaving Home" and manual "Coming Home" function; rain sensing wipers			
Height adjustment for front passenger's seat (standard for Crewvan)	○	○	○
Lumbar support (manually adjustable) for front passenger's seat			
Vanity mirrors for left and right sun visors			
12-volt socket in dashboard			
Appearance Package			
Body coloured bumpers	○	○	—
Body coloured side protective strips			
Body coloured exterior mirror housings, door handles, and sliding door cover (black rear door handles)			
Window Package			
Side windows (fixed) at front of load area	○	○	—
Side windows (fixed) at rear of load area			
Window Package (including Lifting Tailgate)			
Lifting tailgate with window and spoiler			
Side windows (fixed) at front of load area	○	○	—
Side windows (fixed) at rear of load area			
Window Package			
Side windows (fixed) at rear of load area	—	—	○

Technical Specifications

Engine	1.4 litre TSI BlueMotion Technology	
Type	4 cylinder inline turbocharged direct injection petrol with engine Start/Stop system	
Max power, kW @ rpm	92 @ 4,800	
Max torque, Nm @ rpm	220 @ 1,500-3,500	
Cubic capacity, litres/cc	1,395	
Bore/stroke, mm	74.5 x 80	
Compression ratio	10.5 : 1	
Fuel type (recommended)	Premium unleaded 95 RON minimum	
Transmission	6 Speed Manual	7 Speed Direct Shift Gearbox (DSG) with sport mode and Tiptronic function
Driven wheels	Front wheel drive	Front wheel drive
Performance		
0 – 100 km/h, sec.	10.3 (SWB) 10.8 (Maxi)	11.3
Fuel consumption**		
Combined, L/100 km	6.2	6.0
Urban, L/100km	7.6	7.0
Extra Urban, L/100km	5.3	5.4
CO ₂ emission, g/km	143	138
Fuel tank capacity, L	55	55
Running Gear		
Suspension		
Front Axle	MacPherson strut with double wishbone and anti-roll bar	
Rear Axle	Rigid rear axle on leaf springs with load-dependent damper and anti-roll bar	
Reinforced Rear Suspension	Optionally available. Recommended for vehicles which regularly carry over 180kg (SWB) / 200kg (Maxi Van)	
Steering	Electro-mechanical power-assisted rack & pinion steering	
Brake systems	Anti-lock Braking System (ABS) with Electronic Brake-pressure Distribution (EBD), Brake Assist and Electronic Stabilisation Program (ESP). Brake energy recuperation.	
Brakes		
Front	Power assisted Hydraulic Ventilated Disc (288mm)	Power assisted Hydraulic Ventilated Disc (312mm)
Rear	Disc (272mm)	Disc (272mm)

** Fuel consumption figures are based on Australian Design Rule (ADR) 81/02. The driving style, road and traffic conditions and vehicle load condition can in practice lead to consumption figures which may differ from those published in these standards.

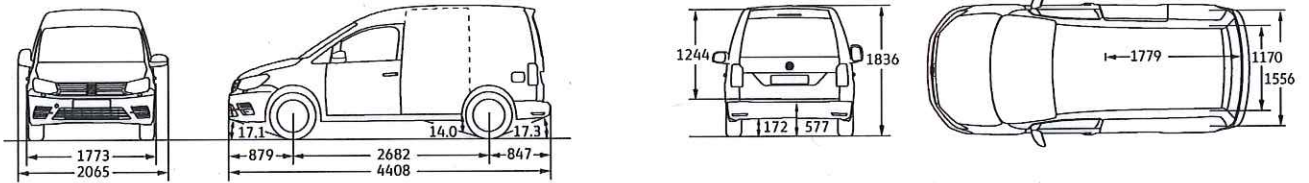
Weights and capacities

	SWB Van TSI220 DSG	Maxi Van TSI220 Manual	Maxi Van TSI220 DSG	Maxi Crewvan TSI220 Manual	Maxi Crewvan TSI220 DSG
Weights					
Gross Vehicle Weight (GVM), kg	2,095	2,227	2,255	2,222	2,249
Unladen Weight, kg	1,321	1,384	1,414	1,493	1,523
Payload maximum, kg	774	843	841	729	726
Front axle load limit, kg	1,050	1,050	1,050	1,150	1,150
Rear axle load limit, kg	1,230	1,300	1,300	1,250	1,250
Roof Load (kg)	100	100	100	100	100
Exterior dimensions					
Wheelbase (mm)	2,682	3,006		3,006	
Vehicle Length (mm)	4,408	4,878		4,878	
Vehicle Width (mm) excluding mirrors	1,773	1,793		1,793	
Vehicle Width (mm) including mirrors	2,065	2,065		2,065	
Vehicle Height (mm)	1,836	1,836		1,831	
Front Overhang (mm)	879	879		879	
Rear Overhang (mm)	847	993		993	
Front Wheel Track (mm)	1,536	1,536		1,537	
Rear Wheel Track (mm)	1,534	1,534		1,544	
Ground Clearance (mm)	172	187		187	
Slope Angle - Front (degrees)	17.1	16.7		15.9	
Slope Angle - Rear (degrees)	17.3	14.8		15.3	
Ramp Angle (degrees)	14.0	12.1		12.1	
Turning Circle (m)	11.1	12.2		12.2	
Interior					
Seating capacity	2	2		5 (2 + 3)	
Cargo Volume (L) - behind 1st row	3,200	4,200		4,130	
Cargo Volume (L) - 2nd row folded forward	-	-		3,950	
Cargo Volume (L) - behind 2nd row	-	-		1,650	
Load Compartment Length (mm) - behind 1st row	1,779	2,249		2,250	
Load Compartment Length (mm) - 2nd row folded forwards	-	-		1,823	
Load Compartment Length (mm) - behind 2nd row	-	-		1,566	
Load Compartment Width (mm) - maximum	1,556	1,532		1,190	
Load Compartment Width (mm) - at wheel arches	1,170	1,168		1,168	
Load Compartment Height (mm)	1,244	1,259		1,240	
Sliding Door Width (mm)	701	701		701	
Sliding Door Height (mm)	1,097	1,092		1,084	
Tailgate Width (mm)	1,183	1,183		1,183	
Tailgate Height (mm)	1,134	1,134		1,134	
Load Sill Height (mm)	577	588		581	

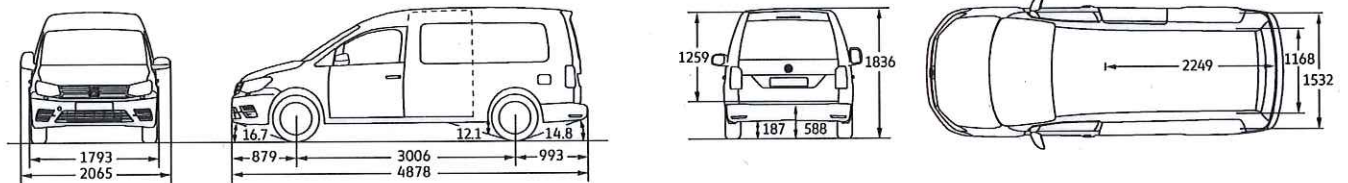
● Standard Shir® of the Ford® intra — Not available

Dimensions

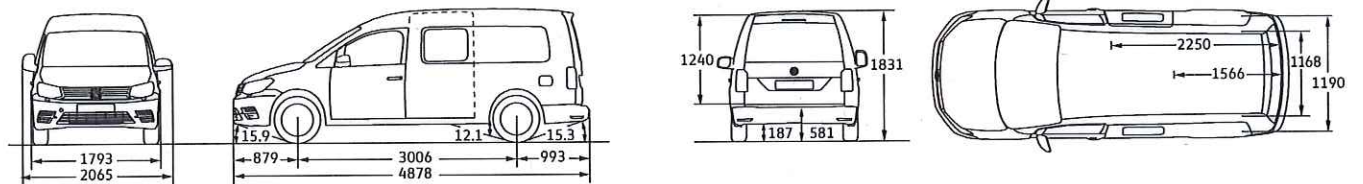
Caddy SWB Van



Caddy Maxi Van



Caddy Maxi Crewvan



Solid paint finishes



Candy White | Solid paint finish | B4B4



Pure Grey | Solid paint finish | J2J2



Cherry Red | Solid paint finish | 4B4B



Luminous Orange | Solid paint finish | E3E3

Metallic and Pearlescent finishes



Reflex Silver | Metallic paint finish | 8E8E



Indium Grey | Metallic paint finish | X3X3



Chestnut Brown | Metallic paint finish | H4H4



Deep Black Pearl | Metallic paint finish | 2T2T



Acapulco Blue | Metallic paint finish | 2W2W



Starlight Blue | Metallic paint finish | 3535



Bamboo Garden Green | Metallic paint finish | 3T3T



Honey Orange | Metallic paint finish | 4V4V

Seat upholstery



Austin | Cloth seat upholstery | Titanium Black



Mesh | Leatherette seat upholstery* | Titanium Black | Optionally available

Shire of Narrogin
Please note that Metallic and Pearl Effect paint are optional at extra cost. The print process does not allow for exact reproduction of the exterior or the upholstery colours. Please contact your Volkswagen Dealer for further information on colours and upholstery combinations.
*Leatherette consists wholly of artificial leather.

General information

Owning a Volkswagen

Volkswagen New Vehicle Warranty

Every new Volkswagen vehicle is covered by a three-year unlimited kilometre manufacturer's warranty, which includes Volkswagen Assist (24-hour roadside assistance). Every new Volkswagen vehicle is also covered by a 3 year paintwork and 12-year anticorrosion perforation warranty. For further information regarding this New Vehicle Warranty, including pricing and terms and conditions, please consult your local Volkswagen dealer or visit www.volkswagen-commercial.com.au.

Capped Price Servicing Every Calendar Year

The Caddy comes with peace of mind included, with Capped Price Servicing Every Calendar Year now available at participating Volkswagen dealers. Authorised Volkswagen Service Centres have factory trained technicians equipped with the very latest diagnostic equipment, specialist tooling and Volkswagen Genuine Parts. For further information regarding Capped Price Servicing program, including pricing and terms and conditions, please consult your local Volkswagen dealer or visit www.volkswagen-commercial.com.au.

Volkswagen Assist – 24-Hour Roadside Assistance

As a valued customer, you can be assured that wherever you travel within Australia, you will have access to roadside assistance, 24 hours a day, 365 days a year. This is complimentary for the duration of the vehicle's original Volkswagen warranty period. You will receive help in the event of a breakdown or accident and, if required, your vehicle will be mobilised or transported to an Authorised Volkswagen Workshop. As a Volkswagen owner you will also have access to the additional benefits of accommodation and car rental if your vehicle cannot be mobilised within 24 hours, when you are over 100km away from home.

Volkswagen Genuine Parts®

Volkswagen Genuine Parts® are designed for your vehicle and approved by Volkswagen, with particular regard to safety. The workmanship, dimensional accuracy and materials used in these parts comply with factory specifications. To ensure safety and reliability, Volkswagen recommends the use of Volkswagen Genuine Parts®. Volkswagen Authorised Dealers offer a two-year unlimited kilometre warranty on Genuine Parts from the date of purchase.

Volkswagen Financial Services

Buying, borrowing or leasing, Volkswagen Financial Services will certainly make you think differently about financing and insuring your new Volkswagen. Committed to meeting the needs of Volkswagen drivers across Australia, we offer a range of leasing, financing and insurance products, each with distinct advantages depending on your specific circumstances. We can tailor a solution to suit your individual requirements, so you can rest assured that there will be no surprises along the way. Speak to your local participating authorised Volkswagen Dealer today to put together a solution that best suits your lifestyle.

Volkswagen Choice Guaranteed Future Value[®]

Volkswagen Choice is a finance program available to approved applicants of Volkswagen Financial Services only which provides Volkswagen owners protection around your Volkswagen's future value, whilst offering a simple monthly instalment financing option. Enjoy the peace of mind of knowing the minimum value you can receive for your vehicle at the end of your contracted term. You can choose to either trade-in, return or retain your Volkswagen – it's your choice. Learn more about how to protect your investment by visiting www.vwfinancialservices.com.au today.

*The Volkswagen Choice Program consists of an option to require Volkswagen Financial Services to purchase your vehicle at the end of your Volkswagen Financial Services Chattel Mortgage, Consumer Loan or Hire Purchase for a value (known as the Guaranteed Future Value) determined by Volkswagen Financial Services and set out in your contract. The Guaranteed Future Value is not a representation by Volkswagen Financial Services as to the likely market value of your vehicle as at the end of your contract. The option is available on new and demonstrator Volkswagen vehicles for selected models only. Please verify with your dealership vehicles that are eligible for the program. All vehicles are not returned in an acceptable condition, as defined in the terms and conditions or exceed kilometre restrictions the Guaranteed Future Value will be reduced. See the Volkswagen Choice Fair Wear and Tear Guide for more information on the required conditions and circumstances. The cost of the Volkswagen Choice Program is incorporated into the applicable interest rate. Please read the full terms and conditions. Please consider whether these products and services are appropriate for your circumstances. Before acting on any of the information on this page, please seek independent financial and tax advice. Full terms and conditions are available upon application. Available only to approved applicants of Volkswagen Financial Services. Subject to credit assessment. Fees and charges apply. Fleet, government, rental buyers, hire car and chauffeur companies are excluded. Available at participating Volkswagen dealers. Volkswagen Financial Services is a trading name of Volkswagen Financial Services Australia Pty Limited
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The Caddy Van

Volkswagen Group Australia Pty Ltd
24 Muir Road Chullora NSW 2190
ABN 14 093 117 876

November 2015
www.volkswagen-commercial.com.au

Publication: VGAAMA01MY16 SPEC

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Ordinary Council Meeting Minutes 13 September 2016

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10.2.113 ST JOHN AMBULANCE NARROGIN FUNDRAISING GALA SPONSORSHIP REQUEST

File Reference: ICR168602 / 2.10.1
Disclosure of Interest: Nil
Applicant: Mrs Megan Harrod – Narrogin St Johns Ambulance Sub Centre
Previous Item Nos: Nil
Date: 9 September 2016
Author: Mr Aaron Cook – Chief Executive Officer

Attachments

- Letter from Mrs Megan Harrod – Narrogin St John Ambulance Sub Centre.

Summary

It is requested for Council to consider supporting the Gala event by being a “Major Sponsor”.

Background

It has been stated that the request for sponsorship and fundraising is to facilitate renovations at the Narrogin Sub Centre. Please refer to the attached letter for further details as to the fundraising event.

Comment

It has been confirmed that the John Higgins Centre has been provided for this event at no cost and, as such, the YMCA and Shire of Narrogin are already supporting the event through the waiving of these fees.

As no comment was provided regarding the value of the “Major Sponsorship” contact was made with the applicant. It was requested that Council consider an allocation of \$2,000.

With the Shire of Narrogin currently joint sponsoring the event through the waiving of the facility hire which has an inherent value of approximately \$300 to \$500. The request for financial support is considerably more than what has been presented in the past. However, the service that is provided by the Narrogin St Johns Ambulance is very important and cannot be underestimated.

Due to the inherent value of the service being provided it is proposed that the sponsorship for the event be provided at 50% of the venue hire and a cash contribution of \$1,500. The Shire will require that on all materials published and during the event that the Shire of Narrogin is recognised as a Major Sponsor. The Shire will also provide and require to be displayed the pull up banners stating that this event is sponsored by the Shire of Narrogin.

Consultation

- Mrs Megan Harrod Narrogin St John Ambulance Sub Centre.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

This contribution is contained within the adopted budget.

Strategic Implications

2.1	Continue to expand the Town's capacity and reputation as a venue for events, sports and seminars of local and regional significance.
2.10	Provide support and encouragement for volunteers and local service groups.

Voting Requirements

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

1. Advise the Narrogin St John Ambulance Sub Centre that it is willing to sponsor the gala dinner by way of jointly waiving the John Higgins Centre hire and provide a cash contribution \$1,500 to the event to upgrade the Sub Centre buildings.
2. In recognition of the sponsorship it is required that the Shire of Narrogin logo is placed on all promotional material, recognised during the event proceedings and display the Shire's pull up banners.

COUNCIL RESOLUTION 0914.140

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

1. Advise the Narrogin St John Ambulance Sub Centre that it is willing to sponsor the gala dinner by way of jointly waiving the John Higgins Centre hire and provide a cash contribution of \$1,500, to be funded from The Community Chest Fund to the event to upgrade the Sub Centre buildings.
2. In recognition of the sponsorship it is required that the Shire of Narrogin logo is placed on all promotional material, recognised during the event proceedings and display the Shire's pull up banners.

CARRIED 3/0

Please note reason for change: Council wishes volunteer organisations to be funded from the Community Chest Fund

For the Service of Humanity

St John



Megan Harrod
c/o- Narrogin St John Ambulance Sub Centre
PO Box 1125, NARROGIN WA 6312

The CEO
Shire of Narrogin
43 Federal Street
Narrogin WA 6312

22nd August 2016

Re: Narrogin St John Ambulance Fundraising Gala

Shire of Narrogin RECEIVED	
Directed to	<u>Aaron</u>
01 SEP 2016	
Ref No	<u>1CR168602</u>
Property File	
Subject File	<u>2.10.1</u>
Ref	

Dear Sir/Madam

The Narrogin St John Ambulance Sub Centre is planning much needed and extensive renovations and improvements to our sub centre to begin in 2017. These renovations will provide numerous benefits to the community and our hard working group of volunteer members such as; improved response times, increased volunteer engagement and more modern training facilities for not only our volunteers but the community. We want to create a sub centre that the Narrogin community can be proud of.

The cost of these renovations is still to be finalised however given the size and complexity of the project we will need to conduct fundraising in order to make our plans a reality. Therefore, in March 2017 we are proposing a **Fundraising Gala** to be held in Narrogin with the aim of raising at least \$25,000.00 for the project.

We feel that an event of this nature would provide members of the community with not only an enjoyable evening but a chance to engage with sub centre members and show their support for a vital community service. We also hope to use the Gala as a platform to promote local businesses and services.

To make all of this possible we need your help. We would be very grateful if you the Shire of Narrogin would consider being a major sponsor for the event. In return we would provide the Shire with exposure through event advertising as well as recognition on the evening.

Please do not hesitate to contact me if you would like more information about the event we have planned. On behalf of the Narrogin St John Ambulance Committee I thank you in advance for any consideration you give our request and look forward to hearing from you.

Most sincerely,

Megan Harrod

On behalf of the Narrogin St John Ambulance Committee.

0407 757 529

Meganharrrod87@gmail.com

Stock: 5117 01/14

10.2.114 COUNCIL COMMITTEES AND REFERENCE GROUPS

File Reference: 13.3.2
Disclosure of Interest: Nil
Applicant: Not Applicable
Previous Item Nos: Nil
Date: 3 September 2016
Author: Niel Mitchell, Merger Project Manager

Attachments

- Draft Council Committees and Reference Groups Terms of Reference.

Summary

Consideration of an interim document for the establishment of Council Committees, Reference Groups and terms of reference.

Background

The Local Government Act stipulates a range of matters must be considered when establishing a Committee, including –

- Naming of the person or position to have membership
- Naming of person or positions to be a deputy member, if any
- Term of office of member
- Required quorum – ie the number of members must be definite and not variable
- Prohibition on proxy representative and proxy voting
- Purpose and functions
- Delegated authority – if any
- Duration of the committee

A surprising quirk of the Act is that a member of a Committee holds office only until the following ordinary local government election. However, there is no sunset clause for Committees so a committee may continue indefinitely, but be inoperative due to not valid members or insufficient members.

Reference groups are not committees, cannot be granted any delegated power, and are effectively only a sounding board for the senior officer having responsibility.

Comment

Legislation requires the establishment of only three Committees –

1. the *Local Government Act* requires an Audit Committee
2. the *Emergency Management Act* requires a Local Emergency Management Committee to be established
3. the *Occupational Safety and Health Act* requires an OSH Committee to be established, but only if requested by the workforce. The OSH Committee is responsible to the employer, being the Chief Executive Officer, not the Council.

These committees each have specific responsibilities under their enabling legislation

The *Bush Fires Act* permits, but does not require the establishment of a Bush Fire Advisory Committee. If one is established, there are a number of matters it is obliged to address. Meetings of the Fire Control Officers achieve the same purpose without the administrative burden.

The attached document is drafted to provide a standard set of requirements for all committees and reference groups –

- a) Committees –
 - Audit
 - Narrogin Airport
 - Local Emergency Management
 - Australia Day and Honours
 - Narrogin and District Townscape
- b) Reference Groups –
 - Community Assisted Transport Service
 - Community Chest

These are all occasional advisory committees and groups, meeting on an as required basis.

External organisations are not committees of Council and are therefore not subject to this draft document.

The purpose of this report is to obtain Council approval of the document as the interim Terms of Reference, to be formally approved by the newly elected Council in October 2016. This will allow –

- a) Preparation for the individual committee or reference group
- b) Finalisation of the draft Terms of Reference with each committee or reference group
- c) Advertising for public participation in several committees or reference groups
- d) Invitation to participate to be issued to relevant organisations

It should be noted that that the proposed membership for the Local Emergency Management Committee is approximately half of the current listing. With the current number of members, the LEMC rarely, if ever, obtains a valid quorum. Accordingly, a reduction of number should make a quorum more accessible, but does not prevent the LEMC from inviting relevant organisations or people to attend to address their meeting, advise on matters or participate as observers.

A workplace Occupational Safety and Health Committee has been established, and is fulfilling its role well, and is currently drawing together the documentation of the former Shire and former Town. It is supported by Mr Mark Southgate, Local Government Insurance Services Regional Risk Manager.

Other than the Committees and Reference Groups noted in the draft document, it is intended to recommend to Council in October that all other Committees and Reference Groups etc, be discontinued.

Council may at any time vary the draft document, establish, amend or terminate a Committee or Reference Group where permitted by legislation.

Establishment, amendment, termination of a Committee and appointment or removal of members or deputy member of a Committee requires an absolute majority. Decisions relating to Reference Groups may be made by simple majority.

The recommendations before Council are preliminary to these matters, and therefore do not require an absolute majority.

Consultation

- Aaron Cook, Chief Executive Officer
- Colin Bastow, Director Corporate & Community Services
- Azhar Awang, Executive Manager Development & Regulatory Services
- Torre Evans, Executive Manager Technical & Rural Services

Statutory Environment

Local Government Act 1995 –

- s.5.8 and following – requirements for establishment of committees
- 7.1A – requirement to establish an audit committee

Emergency Management Act –

- s.38 – requirement to establish a local emergency management committee

Occupational Safety & Health Act –

- s.3 – an employer is a person that employs ...
- s.38 – an employer must establish ... when requested to do so

Bush Fires Act 1954 –

- s.67 – a local government may at any time appoint ... a bush fire advisory committee

Policy Implications

Draft Terms of Reference for Council Committees and Reference Groups

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Accept the draft Council Committees and Reference Groups Establishment and Terms of Reference be approved as an interim document prior to adoption by Council in October 2016.
2. An invitation be issued to the specific organisations or community at large as noted within the document, for the following –
 - Local Emergency Management Committee
 - Australia Day and Honours Committee
 - Narrogin District Townscape Committee
 - Community Assisted Transport Service Reference Group
3. The interim document and responses to invitation received, be considered by Council when establishing Committees and appointing members in October 2016.

COUNCIL RESOLUTION 0914.141

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

1. Accept the draft Council Committees and Reference Groups Establishment and Terms of Reference (TOR) be approved as an interim document prior to adoption by Council in October 2016, including the deletion of 3(a) from the Audit Committee TOR and remove the "Intensive Agriculture Committee" from the Committees listed in Appendix 3.
2. An invitation be issued to the specific organisations or community at large as noted within the document, for the following –
 - Local Emergency Management Committee
 - Australia Day and Honours Committee
 - Narrogin District Townscape Committee
 - Community Assisted Transport Service Reference Group
3. The interim document and responses to invitation received, be considered by Council when establishing Committees and appointing members in October 2016.

CARRIED 3/0

Please note reason for change: Council wished to remove the role of carrying out the CEO Performance Review as a role of the audit committee; and the **Narrogin Agricultural College Advisory Committee** is obsolete.

Amended Ordinary Council Meeting 29/9/2016



Shire of
Narrogin
Love the life

89 Earl Street, Narrogin
Correspondence to:
PO Box 1145, Narrogin WA 6312
T (08) 9890 0900
E enquiries@narrogin.wa.gov.au
W www.narrogin.wa.gov.au

COUNCIL COMMITTEES AND REFERENCE GROUPS

ESTABLISHMENT & TERMS OF REFERENCE

SEPTEMBER 2016

DRAFT V.8



CONTENTS

Standard conditions for establishment of Council Committees

Section 1 - Committees of Council

- 1.1 Audit Committee
 - TOR Schedule 1.1 – Risk Management
- 1.2 Narrogin Airport Committee
- 1.3 Local Emergency Management Committee
- 1.4 Australia Day and Honours Committee
 - TOR Schedule 1.4 – Honours and Awards Processes and Criteria
- 1.5 Narrogin District Townscape Committee

Section 2 - Reference Groups

- 2.1 Community Assisted Transport Service (CATS) Stakeholder Reference Group
- 2.2 Community Chest Reference Group

Section 3 - Other Shire established groups

- Appendix 1 – Council Committee members & deputy members
- Appendix 2 – Council Reference Groups
- Appendix 3 – External organisations: Council representatives & deputy representatives
- Appendix 4 – Criteria for community members of Council Committees and Groups

Standard conditions for establishment of Council Committees

Unless otherwise specified in the establishment of a Committee or Reference Group, the following standard conditions apply to all.

Matters will only be listed if varying from these Standard Conditions

Statutory context	<p>The majority of Committees are established under the Local Government Act 1995 –</p> <ul style="list-style-type: none"> - s.5.8 to s.5.18 – Committees and their meetings. - s.5.19 to s.5.25 – Matters affecting Council and Committee meetings. - s.5.59 to s.5.90 – Financial interests, declarations, gifts etc. <p>Also refer to Local Government (Administration) Regulations 1996 –</p> <ul style="list-style-type: none"> - r.4 to r.14B – Committees and committee meetings. <p>Shire of Narrogin Meeting Procedures Local Law 2016, unless otherwise provided for by the Act or Regulations.</p> <p>Some committees, but not all, have statutory functions. If so, general references to legislative requirements are given.</p>
Council context	<p>From time to time, Council may adopt specific policies that affect the Committee or provide direction.</p> <p>Compliance with the Shire of Narrogin Code of Conduct for Council Members, Committee Members and Employees is mandatory, as required by the Act and Regulations.</p>
History	<p>First established Last amended</p>
Establishment	
Objectives	Brief outline of Council's objectives for the Committee.
Authority	Unless provided for by the Act or Regulations, the Committee has an advisory role only, and has no delegated authority to implement actions or activity unless authorised by Council.
Financial Interests	<p>The Act requires all members of the Committee comply with the interest provisions of the Act –</p> <ul style="list-style-type: none"> - financial – both direct and indirect interests which impact the member; - proximity – development adjoining or affecting the member; - declarations – written declaration to be made to CEO or presiding members; - gifts – to be notified to CEO within 10 days of receipt or promise of gift.
Working Parties	The Act does not permit the establishment of a sub-Committee, however, the Committee may request that a member or several members consider a particular matter.
Code of Conduct	The Act requires compliance with the Code of Conduct adopted by the Shire of Narrogin.

Membership

Composition The Act requires that a Committee have a membership of at least 3 people.

A vacancy does not reduce the number of positions on the Committee, unless Council resolves by absolute majority. The number of members must be stipulated by Council, and cannot be varied by the Committee. Should there be less members than the number resolved by Council, the position is considered vacant, however, the quorum required is not affected.

The Committee is to comprise of –

- Council members, including ex-officio as permitted by the Act.
- Employees, as resolved by Council, including ex-officio as permitted by the Act. The role of member includes the obligation to vote and is separate from the administrative support function of the Committee.
- Other persons, i.e. community members, either named or by position within an external organisation.

If notified to Council when Committee is established, the President and CEO may exercise separate rights to be a member or nominate another elected member or employee to be a member of the Committee.

The TOR for a Committee does not over-ride a Council resolution.

Members

Council members As stipulated in the resolution establishing the Committee by absolute majority, or subsequent decision, and including any ex-officio member.

Employees As stipulated in the resolution establishing the Committee by absolute majority, or subsequent decision, and including any ex-officio member.

Other persons From the community or specific organisation, as stipulated in the resolution establishing the Committee by absolute majority, or subsequent decision.

Only appointed members of a Committee may vote. Generally, staff will not be voting members of a Committee, but have an advisory and support role only. However, there may be exceptions and these will be noted in the individual Committee's Terms of Reference.

Nomination of a member may be –

- by name, in which case the person holds membership until removed, whether a resident, employee or not; or
- by position, in which case the person holding the specific position.

Where a member is appointed by position, a person acting in that position automatically has membership. If the person chooses to delegate the membership to another person within their organisation, this must be notified to the CEO. The person delegated does not automatically become the deputy member.

Deputy members

The Act defines "deputy member" as a person appointed by Council authorised to act for a Committee member in that person's unavailability.

Only the person initially present at the meeting may participate, i.e. "tag teaming" by leaving a meeting, allowing the other to participate and vote, is not permitted.

Where a deputy member is appointed by position, a person acting in that position automatically has membership. Where the person chooses to delegate the membership to another person within their organisation, this must be notified to the CEO.

Vacancies The Act requires that members and deputy members be approved by absolute majority of Council.

The Committee is not permitted to co-opt members, but may invite a person or organisation to make a presentation or deputation.

Tenure The Act stipulates membership of the Committee is until –

- the person no longer holds the office by virtue of which they were appointed,
- the person resigns by notice in writing to the presiding member or the CEO,
- the person's term of appointment expires or is removed by Council, or otherwise become vacant,
- the committee is disbanded or term for which it was established expires.

Generally, Council will only appoint an elected member or community member to the same committee for a maximum of 3 consecutive terms (i.e. 6 years).

Consistent with the provisions of the Act s.2.25(4) applying to Council members, Council may remove a Committee member who has been absent for 3 consecutive meetings.

Payments Meeting fees are not paid. In some instances, reimbursement for actual expenses incurred in attending a Committee meeting may be permitted. Refer to CEO.

Meetings

Frequency May be specified by Council, but generally as required and determined by the Committee.

Presiding Member The Act requires that the presiding member be selected by the Committee.

Procedures In accordance with Shire of Narrogin Meeting Procedures Local Law.

Deputations In accordance with Shire of Narrogin Meeting Procedures Local Law.

Quorum The Act stipulates 50% of the designated membership of the Committee whether the position is vacant or not, must be present.

Where the membership is an odd number, the quorum is 50% and rounded up, e.g. quorum for a membership of 9 is 5.

In some circumstances, Council is permitted by absolute majority to give prior approval for a specific meeting to reduce the quorum required.

Voting All recommendations are to be by simple majority of Committee members present. The Presiding Members should announce the result of the vote, e.g. 3/1, or 4/0 etc..

The Act requires that all Committee members present at the meeting –

- must vote,
- must vote in such a way that their vote is not secret, i.e. either on the voices or by show of hands.

Therefore the following are not permitted –

- proxy voting – submission of a written vote by another person);
- abstaining from voting – those present are required by the Act to vote;
- secret ballot or drawing of lots or similar.

In the case of equality of voting, the presiding member is to exercise a casting vote.

Observers do not have a right to speak, but may address the meeting at discretion of the presiding member, and are not permitted to vote.

Agendas	To be available 3 days prior to meeting, to Committee members and the public.
Minutes	To be available 5 days after the meeting to Committee members and the public. The Act requires that the minutes of Committee meetings are submitted to Council for noting and to the following Committee meeting for confirmation.
Recommendations	All decisions of the committee are recommendations to Council, and are not to be actioned until authorised by Council, unless the senior officer has existing authority, responsibility or discretion to do so.

Administrative Support

Senior Officer Has responsibility for the Committee, overseeing its general operation in accordance with these standard conditions or specific variation as authorised by Council, and ensuring the Committee's minutes are presented to Council.

The role does not confer any right to vote.

Contact Provides administrative support for the Committee at the direction of the senior office.

The role does not confer any right to vote.

Role and Scope of Committee

Detailed terms of reference will be given of what is expected of the Committee.

– End of Standard Conditions for TOR

Notes

General notes for guidance, not forming part of the establishment or terms of reference of the Committee.

TOR Schedule 0.1 – Title

Any Schedule will provide detailed instructions or guidance on how the role and responsibilities of the Committee are to be implemented.

– End of Schedule

Section 1 - Committees of Council

1.1 Audit Committee

Statutory context Local Government Act 1995 –
 • Part 7 – Audit

Local Government (Audit) Regulations 1996

Council context Standard conditions

History Established _____

Establishment

Objectives To exercise responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

To assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources.

To ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of local government's financial accounting systems and compliance with legislation.

To facilitate –

- the enhancement and objectivity of internal and external financial reporting;
- effective management of financial and other risks and the protection of assets;
- compliance with laws and regulations as well as best practice in auditing;
- the coordination of the internal audit function with the external audit;
- the effective communication between the auditor, the CEO and the Council.

Membership

Composition resolved by Council	
Nomination of	No.
Elected members, including ex-officio	5
Employees, including ex-officio	0
Other persons – Community at large	0
- Specified organisations	0
Total Membership	5
Quorum	3
	No additional criteria

Meetings Standard conditions

Administrative Support

Senior Officer responsible	Director Corporate & Community Services
Initial contact person	Director Corporate & Community Services

Role and Scope of Committee

1. Audit –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits.
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor.
- c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken.
- d) Recommend to Council the person or persons to be appointed as auditor.
- e) Develop and recommend to Council a written agreement for the appointment of the auditor, which is to include –
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - method/s to be used by the local government to communicate with, and supply information to, the auditor.
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions.
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
 - ensure that audits are conducted successfully and expeditiously.
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters.
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.
- j) Review the scope of the audit plan and program and its effectiveness.
- k) Review the local government's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- l) Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed.
- m) Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference.
- n) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council.
- o) Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

2. Risk Management –

- a) Oversight in the areas of risk management, internal control and legislative compliance in accordance with the Local Government (Audit) Regulations 1996 r.17.
- b) Consider, approve and review the annual Internal Audit Plan
- c) Advise Council on performance against the adopted Internal Audit Plan.

3. CEO support and advice –
 - a) Carry out the CEO Performance Review as required by the Act.
 - b) Provide the CEO with interim advice of a complex or confidential nature on request by the CEO.

– End of TOR

Notes

Reg. 17 plan to be developed by DCCS

Current TOR is in Policy Manual – dates from September 2005, and last amended in April 2014, last reviewed July 2015.

TOR Schedule 1.1 – Risk Management**AUDIT COMMITTEE INTERNAL RISK MANAGEMENT REVIEW REPORT**Report prepared by **Director Corporate & Community Service**Rating key: **A: Acceptable I: Improvement required. U: Unacceptable, requires attention.**

1. RISK MANAGEMENT			
a) The following considerations were based on the Department of Local Government & Communities Operational Guideline, No.09 dated September 2013:			
Considerations	Rating	Observation	Strategies
(1) Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered.		•	Action required: •
(2) Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time.		•	Action required: •
(3) Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas: (a) potential non-compliance with legislation, regulations and standards and local government's policies; (b) important accounting judgements or estimates that prove to be wrong; (c) litigation and claims (d) misconduct, fraud and theft (e) significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government.		•	Action required: •
(4) Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported.		•	Action required: •
(5) Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance.		•	Action required: •
(6) Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors.		•	Action required: •
(7) Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk.		•	Action required: •
(8) Assessing the local government's procurement framework with a focus on the probity and transparency of policies, procedures & processes and whether these are being applied.		•	Action required: •

(9) Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment.		•	Action required: •
(10) Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud and misconduct risks.		•	Action required: •]

<p>2. INTERNAL CONTROL</p> <p>a) Internal Control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency.</p> <p>b) Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.</p> <p>c) Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.</p>			
<p>(1) Management Practices:</p> <p>(a) Separation of roles and functions, processing and authorisation:</p> <p>(i) integrity and ethics;</p> <p>(ii) documented policies & procedures, delegated authority, levels of responsibilities and authorities;</p> <p>(iii) audit practices;</p> <p>(b) Management operating style.</p> <p>(c) Human Resource management and practices:</p> <p>(i) volunteer management</p> <p>(ii) trained and qualified employees; and</p> <p>(iii) equity and diversity leadership.</p> <p>(d) HR Systems Control:</p> <p>(i) Induction Programs</p> <p>(ii) Recruitment</p> <p>(iii) Training</p> <p>(iv) Performance Management</p>		•	Action required: •
<p>(2) Information Management:</p> <p>(a) Data Management: Comparison of internal data with other or external sources of information, for example:</p> <p>(i) Geographical Information Systems (GIS); and</p> <p>(ii) Public Works Engineering Data (e.g.: As constructed data).</p> <p>(b) Control of approval of correspondence (documents, letters); and</p> <p>(c) Systems control: Security access, approval, version control.</p>		•	Action required: •
<p>(3) Physical and Information Security: information system access and security, for example:</p> <p>(a) limitations on direct physical access to assets and records;</p> <p>(b) control of computer applications and information system standards;</p> <p>(c) limitations on access to make changes in data files and systems; and</p> <p>(d) testing the arithmetical accuracy and content of records.</p>		•	Action required: •

<p>(4) Financial Management: integrity of financial systems, processes, controls, auditing, for example:</p> <ul style="list-style-type: none"> (a) approval of financial transactions (records); (b) regular maintenance and review of financial control accounts and trial balances; (c) comparison and analysis of financial results with budgeted amounts; (d) report, review and approval of financial payments and reconciliations; and (e) comparison of the result of physical cash and inventory counts with accounting records. 		<ul style="list-style-type: none"> • 	<p>Action required:</p> <ul style="list-style-type: none"> •
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3. LEGISLATIVE COMPLIANCE

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk"

<p>Legislative Compliance:</p> <ul style="list-style-type: none"> (a) Statutory reporting timeframes are met; (b) Council and Executive Policy Positions are relevant and can be complied with; (c) Delegations are legislatively compliant, understood and complied with. 		<ul style="list-style-type: none"> • 	<p>Action required:</p> <ul style="list-style-type: none"> •
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– End of Schedule

1.2 Narrogin Airport Committee

Statutory context Standard conditions

Council context Standard conditions

History Established

Establishment

Objectives To advise Council on –

- airport development
- airport services
- airport infrastructure
- user and lessee management

Membership

Composition resolved by Council	
Nomination of	No.
Elected members, including ex-officio	4
Employees, including ex-officio	0
Other persons – Community at large	0
- Specified organisations	0
Total Membership	4
Quorum	2
No additional criteria	

Meetings Standard conditions

Administrative Support

Senior Officer responsible	Executive Manager Technical & Rural Services
Initial contact person	Admin Support Officer, Technical & Rural Services

Role and Scope of Committee

1. To investigate, plan and report on options and proposals for airport development and expansion.
2. To review existing services (user access, navigation, emergency response etc.) and ensure highest practicable standard is maintained.
3. To monitor the physical infrastructure (runway, buildings, fencing, equipment etc.).
4. To provide an avenue of communication and consultation between Council, users and lessees of land, or buildings, and advise Council on the management of facilities.

– End of TOR

Notes

1.3 Local Emergency Management Committee

Statutory context Standard conditions
 Emergency Management Act 2005
 Emergency Management Regulations 2006
 State Emergency Management Directions

Council context Standard conditions

History Established _____

Establishment

Objectives To prepare and continuously monitor and review the Local Emergency Management arrangements for the Shire of Narrogin

Membership

Maximum membership of not more than 14, being the primary responders to any emergency. Others welcome to attend as Observers and to participate with the consent of the presiding person.

Composition resolved by Council		
Nomination of	No.	
Council members, including ex-officio	1	Committee Chairperson
Employees, including ex-officio	0	
Other persons – Community at large	0	
- WA Police, OIC Narrogin	1	ex-officio – LEM Coordinator
- DFES, Narrogin Regional Officer	1	
- Narrogin Regional Hospital	1	
- Narrogin Volunteer Bush Fire Brigades	1	Chief Bushfire Control Officer
- Narrogin VFRS Unit	1	
- Narrogin SES Unit	1	
- Water Corporation	1	
- Western Power, Narrogin	1	
- Dept of Child Protection & Family Support	1	
- Dept of Agriculture and Food WA	1	
- Dept of Parks & Wildlife	1	
- Narrogin St John Ambulance Sub-centre	1	
Total Membership	13	
Quorum	7	No additional criteria

Observers to be invited (non-voting) –

Organisation	Position
- Narrogin District Education Office	
- Main Roads WA, Narrogin	

- Great Southern SEMC Executive	
- YMCA Narrogin	
- Karinya Cottage Homes	
- Narrogin Home Care	
- Housing Authority	
- Salvation Army, Narrogin	
- Disability Services Commission	

Required staff attendance (non-voting) –

Primary	Secondary
Exec Mgr Devt & Reg Serv Manager Operations Ranger (D/CBFCO Urban)	Exec Mgr Tech & Rural Serv
Admin Officer, Em Mgmt	Admin Officer, Devt & Reg Serv

Meetings Standard conditions, other than Presiding Member.

Presiding Member The EM Act s.38 specifies that the Chair is determined by the local government.

Administrative Support

Senior Officer responsible	Executive Manager Development & Regulatory Services
Initial contact person	Administration Officer, Local Emergency Management

Role and Scope of Committee

1. In accordance with Emergency Management Act s.38(2) the specified area of responsibility is the whole of the Shire of Narrogin.
2. To identify emergency risks or hazards in the community and arrange to establish, maintain and test the Local Emergency Management Arrangements established to mitigate the risks or hazards.
3. To encourage and maintain communication and joint exercises between all stakeholders.
4. To prepare and instil prevention, preparedness, response and recovery plans for a variety of identified risks or hazards preventing or minimising the effects of emergency events.
5. To increase the number and relative awareness of programmes through community awareness campaigns designed to make the community more resilient.
6. To undertake the Community Emergency Risk Management process.
7. To carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed in the Emergency Management Regulations 2006.
8. To prepare and submit each financial year an annual report of its activities in accordance with the requirements of the State Emergency Management Committee.
9. To prepare an annual business plan in accordance with the requirements of the State Emergency Management Committee.
10. The Local Emergency Management Committee does not have the authority or power to commit the Shire of Narrogin to expenditure without the Shire's endorsement.

– End of TOR

Notes

1.4 Australia Day and Honours Committee

Statutory context Standard conditions

Council context Standard conditions

History First established not known
 Last amended _____

Establishment

Objectives To provide an avenue of communication/consultation between Council and the community for –

- Premier's Australia Day Active Citizenship Awards;
- Shire of Narrogin Australia Day Awards;
- Shire of Narrogin Australia Day functions and events; and
- other Commonwealth, State or local awards or honours.

Membership

Composition resolved by Council	
Nomination of	No.
Elected members, including ex-officio	2
Employees, including ex-officio	0
Other persons – Community at large	0
- Lions, Narrogin	1
- Rotary, Narrogin	1
- Narrogin Residents & Ratepayers Assoc.	1
Total Membership	5
Quorum	3
	No additional criteria

Meetings Standard conditions

Administrative Support

Senior Officer responsible	Manager Leisure and Culture
Initial contact person	Admin Support Officer, Development & Regulatory Services

Role and Scope of Committee

1. To promote the Australia Day, Premiers Active Citizenship Award and make recommendation to Council based on nominations received from the community.
2. To recommend to Council nomination of community members for recognition in –
 - Australian Honours,
 - National or State Australia Day Awards,
 - Other recognition or honours considered appropriate
3. To consider community requests for Council support of nominations for Commonwealth or State awards or honours.

4. To promote the Shire's Australia Day event within the wider community with due consideration and respect for the needs and views of all members of the community.
5. To give consideration to; and make decisions regarding the venue, program/format, menu and layout of tables/seating and decorations.

– End of TOR

Notes

October 2016 – note change of name of Australia Day Awards

TOR Schedule 1.4 – Honours and Awards Processes and Criteria

1. The Premier's Australia Day Active Citizenship Awards foster, recognise and celebrate significant contributions to community life and active citizenship in Shire of Narrogin in the following categories –
 - a) Premier's Australia Day Active Citizenship Award;
 - b) Premier's Australia Day Active Citizenship Award for a person under 25 years;
 - c) Premier's Australia Day Active Citizenship Award for a community group or event
2. The Committee is to coordinate and consider –
 - a) community nominations for the Premier's Australia Day Active Citizenship Awards; and
 - b) in exceptional circumstances, any other Commonwealth, State or local award or honours.
3. The Shire will invite Australia Day Active Citizenship Award nominations from community groups and private citizens.
4. Australia Day Active Citizenship Award nominations will open in mid-September and close on the fourth Friday in November.
5. Australia Day Active Citizenship Award nominations will be advertised –
 - a) in the Narrogin Observer in mid-September and again in mid-November, and
 - b) on the Shire's website and Facebook page
6. Late nominations for Awards will not be accepted.
7. Award recipients will be considered by the Australia Day and Honours Committee.
8. The Committee is to make its recommendations to the first Council Meeting held in December whose decision will be final.
9. Nomination forms are to have a nominator as well as another person to support the nomination;
10. The award recipients will be judged to have shown active citizenship and –
 - a) Made significant contribution to the local community.
 - b) Demonstrated leadership on a community issue resulting in the enhancement of community life.
 - c) Made a significant initiative which has brought about positive change and added value to community life.
 - d) Demonstrated inspiring qualities as a role model for the community.
11. Eligibility Criteria –
 - a) Nominees should reside or work principally within the Shire of Narrogin
 - b) Awards may be granted posthumously in recognition of recent achievements.
 - c) Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
 - d) A person cannot receive the same award twice, but can be considered for another award.
 - e) Unsuccessful nominees may be re-nominated in future years.
 - f) Self-nominations are not eligible.
 - g) Sitting members and employees of Commonwealth, State and Local Government are not eligible for nomination relating to their service as an elected member or employee, but may be considered for nomination in their private capacity.
12. Awards will be presented at the Australia Day Community Event on 26 January annually.
13. Awards and Honours other than Australia Day Active Citizenship Awards may be considered by the Committee at any time throughout the year, following the general principles and procedures above, for presentation at an appropriate function.

– End of Schedule

1.5 Narrogin District Townscape Committee

Statutory context Standard conditions

Council context Standard conditions

History Established _____

Establishment

Objectives To consider and recommend to Council proposals to improve the physical infrastructure of the Narrogin and Highbury townsites, and throughout the district with a specific focus on –

- aesthetic presentation of the area,
- access and facilities for elderly and people with disabilities,
- designing out crime or anti-social behaviours.

Membership

Composition resolved by Council		
Nomination of	No.	
Elected members, including ex-officio	2	
Employees, including ex-officio	0	
Other persons – Community		
o at large	2	
o Indigenous representative	1	
o Expertise in disability or aged sectors	1	
- Highbury District Community Council	1	
- Narrogin Chamber of Commerce	1	
- Arts Narrogin	1	
Total Membership	9	
Quorum	5	No additional criteria

Meetings Standard conditions

Administrative Support

Senior Officer responsible	Manager Leisure and Culture
Initial contact person	Admin Support Officer, Development & Regulatory Services

Role and Scope of Committee

1. To consider the physical infrastructure of the townsites and district, and make recommendations to Council in relation to –
 - Townscape
 - Disability and aged access to, and movement in, public facilities and places
 - Roadwise
2. To provide advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to proposals referred to the Committee for consideration.

3. To be aware of and raise awareness of the structural barriers impacting on the lives and opportunities available to people with a disability.
4. To advise Council on proposals referred to the Committee concerning the impact on the character of the precinct, including its impact upon heritage structures, significant natural features and landmarks including, but not limited to –
 - a) The quality of architectural design including its relationship to the adjoining development;
 - b) The relationship with and impact on the broader public realm and streetscape;
5. To inform and advise Council on the concepts implicit in the heritage of the area and to encourage the use of such concepts and ideas which contribute to sustainable development of the towns and district.
6. To provide an avenue of communication and consultation between Council and the community.
7. To ensure that the social and economic strategic direction of the area is supported by a flexible and relevant program.
8. To promote issues within the wider community with due consideration and respect for the physical environment of the town and the needs and views of all members of the community.
9. To promote and maintain a CBD area which is recognised as an attractive and functional focus of the town.
10. To enhance the living and working lives of the community through the provision of safe, comfortable, environmentally sustainable and aesthetically pleasing public open spaces, and streets throughout the town.
11. To ensure that issues are given due consideration and value by Council in all its planning, design, implementation and maintenance of the built and natural environment.

– End of TOR

Notes

Section 2 - Reference Groups

Reference Groups are not Committees of Council and exist as a forum to –

- advise staff,
- facilitate exchange of ideas and
- discuss the matters assigned.

Establishment of each Reference Group is similar to Council Committees for the sake of consistency, but are not subject to the legislative constraints of a Committee. Where possible and appropriate, the Standard Conditions for Committees should be followed.

A Reference Group has no decision making authority whatsoever. Action may only be initiated within the scope of responsibility given to an officer of Council, or by a staff member following Council decision.

2.1 Community Assisted Transport Service (CATS) Stakeholder Reference Group

Statutory context Standard conditions

Council context Standard conditions

History First established unknown

Establishment

Objectives A working group to provide advice regarding the management and coordination of the Community Assisted Transport Service.

Membership

Composition resolved by Council	
Nomination of	No.
Elected members, including ex-officio	1
Employees –	0
Other persons – Community at large	0
- Shire of Wagin	1
- Shire of Cuballing	1
- Narrogin Revheads	1
- Narrogin & District Senior Citizens	1
- Narrogin Lions Club	1
- Volunteer driver representative	1
Total Participation	7

Required staff attendance (non-voting) –

Primary	Secondary
Director Corporate & Community Services Manager HomeCare	Manager Finance HomeCare Admin Supervisor

Administrative Support

Senior Officer responsible	Manager HomeCare
Initial contact person	Manager HomeCare

Role and Scope

1. To provide feedback and advice on the strategic direction to Council and relating to –
 - a) how to operate the CATS program in a more sustainable manner.
 - b) how to better promote the CATS program.
 - c) fee structure.
 - d) how to attract additional funding opportunities.
 - e) how to attract volunteers e.g. drivers/carers.
 - f) raising of issues regarding the service to clients by the stakeholders.
 - g) the type of motor vehicle to be used.
 - h) how to expand the CATS program.
 - i) recommend an alternative management/ownership of the CATS program, if required.

2. To provide an avenue of communication between Council and the community groups which **operate or contribute** to the Service.

– End of TOR

Notes

The CATS Stakeholder Reference Group membership was originally formed from the ongoing financial contributors and service providers to the CATS program. Membership was dependent on –

- continuing financial contributions of over \$1,000 per annum, and/or
- the provision of services to facilitate the service.

However, in recent years Senior Citizens, Lions and Revheads have not made contributions.

2.2 Community Chest Reference Group

Statutory context Standard conditions

Council context Standard conditions

History First established unknown
Last amended 12 July 2002

Establishment

Objectives A working group to review applications for Council assistance, prior to Officer's report to Council on suggested allocations from Budget.

Membership

Composition resolved by Council		
Nomination of	No.	
Elected members, including ex-officio	3	President Elected member x 2
Employees, including ex-officio	2	Director Corporate & Community Serv. Manager Leisure & Culture
Other persons – Community at large	0	
- Specific organisations	0	
Total Participation	5	

Administrative Support

Senior Officer responsible	Manager Leisure & Culture
Initial contact person	Admin Support Officer, Development & Regulatory Services

Role and Scope of Committee

1. To –
 - a) review applications from community groups for assistance from the annual Budget allocation made by Council; and
 - b) make recommendations to Council through the Senior Officer responsible.

– End of TOR

Notes

Section 3 - Other Shire established groups

Although the following are groups established by the Shire, they do not report to Council but exist to support the function of

Occupational Health and Safety Committee

Responsible to – CEO

Established under the Occupational Safety and Health Act, the Committee is workplace based, with workplace representatives, is responsible to the employer (i.e. CEO), and has statutory obligations.

Fire Control Officers Meetings

Responsible to – Chief Bush Fire Control Officer, and
Executive Manager Development & Regulatory Services

The Bush Fires Act permits, but does not require the establishment of a Bush Fire Advisory Committee. If created, there are specified actions and requirements.

Intended to hold two meetings annually –

- first – in March/April, to review the past fire season, consider Shire budget and ESL grant application, and
- second – in about September, to consider the coming season, any matters or preparations needed, recommendations regarding fire control officers, administrative arrangements etc

Narrogin Safetown / Roadwise Committee

To be determined

Narrogin Reconciliation Action Plan Reference Group

To be determined

CEO Performance Review and Advisory Committee

To be incorporated into Audit Committee

Disability Access Advisory Committee

To be incorporated into Townscape Committee

Narrogin Regional Leisure Centre Committee

To be discontinued

Appendix 1 – Council Committee members & deputy members

Council Committees are those where Council does exercise control (establishment, dissolution etc).

Appointed - 25 October 2016 Concluding – October 2017

Committee	Member/s	Deputy/s
Audit Committee		
Narrogin Airport Committee		
Local Emergency Management Committee	WA Police, OIC Narrogin ex-officio (LEM Coordinator)	n/a
	DFES, Narrogin Regional Officer	
	Narrogin Regional Hospital	
	Narrogin Volunteer Bush Fire Brigades – CBFCO, and	
	– Deputy CBFCO (Rural)	
	Narrogin DFES Unit	
	Narrogin SES Unit	
	Water Corporation	
	Western Power	
	Dept of Child Protection & Family Support	
	Dept of Parks & Wildlife	
Narrogin St John Ambulance Sub-Centre		
Australia Day and Honours Committee		n/a
	Narrogin Lions Club	
	Narrogin Rotary Club	
	Narrogin Residents & Ratepayers Assoc.	

Narrogin District Townscape Committee		
	Community 1	
	Community 2	
	Community 3	
	Community 4	
	Highbury District Community Council	n/a
	Narrogin Chamber of Commerce	
Arts Narrogin		

Appendix 2 – Council Reference Groups

Reference Groups are those where Council does exercise control (establishment, dissolution etc).

Appointed - 25 October 2016 Concluding – October 2017

Committee	Member/s	Deputy/s
Old Courthouse Museum Reference Group	Museum Volunteers x 2	n/a
	Art Group x 2	
Community Assisted Transport Service Stakeholder Reference Group	Shire of Wagin	n/a
	Narrogin Revheads	
	Narrogin & District Senior Citizens	
	Narrogin Lions Club	
Community Chest Reference Group	President	CEO Director Develop & Regulatory Serv.
	Deputy President	
	Director Corporate & Community Serv	
	Manager Finance	
	Manager Leisure & Culture	

Appendix 3 – External organisations: Council representatives & deputy representatives

External organisations are those where Council does not exercise control (establishment, dissolution etc).

Commencing - 25 October 2016

Concluding – October 2017

External Organisation	Delegate/s	Deputy/s
Development Advisory Panel must be elected member		
Central Country Zone WALGA must be elected member		
Wheatbelt South Regional Roads Group (& Narrogin Sub-Group) must be elected member		
Narrogin Agricultural College Advisory Committee		
Narrogin Chamber of Commerce		
Dryandra Country Visitors Centre		
Narrogin Cottage Homes Committee		
Regional Waste Management Group		
Old Courthouse Museum Group		
Rural Clinical School Advisory Group		
Narrogin Community Youth Support Committee		
Regional Childcare		
Dryandra Voluntary Regional Organisation of Councils		
Intensive Agriculture Committee		
Tourism and Area Promotion		

Appendix 4 – Criteria for community members of Council Committees and Groups

A number of Committees have members from specific community organisations or from the community at large.

For these Committees, Council will seek to appoint community members so that the Committee meetings will consist of members and deputy members having –

- a) demonstrated expertise and knowledge in the particular area of Committee responsibility;
- b) relevant skills and experience to provide independent advice;
- c) current participation with an organisation having similar objectives would be well regarded,
- d) diverse backgrounds and experience, while remaining relevant to the Committee's functions.

Preference will be given to residents who have a detailed knowledge of the district, enabling Committee members to make a positive contribution towards the community.

Non-residents may be appointed by Council, if suitable candidates cannot be established from the community or if it is determined there is specific need or advisability.

Community members of specific organisations will be invited for –

- a) Local Emergency Management Committee
- b) Australia Day and Honours Committee
- c) Narrogin District Townscape Committee
- d) Old Courthouse Museum Reference Group
- e) Community Assisted Transport Service Stakeholder Reference Group

In addition, community members at large will be sought for –

- a) Narrogin District Townscape Committee

10.2.115 DRAFT LOCAL LAWS (3) – INTENT TO ADVERTISE.

File Reference:	19.6.4
Disclosure of Interest:	None
Applicant:	Not applicable
Previous Item Nos:	Not applicable
Date:	3 September 2016
Author:	Niel Mitchell, Project Manager Merger.

Attachments

- Draft Shire of Narrogin Bush Fire Brigade Local Law 2016
- Draft Shire of Narrogin Fencing Local Law 2016
- Draft Shire of Narrogin Public Places and Local Government Property Local Law 2016

Summary

The purpose of this report is –

1. To allow the Presiding Person to give notice to the meeting of the intention to make the proposed Local Laws as follows –
 - Draft Shire of Narrogin Bush Fire Brigade Local Law 2016
 - Draft Shire of Narrogin Fencing Local Law 2016
 - Draft Shire of Narrogin Public Places and Local Government Property Local Law 2016
2. For Council to give notice of the purpose and effect of the proposed local laws;
3. For Council to resolve intent to advertise the proposed local laws,
4. To allow for advertising of the proposed local law for public comment.

Background

The three local laws are intended to –

- a) Bush Fire Brigades – ensure clear insurance coverage of all bush fire volunteers and compliance with the requirements of the Bush Fires Act, as simply as possible with minimum administrative impact. A local law is necessary since –
 - the Bush Fires Act requires insurance of “volunteer fire fighters”. Accordingly, only one category of brigade membership is permitted, to avoid any possibility of misunderstanding
 - Insurance policies require that volunteer fire fighters that are to be covered are members of a brigade
 - The Bush Fires Act requires that brigades are established in accordance with the local government’s local law and specifies a range of matters for inclusion,
 - The local law provides that volunteer fire fighters are not required to be involved in all normal brigade activities, allowing volunteers to be involved only in activities

they feel is appropriate for them (such as communications or support functions), not necessarily on a fire front.

- b) Fencing – detail the requirements of sufficient fence as required by the Dividing Fences Act, extending the provisions of the former Town Local Law so as to be applicable and appropriate for the rural area.
- c) Public Places and Local Government Property – provides the controls for –
 - o hiring and management of and behaviour in Council owned properties – Hall, John Higgins Centre etc. Although the Recreation Centre and other facilities are leased, a number of provisions will apply regardless, as it remains a public place as defined by the local law.
 - o use and management, and behaviour in parks and reserves – ovals, Gnarojin Park, etc.
 - o access to non-public land under Council control – Admin Centre, Depot, enclosures on reserves for pumps, gas, workshops etc.
 - o activities and behaviour on street such as street trading, busking, temporary advertising, verge gardens, works being done in thoroughfares etc.
 - o public places that are privately owned – a place that the public are invited or permitted to use, although not under Council control, such as a mall or arcade.
 - o the local law may permit the activity, but does not control the standards required by the Food Act, Health Act or Building Act, e.g –
 - a permit may be issued for a food van to trade on a street (activity), but the van must still comply with the separate requirements of the Food Act and Health Act (standards),
 - a club may have consent to construct a building on a reserve (activity), but a building licence will still be required under the Building Act (standards).

Comment

All proposed local laws have been circulated to the Commissioners for initial comment. They may also make comment during the public consultation period as an organisation or as individuals.

The proposed local laws are set out in the attachments to this report. In making a new local law, Council must comply with the provisions of *section 3.12 of the Local Government Act*, and any specific requirements of other legislation.

The *Local Government (Functions and General) Regulations* Regulation 3 states that for the purpose of *Section 3.12(2) of the Act*, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

- Draft Shire of Narrogin Bush Fire Brigades Local Law 2016;
Purpose – to make provisions for establishment, management and administration of Bush Fire Brigades.

Effect – to align the requirements for Bush Fire Brigades with legislation and general practice.

- Draft Shire of Narrogin Fencing Local Law 2016;
Purpose – to prescribe a sufficient fence and the standard for construction of fences.
Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.

- Draft Shire of Narrogin Public Places and Local Government Property Local Law 2016.
Purpose – to prescribe for management of public places and thoroughfares, and all local government property.

Effect – to establish necessary local government property controls for activities in public places including thoroughfares, and the use of, provide for permitted and prohibited activities, and create offences for non-compliance

As required by section 3.12 the *Local Government Act 1995*, the next steps include –

- Statewide public notice required inviting submissions
- Local public notice required inviting submissions
- Minister/s to be advised immediately after advertising for public comment –
 - Minister for Local Government
- supporting documentation required to be sent to Minister/s–
 - minutes of resolution of intent to adopt;
 - copy of advert of intent to adopt;
 - copy of the proposed local laws,

Notices are advertised to invite the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks. Internal submissions may also be made during this time.

The advertisement will be placed once Council has resolved its intent to make the local law.

After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.

If finally adopted, the proposed local law is then published in the Government Gazette, and comes into effect on the date specified. The Gazettal copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation to review, which may then disallow or require changes, even though having been Gazetted.

Local Laws remaining under consideration –

- Public Health Act –
 - Shire of Narrogin Health Local Law
- Public Health Act and Local Government Act –
 - Shire of Narrogin Amenity Local Law (animals, environment, nuisance)

- Building Act, Public Health Act, Local Government Act –
 - Buildings and Structures Local Law (lodging houses, permanent signs, subsidiary matters where construction may have adverse effects)

Consultation

- Aaron Cook, Chief Executive Officer
- Azhar Awang, Executive Manager Development and Regulatory Services
- Josiah Farrell, Building Officer Trainee
- Guy Maley, Regulatory Officer
- Richard Chadwick, Chief Bush Fire Control Officer

Statutory Environment

Local Government Act 1995 –

- 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice
 - (3a) Local Public notice also required to be given
 - (4) After notice period, all submissions to be considered, and local law may then be made by absolute majority
 - (5) Publication in Government Gazette required
 - (7) Parliament to be advised within 10 working days of Gazettal
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Interpretations Act 1984 –

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt

Bush Fires Act 1954 –

- s.35A – **volunteer fire fighter** means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member,
- s37 – local government to insure “volunteer fire fighters”, plant and appliances etc.
- s.41 – local government may establish brigades, and equip them in accordance with those local laws
- s.43 – the local law is to provide for appointment or election of captain, and other officers and prescribe their duties
- s.62 – may make local law for –
 - appointment, duties etc of fire control officers
 - organisation etc of bush fire brigades
 - matters affecting the exercise of any powers or duties conferred by the Act

Dividing Fences Act 1961 –

- s.6 – “sufficient fence” is as prescribed by the local government’s local law applicable to the relevant area

Policy Implications

Nil

Financial Implications

Cost of advertising

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER’S RECOMMENDATION

That Council:

1. Pursuant to *section 3.12(3) and (3a) of the Local Government Act 1995*, and all other legislation enabling it, give State-wide and local public notice that it intends to make the following local laws –
 - Shire of Narrogin Bush Fire Brigade Local Law 2016;
Purpose – to make provisions for establishment, management and administration of Bush Fire Brigades.
Effect – to align the requirements for Bush Fire Brigades with legislation and general practice.
 - Shire of Narrogin Fencing Local Law 2016;
Purpose – to prescribe a sufficient fence and the standard for construction of fences.
Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.
 - Shire of Narrogin Public Places and Local Government Property Local Law 2016;
Purpose – to prescribe for management of public places and thoroughfares, and all local government property.
Effect – to establish necessary local government property controls for activities in public places including thoroughfares, and the use of, provide for permitted and prohibited activities, and create offences for non-compliance
2. In accordance with *section 3.12(3) of the Local Government Act* advise the Minister for Local Government of the proposed local laws.

COUNCIL RESOLUTION 0914.142

Moved: Commissioner G Ballard

Seconded: Commissioner L Ballard

That Council:

1. Pursuant to *section 3.12(3) and (3a) of the Local Government Act 1995*, and all other legislation enabling it, give State-wide and local public notice that it intends to make the following local laws –
 - Shire of Narrogin Bush Fire Brigade Local Law 2016;
Purpose – to make provisions for establishment, management and administration of Bush Fire Brigades.
Effect – to align the requirements for Bush Fire Brigades with legislation and general practice.
 - Shire of Narrogin Fencing Local Law 2016;
Purpose – to prescribe a sufficient fence and the standard for construction of fences.
Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.
 - Shire of Narrogin Public Places and Local Government Property Local Law 2016;with the inclusion of 'drones' into paragraph 4.12.
Purpose – to prescribe for management of public places and thoroughfares, and all local government property.
Effect – to establish necessary local government property controls for activities in public places including thoroughfares, and the use of, provide for permitted and prohibited activities, and create offences for non-compliance.
2. In accordance with *section 3.12(3) of the Local Government Act* advise the Minister for Local Government of the proposed local laws.

CARRIED 3/0

Please note reason for change: Council wished to include, into the Shire of Narrogin Public Places and Local Government Property Local Law 2016, the prohibition of flying drones on Shire property.

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2016

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BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2016

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narrogin resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Bush Fire Brigades Local Law 2016*.

1.2 Commencement

This local law will come into operation 14 days after its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Interpretations

In this local law unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

brigade area has the meaning given to it in clause 2.2(b);

brigade member means a volunteer fire fighter having current membership of a bush fire brigade;

brigade officer means a person holding a position referred to in clause 5.5 (1)(a), irrespective of method of appointment to the position;

bush fire brigade has the meaning given to it in section 7 of the Act;

bush fire control officer means a person appointed to that office by the local government;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures as may be adopted by the local government and amended from time to time;

Captain means the person holding or acting in that position in a bush fire brigade;

CBFCO means the Chief Bush Fire Control Officer;

CEO means the chief executive officer of the local government;

Council means the Council of the local government;

DFES means the Department of Fire and Emergency Services;

district means the district of the local government;

fire fighting activities means all normal brigade activities relating to a live bush fire which is active in the district, and includes burning off, creating fire breaks and other methods for the control of bush fires;

Lieutenant means the person holding that position in a bush fire brigade;

local government means the Shire of Narrogin;

normal brigade activities has the meaning given to it in section 35A of the Act;

President means President of the Council;

Regulations means Regulations made under the Act; and

volunteer fire fighter has the meaning given to it in section 35A of the Act.

PART 2 - ESTABLISHMENT OF BUSH FIRE BRIGADES

2.1 Establishment of a bush fire brigade

(1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.

(2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and area of bush fire brigade

On establishing a bush fire brigade under clause 2.1(1) the local government is to –

- (a) give a name to the bush fire brigade;
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities .

2.3 Objects of bush fire brigades

The objects of the bush fire brigade are to carry out –

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

2.4 Chain of command during fire fighting activities

(1) Subject to the Act, the chain of command to apply during fire fighting activities is –

- (a) bush fire control officers in order of seniority;
- (b) brigade officers in order of seniority;
- (c) all other volunteer fire fighters.

(2) The person in command has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters, and may exercise all the powers and duties provided for by the Act.

2.5 Existing bush fire brigades

A bush fire brigade established prior to the day on which this local law comes into operation–

- (a) is to be taken to be a bush fire brigade established under and in accordance with this local law;
- (b) the provisions of this local law apply to the bush fire brigade save for clause 2.1; and
- (c) any rules governing the operation of the bush fire brigade are repealed and substituted with the provisions of this local law.

2.6 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, or is not achieving the objectives for which it was established.

2.7 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3 - ORGANISATION OF BUSH FIRE BRIGADES

3.1 Local government responsible for structure

The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Appointment of bush fire control officers

- (1) The local government may appoint bushfire control officers in their absolute discretion, and apply conditions as considered appropriate.
- (2) Where only one person is appointed as a bush fire control officer, that person is a Chief Bush Fire Control Officer for the purposes of this local law.
- (3) Where more than one person is appointed as a fire control officer, the local government shall determine seniority as Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer or Officers, and further seniority as is considered appropriate.
- (4) When considering the appointment of a person as a bush fire control officer, the local government is to have regard to the qualifications, training and experience which may be advisable to fill the position.

3.3 Training of officers

- (1) The local government is to supply each bush fire control officer and brigade officer with a copy of the Act, the Regulations, any Bush Fire Operating Procedures adopted, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments made from time to time.
- (2) Bush fire control officers are to complete a Bush Fire Control Officers course conducted by DFES or other organisation approved by the CEO, within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.
- (3) Bush fire control officers are required to complete a Bush Fire Control Officers course at least once every five years.

3.4 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.5 Duties of Chief Bush Fire Control Officer and Captain

The duties of the Chief Bush Fire Control Officer and Captain include –

- (a) to provide leadership to volunteer bush fire brigades;
- (b) to monitor bush fire brigades' resourcing, equipment and training levels;
- (c) to liaise with the local government concerning fire prevention/suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;
- (d) to ensure that lists of brigade members are maintained;
- (e) to report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's –
 - (i) training and readiness;
 - (ii) protective clothing;
 - (iii) equipment; and
 - (iv) vehicles and appliances.

3.6 Chief Bush Fire Control Officer to act as Captain

In the absence of a person elected as the Captain of a bush fire brigade, or in order of seniority, willing to act in that position until a meeting of the bush fire brigade is held, the Chief Bush Fire Control Officer is to act as Captain until a meeting of the bush fire brigade is held and a person is elected to the position.

PART 4 - MEMBERSHIP

4.1 Types of membership of bush fire brigade

- (1) The membership of a bush fire brigade consists of volunteer fire fighters.
- (2) Registration as a volunteer fire fighter does not commit the person to participating in all normal brigade activities.

4.2 Membership applications

- (1) An application for membership of a bush fire brigade as a volunteer fire fighter is to be made in writing in the form determined by DFES.
- (2) The decision on an application for admission of member, with or without conditions or restrictions, may be made by –
 - (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (3) DFES is to be notified of acceptance of an application, and provided with a copy of the application.

4.3 Membership – review, refusal, suspension or termination

- (1) No later than 30 April in each year, the Captain is to review the membership and report to the CEO and CBFCO the name and contact details of each brigade member.
- (2) If circumstances warrant, membership of the bush fire brigade may be refused or suspended at any time

- for a period considered appropriate in the opinion of –
- (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (3) Membership of the bush fire brigade terminates if the member –
- (a) dies;
 - (b) gives written notice of resignation to the Captain or CEO;
 - (c) is permanently incapacitated by mental or physical ill-health in the opinion of –
 - (i) either the Captain or CBFCO; jointly with
 - (ii) either the CEO or President;
 - (d) has been removed from the membership list as being no longer resident, or for other sufficient reason in the opinion of –
 - (i) either the Captain or CBFCO; jointly with
 - (ii) either the CEO or President.
- (4) Where a decision under subclause (2), (3)(c) or (3)(d) is unable to be agreed, the matter is to be referred to Council, whose decision shall be final.
- (5) Members are eligible to reapply where membership has ceased for any reason.
- (6) DFES is to be notified of the outcome of review of membership.

4.4 Member has right to review

A brigade member may appeal to the Council, whose decision shall be final, any –

- (a) refusal of membership;
- (b) suspension of membership; or
- (c) termination of membership.

4.5 Existing liabilities to continue

The resignation, suspension or termination of a member under clause 4.3 does not affect any liability of the brigade member arising prior to the date of resignation, suspension or termination of membership.

4.6 Disagreements

- (1) Any disagreement between brigade members regarding normal brigade activities may be referred to the Captain.
- (2) Where a disagreement in sub-clause (1) is considered by the Captain to be of importance to the interests of the bush fire brigade, then the Captain is to refer the disagreement to the CEO.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under sub-clause (1) or (2).

PART 5 - MEETINGS OF BRIGADES

5.1 Holding of meetings

- (1) A bush fire brigade is to hold a meeting at least annually between 1 April and 30 June.
- (2) The person presiding at bush fire brigade meetings shall be the senior most brigade officer in attendance, or if of equal seniority, selected by the members then present.
- (3) Notice of all meetings of a brigade is to be given to the local government.

5.2 Calling of meetings

- (1) Meetings may be called at any time by giving at least 7 days notice to all brigade members, by –
 - (a) the Captain;
 - (b) the CEO; or
 - (c) sufficient number of members to constitute a quorum of a meeting.
- (2) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under sub-clause (1) in relation to that meeting.

5.3 Quorum at meetings

- (1) The quorum for a meeting of a fire brigade is –
 - (a) where membership is 3 or less – 100% of members;

- (b) where membership is 4 or more, but less than 8 – 3 members;
 - (c) where membership is 8 or more, but less than 12 – 4 members;
 - (d) where membership is 12 or more – the greater of 5 members or 15% of members.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person.
 - (3) Should a quorum not be present, all matters requiring urgent decision are to be referred to the CBCFCO for decision.
 - (4) If a meeting ceases to have a quorum at any time, the presiding member is to immediately –
 - (a) close the meeting; or
 - (b) adjourn the meeting for not more than 30 minutes, after which the meeting is to be closed if a quorum is not achieved within that time.

5.4 Voting at meetings

- (1) Each brigade member is to have one vote.
- (2) In the event of an equality of votes, the person presiding may exercise a casting vote.
- (3) All decisions of the meeting are to be made by majority of the members then present at the meeting.
- (4) Proxy voting is not permitted.

5.5 Business of meetings

- (1) The business of bush fire brigade meetings is –
 - (a) At the first brigade meeting held in accordance with clause 5.1 (1), elect –
 - (i) a Captain;
 - (ii) first lieutenant;
 - (iii) second lieutenant;
 - (iv) any additional officers as necessary for the effective management of normal brigade activities;
 - (b) where a vacancy has occurred in a position elected under subclause (1)(a), elect persons to the positions necessary;
 - (c) to consider the nomination of persons to the local government for appointment as bush fire control officers by the local government;
 - (d) to arrange for normal brigade activities as authorised by the Act or by the local government;
 - (e) to discuss any matter considered appropriate; and
 - (f) to make recommendations to the local government for endorsement prior to implementation.
- (2) When considering the appointment of persons to the positions of Captain, Lieutenant or other position, the brigade members are to have regard to the qualifications, training and experience which may be advisable to fill each position.

5.6 Minutes of meetings

Within 10 business days of a meeting of a bush fire brigade, the Captain is to ensure that minutes of each meeting of the brigade are –

- (a) available on request to brigade members, and
- (b) sent to the local government.

PART 6 - GENERAL

6.1 Administration

All administrative matters of a bush fire brigade are to be managed by the local government, other than brigade specific internal arrangements.

6.2 Finances

All financial matters of a bush fire brigade are to be managed by the local government, other than brigade specific internal arrangements.

6.3 Equipment

All equipment purchased by the local government is the property of, and shall be insured by, the local government.

6.4 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question.

Dated _____ 2016

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

_____, President

A.J COOK, Chief Executive officer.

DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

FENCING LOCAL LAW 2016

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DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

FENCING LOCAL LAW 2016

Under the powers conferred by the *Dividing Fences Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narrogin resolved on _____ 2016 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Fencing Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *By Laws Relating to Fencing* made by the Town of Narrogin and published in the *Government Gazette* on 8 January 1988, are repealed.

1.5 Definitions

In this local law unless the context otherwise requires –

applicant means a person who makes an application for approval under this local law;

AS/NZS means an Australian/New Zealand Standard published by Standards Australia;

authorised person means a person appointed by the local government to perform any of the functions under this local law;

boundary fence means a fence constructed on the boundary of a lot which abuts a thoroughfare, and results in the application of section 16(1) of the *Dividing Fences Act 1961*;

Building Code has the meaning given in section 3 of the Building Regulations 2012;

central business lot means a lot zoned as central business under the local planning scheme;

CEO means the Chief Executive Officer of the local government;

dangerous in relation to any fence means –

- (a) an electrified fence which does not comply with clause 5.2 of this local law;
- (b) a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given in section 5 of the *Dividing Fences Act 1961*;

electrified fence means a fence carrying or designed to carry an electric charge;

estate entry statement means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;

estate boundary fence means the fence constructed around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;

fence means any structure used or functioning as a barrier, irrespective of where it is located and includes any affixed gate or screening;

front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

front fence means a fence constructed on the front boundary of a lot or on a line adjacent to the front boundary;

front setback area means the area between the building line of a lot and the front boundary of that lot;

general agriculture lot means a lot zoned as general agriculture under the local planning scheme;

height in relation to a fence means the vertical distance between the top of the fence at any point and –

- (a) the ground level; or
- (b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point; or
- (c) where the fence is constructed on a retaining wall approved by the local government, from the top of the retaining wall;

industry lot means a lot zoned as industry under the local planning scheme;

local government means the Shire of Narrogin;

local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

notice of breach means a notice referred to in clause 8.1;

occupier has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

owner has the meaning given to it in section 5 of the *Dividing Fences Act 1961*;

repair has the meaning given to it under section 5 of the *Dividing Fences Act 1961*;

residential lot means a lot zoned as residential under the local planning scheme;

retaining wall means any structure prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural residential lot means a lot zoned as rural residential under the local planning scheme;

rural smallholding lot means a lot zoned as rural smallholding under the local planning scheme;

rural townsite lot means a lot zoned as rural townsite under the local planning scheme;

Schedule means a Schedule to this local law;

screening means any perforated panels or trellises composed of solid or obscured translucent panels;

service commercial lot means a lot zoned as service commercial under the local planning scheme;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*;

special use lot means a lot zoned as special use under the local planning scheme;

street setback area has the meaning given to it for the purposes of the *Residential Design Codes of Western Australia*;

sufficient fence means a fence described in clause 2.2 or 2.3 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.2 or 2.3;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

1.6 Requirements of local planning scheme

In the event of any inconsistency between the provisions of a local planning scheme and the provisions of this local law, the provisions of the local planning scheme are to prevail.

1.7 Requirements of *Building Act 2011*

Nothing in this local law affects a provision in any written law in respect of a building permit for a fence.

PART 2 - SUFFICIENT FENCES

2.1 Sufficient fences – requirement

A person shall not construct a dividing fence or a boundary fence that is not a sufficient fence, unless otherwise approved by an authorised person.

2.2 Sufficient fences – generally

Subject to clause 2.3 a sufficient fence –

- (a) on a residential lot, rural townsite lot or special use lot is a dividing fence or a boundary fence constructed in accordance with Schedule 1.
- (b) on a central business lot, service commercial lot or industry lot is a dividing fence or a boundary fence constructed in accordance with Schedule 2;
- (c) on a general agriculture lot, rural residential lot or rural smallholding lot is a dividing fence or a boundary fence constructed in accordance with Schedule 3;

2.3 Sufficient fences – between lots having different requirements

Where a fence is constructed on or near the boundary between –

- (a) a residential lot, rural townsite lot or special use lot and a lot zoned for any other purpose, a sufficient fence is a fence constructed in accordance with Schedule 1; and
- (b) a central business lot, service commercial lot or industry lot and a general agriculture lot, rural residential lot or rural smallholding lot, a sufficient fence is a fence constructed in accordance with Schedule 3.

2.4 General discretion of the local government

- (1) Notwithstanding the provisions of clause 2.1, an authorised person may give written consent for the construction or repair of a fence which is not a sufficient fence where all of the owners of the lots adjoin the fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the construction or repair of the fence would have an adverse effect on –
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person;
 - (c) the visual amenity of the locality; and
 - (d) any other matter considered relevant.

2.5 Transitional provision

A dividing fence or fence lawfully constructed prior to this local law coming into operation constitutes a sufficient fence.

PART 3 - FENCING GENERALLY

3.1 Fences within front and secondary setback areas

- (1) A person shall not, without the written consent of an authorised person, construct a free-standing fence greater than 1200mm in height, within the front set-back area of a residential lot, rural townsite lot or special use lot.
- (2) An authorised person may approve the construction of a fence of a height greater than 1200mm in the front setback area of a residential lot, rural townsite lot or special use lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of subclause (2) shall not apply to a fence of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.
- (4) The provision of subclause (2) shall apply to a secondary setback area where a driveway in the secondary setback area is used as the primary driveway access.

3.2 Alteration of ground levels

- (1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm without the approval of an authorised person.
- (2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150mm difference in the ground levels on each side of the fence.
- (3) Where land has been filled or retained to a height of more than 500mm above natural ground level at or

within 1000mm of a boundary of a lot, a person shall only construct a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to an authorised person the written agreement of the owners of the adjoining lot.

3.3 Obstruction of watercourse

No person shall construct a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of a natural watercourse.

3.4 Gates or doors in fences

A person shall not construct a gate or door in a fence which encroaches into or over any other property.

3.5 Retaining Walls

A person must not commence to construct a retaining wall which is on the boundary line unless –

- (a) an application has been lodged with the local government including –
 - (i) two copies of a plan and specifications of the proposed retaining wall; and
 - (ii) in the case of a retaining wall exceeding 500mm in height and when required by an authorised person, engineering calculations in respect of the proposed retaining wall; and
- (b) an authorised person has approved the application.

3.6 Estate fencing

- (1) A person shall not construct an estate entry statement or estate boundary fence without the approval of an authorised person.
- (2) Where an estate entry statement or estate boundary fence is constructed and contains an estate name, the entry statement or estate boundary fence shall also depict the locality name in at least equal prominence.
- (3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar materials with which it was first constructed, so as far as practicable the repaired or replaced section shall be the same as the original fence.

3.7 Maintenance of fences

- (1) An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition so as to prevent it from becoming damaged, dangerous, dilapidated or unsightly.
- (2) Where in the opinion of an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an authorised person may give a notice of breach under clause 8.1 to the owner or occupier of the lot on which the fence is constructed.

3.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not construct or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed without the approval of an authorised person.

PART 4 - FENCING MATERIALS, SCREENING AND MAINTENANCE

4.1 Prohibited materials

A person must not construct a fence which is comprised, in whole or in part of spikes, broken glass, jagged materials, barbed wire, razor wire, asbestos or any other dangerous material except to the extent provided for in Part 5.

4.2 Pre-used fencing materials

- (1) A person shall not construct a boundary fence, dividing fence or estate fence from pre-used materials without the approval of an authorised person.
- (2) Where an authorised person approves the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.
- (3) Conditions for use of pre-used fencing materials may include but are not limited to –

- (a) painting;
- (b) treated,
- (c) specific use or placement; and
- (d) upgrading.

4.3 Approved materials

Subject to clause 4.2, a person shall only construct a dividing fence or boundary fence from materials specified in the Schedules of this local law, unless otherwise approved or required by an authorised person.

4.4 Screening

- (1) Screening may be fixed to a sufficient fence that is compliant with Schedule 1 which is consistent with the colours, materials and specification of that sufficient fence.
- (2) Screening is not to be affixed to a fence so that the maximum height exceeds 2.1m.
- (3) Screening affixed to a fence shall be installed and maintained in accordance with the manufacture's specifications and not compromise the structural integrity of a fence.

PART 5 - RESTRICTED FENCING

5.1 Barbed wire fencing

- (1) An owner or occupier of a residential lot or special use lot shall not affix or allow to remain any barbed wire on any fence bounding that lot.
- (2) An owner or occupier of a rural townsite lot, rural residential lot, rural smallholding lot or general agriculture lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.
- (3) An owner or occupier of a central business lot, service commercial lot or industry lot shall not construct or affix to any fence bounding that lot any barbed wire unless –
 - (a) the wire or material are attached on posts vertically or at an angle of 45 degrees, and
 - (b) the bottom row of wire or other materials is not less than 2000mm above the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach onto or over adjoining land.

5.2 Electrified fencing

- (1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining approval of an authorised person.
- (2) Notwithstanding subclause (1), a licence is not required for an electrified fence –
 - (a) constructed on a general agriculture lot, rural smallholding lot, rural residential lot;
 - (b) for the purpose of animal control;
 - (c) installed in accordance with the manufacturer's specifications, and
 - (d) which is not the dividing fence with a residential lot, rural townsite lot or special use lot.
- (3) An electrified fence for the purpose of security must not be present on a lot unless it complies with AS/NZS 3016:2002.
- (4) Approval to have and use an electrified fence for the purpose of security shall not be issued –
 - (a) in respect of a lot which is or which abuts a residential lot, rural townsite lot or special use lot; and
 - (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is constructed.

5.3 Razor wire fencing

- (1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without first obtaining approval under subclause (2).
- (2) Approval to have a fence constructed wholly or partly of razor wire shall not be issued –
 - (a) in respect of a lot which is or which abuts a residential lot or special use lot;
 - (a) if the fence is within 3m of the boundary of the lot; or

- (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6 - APPROVALS

6.1 Application for approval

- (1) An owner of a lot may apply to the local government for approval of any discretionary matter contained within this local law.
- (2) An application for approval under this local law shall –
 - (a) provide all necessary documentation and information required for a decision;
 - (b) provide two copies of a plan and specifications of the proposed;
 - (c) engineering certification of structural or electrical engineering specifications, if required;
 - (d) be signed by the owner of the lot; and
 - (e) be forwarded to the CEO together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for approval.
- (4) An authorised person may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

6.2 Decision on application for approval

- (1) An application submitted to the local government under this local law may be –
 - (a) approved by an authorised person;
 - (b) approved by an authorised person subject to conditions as the authorised person sees fit; or
 - (c) rejected by an authorised person.
- (2) In determining whether to grant its consent to the construction or installation, an authorised person may consider, in addition to any other matter that it is authorised to consider, whether the construction or retention of the fence would have an adverse impact on –
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the streetscape or neighbouring properties.
- (3) An authorised person may by written notice amend a condition imposed under subclause (1)(b).
- (4) An amendment under subclause (3) is effective from the date specified in the notice.
- (5) If an authorised person approves an application for approval, it is to issue to give written notice of approval and any conditions applied, to the applicant.
- (6) If an authorised person refuses to approve an application for approval, it is to give written notice of that refusal and the reasons for the decision to the applicant.

6.3 Compliance with approval

Where an application for approval has been approved under clause 6.2, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

6.4 Cancellation of an approval

An authorised person may cancel an approval if –

- (a) the owner or occupier requests an authorised person to do so;
- (b) the fence to which the approval applies has been demolished and is not rebuilt for a period of 6 months;
- (c) the circumstances have changed in such a way that an approval for the fence could no longer be granted under the local law;
- (d) the owner or occupier fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence; or
- (e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.

6.5 Duration of approval

- (1) Unless otherwise stated in the form of approval, an approval granted under this local law transfers with

the lot to which it relates and is deemed to transfer to each successive owner or occupier of the lot to which the approval applies.

- (2) Where an approval is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.
- (3) For the avoidance of doubt, approval granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

PART 7 - OBJECTIONS AND REVIEW

7.1 Objections and review

Where an authorised person exercises a discretion pursuant to this local law, an affected person has a right of objection and appeal under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 8 - ENFORCEMENT

8.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.
- (2) A notice of breach shall –
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.
- (3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.
- (4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

8.2 Offences and penalties

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

8.3 Modified penalties

The amount appearing in the final column of Schedule 4 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.

8.4 Form of notices

For the purposes of this local law –

- (1) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (2) the form of the withdrawal of infringement/notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1 – Sufficient fence – Residential, rural townsite and special use lots

[Clause 2.2(a)]

Each of the following is a sufficient fence on residential lots, rural townsite lots and special use lots –

- (a) except with respect to the front setback area for which there is no minimum height but which is subject to clause 3.1; and
 - (b) where constructed to an average height of 1800mm.
- (1) Any type of professionally manufactured timber fence, constructed in accordance with the manufacturer's specifications.
 - (2) Any corrugated fibre reinforced pressed cement sheet fence, constructed in accordance with the manufacturer's specifications.
 - (3) Any type of masonry or brick fence that is constructed in accordance with the Building Code, finished plumb, true and level and appropriately jointed, cleaned and of good general appearance.
 - (4) A steel sheet colorbond fence, constructed in accordance with the manufacturer's specifications.
 - (5) Dense brushwood constructed in accordance with the manufacturer's specifications.

Schedule 2 - Sufficient fence – Central business, industry and service commercial lots

[Clause 2.2(b)]

Each of the following is a sufficient fence on central business lots, industry lots and service commercial lots.

- (1) A fence constructed of galvanized or PVC coated –
 - (a) rail-less link;
 - (b) chain; or
 - (c) steel mesh.
- (2) A fence constructed in accordance with clause (1) shall be –
 - (a) to a height of 1800mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm;
 - (b) supported by steel galvanised pipe posts each –
 - (i) 2700mm in length;
 - (ii) having a nominal bore of 40mm and an outside diameter of 48mm;
 - (iii) spaced at 4000mm centres;
 - (iv) sunk 600mm into the ground and encased in concrete having a minimum diameter of 150mm; and
 - (v) the centre and bottom steel cable wire is to be 3.15mm in diameter and double twisted; and
 - (c) with terminal posts braced in the line of the fence with diagonal pipe braces having a nominal bore of 50mm and an outside diameter of 60mm.
- (3) Fences constructed in accordance with Schedule 1.

Schedule 3 – Sufficient fence – General agriculture, rural residential and rural smallholding lots

[Clause 2.2(c)]

Each of the following is a sufficient fence on general agriculture lots, rural residential lots and rural smallholding lots.

- (1) In the case of a non-electrified fence, a fence of posts and wire construction, the minimum specifications for which are –
 - (a) wire shall be –
 - (i) high tensile wire and not less than 2.5mm; and
 - (ii) a minimum of seven wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases.
 - (b) posts shall be of indigenous timber or other suitable material including –
 - (i) timber impregnated with a termite and fungicidal preservative, and not less than 1650mm long x

- 50mm diameter at small end if round or 125mm x 60mm if split or sawn;
- (ii) standard iron star pickets; or
- (iii) concrete;
- (c) posts to be set minimum 600mm in the ground and 1200mm above the ground; and
- (d) strainer posts shall be –
- (i) not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter);
- (ii) cut from indigenous timber or other suitable material; and
- (iii) placed a minimum of 1000mm in the ground.
- (2) An electrified fence having five wires only is a sufficient fence if constructed generally in accordance with clause (1).

Schedule 4 – Prescribed offences
[Clause 8.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1	Construction of a dividing fence or boundary fence on a lot that is not a sufficient fence without approval	200
2	3.1	Construction of a non-compliant fence within setback area without approval	200
3	3.2(1)	Alteration of ground levels without approval	500
4	3.3	Obstruction of a watercourse	200
5	3.4	Construction of a gate or fence encroaching over other property	200
6	3.5	Construction of retaining wall without approval	500
7	3.6(1)	Construction of estate fencing without approval	500
8	3.7(1)	Failure to maintain fence in good condition	200
9	3.8	Construction of a fence across right-of-way etc. without approval	500
10	4.1	Use of prohibited materials in a fence	500
11	4.2(1)	Use of pre-used fencing materials without approval	200
12	4.4	Construction of screen exceeding 2.1m in height	200
13	5.1(1)	Using or allowing to remain barbed wire on residential or special use lots	200
14	5.1(2)	Non-compliant use of barbed wire on a rural townsite, general agriculture, rural residential or rural smallholding lots	200
15	5.1(3)	Non-compliant use of barbed wire on a central business, industry or service commercial lots	500
16	5.2	Construction of an electric fence without approval	500
17	5.3	Construction of a razor wire fence without approval	500
18	6.1(1)	Failure to apply for approval for a fence other than a sufficient fence	200
19	6.3	Failure to comply with conditions of approval for fence	500
20	8.1(3)	Failure to comply with notice of breach – - In relation to Part 5 - All other	500 200
21	8.2(1)	Other offences not specified	200

Dated this _____ 2016

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

_____, President

A.J. COOK, Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

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SCHEDULE 1 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Narrogin resolved on _____ to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Public Places and Local Government property Local Law 2016*.

1.2 Commencement

The local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed –

- (a) the *Town of Narrogin Removal and Disposal of Obstructing Animals and Vehicles Local Law* published in the *Government Gazette* on 6 November 1964;
- (b) the *Town of Narrogin Care, Control and Management of Roads Local Law* published in the *Government Gazette* on 2 June 1989; and
- (c) the *Town of Narrogin Swimming Pools Local Law* published in the *Government Gazette* on 28 February 1975, and amended from time to time.

1.5 Transitional provisions

- (1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Definitions

- (1) In this local law –

Act means the *Local Government Act 1995*;

applicant means a person who applies for a licence;

application means an application for a licence;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

building means any building which is local government property and includes any –

- (a) hall or room; and
- (b) corridor, stairway or annexe of any hall or room;

building permit means a permit granted under section 20 of the *Building Act 2011*;

built-up area has the meaning given to it by the *Road Traffic Code 2000*;

bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

carriageway has the meaning given to it in the *Road Traffic Code 2000*;

CBD means the area of Narrogin townsite bounded by, and including both sides of the thoroughfares –

- (a) Clayton Road;
- (b) Earl Street;
- (c) Park Street; and
- (d) the western boundary of Great Southern railway;

CEO means the chief executive officer of the local government;

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act;

commencement day means the day on which this local law comes into operation;

costs means all expenses directly associated with reinstatement or replacement, and includes administrative expenses, associated with reinstatement or replacement;

Council means the council of the local government;

determination means a determination made under clause 2.1;

district means the district of the local government and includes any area placed under the jurisdiction of the local government under section 295 of the Public Health Act;

entertainment means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

firearm has the same meaning as in section 4 of the *Firearms Act 1973*;

food has the meaning given by the *Food Act 2008* ;

footpath has the meaning given to it in the *Road Traffic Code 2000*;

function means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

hire includes offer to hire and expose for hire;

intersection has the meaning given to it in the *Road Traffic Code 2000*;

kerb includes the edge of a carriageway;

lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

licence means a licence, permit or approval issued by the local government under this local law;

licence document means a licence document issued under this local law;

licensed premises has the same meaning as is given to it in section 3 of the Liquor Control Act;

licensee means a person who holds a licence;

liquor has the meaning given to it in section 3 of the Liquor Control Act;

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the Shire of Narrogin;

local government property means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

lot has the meaning given to it in the *Planning and Development Act 2005*;

manager means the person for the time being employed or engaged by the local government to control and manage a facility which is local government property, and includes the person's assistant or deputy;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

missile has the same meaning as in section 4 of the *Firearms Act 1973*;

nuisance means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which –

- (a) is injurious or dangerous to the health of another person of normal susceptibility; or
- (b) which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

owner or occupier, in relation to land, does not include the local government;

permitted verge treatment means any one of the treatments described in clause 6.7(3), and includes any reticulation pipes and sprinklers;

person does not include the local government;

prohibited drug is given its meaning under section 4 of the *Misuse of Drugs Act 1981*;

Public Health Act means the *Public Health Act 1911*;

public place means –

- (a) a thoroughfare;
- (b) any local government property; or
- (c) a place to which the public have access;

repealed local law means a local law repealed under clause 1.4;

retailer means a the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

Schedule means a schedule to this local law;

sell includes –

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply –
 - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

set fee refers to fees and charges imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

street tree any tree planted or self sown in a thoroughfare, of an appropriate species and in an appropriate location, for the purposes of contributing to the appearance of the thoroughfare;

thoroughfare means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

trading means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

vehicle includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
 - (b) an animal being ridden or driven,
- but excludes –
- (c) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
 - (d) a pram, stroller or similar device;

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

waste includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.7 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

1.8 Types of licences

For the purposes of this local law –

- (a) a licence which authorises trading on any thoroughfare or local government property is to be referred to as a trading licence;
- (b) a licence which authorises the conduct or setting up of a market on any thoroughfare or local government property is to be referred to as a market licence;
- (c) a licence which authorises entertainment on any thoroughfare or local government property is to be referred to as an entertainment licence; and
- (d) a licence which authorises the sale of food on any thoroughfare or local government property is to be referred to as a food sales licence.

1.9 Assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in section 9(2) of the *Disability Discrimination Act 1992 (Cth)*.

1.10 Overriding power to hire and agree

Despite anything to the contrary in this local law, an authorised person, on behalf of the local government, may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

1.11 Agreement for building

Where a person applies for a licence to erect a building on local government property the local government may enter into an agreement with the licensee in respect of the ownership of the materials in the building.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

2.1 Determinations as to use of local government property

The local government may make a determination in accordance with clause 2.2 –

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of the local government intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

- (3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) is to apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the local government is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or;
 - (ii) whether or not to continue with the proposed determination.
- (5) If the local government decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.2, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) take, ride or drive a vehicle, or a particular class of vehicle;
 - (b) fly or use a motorised model aeroplane;
 - (c) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (d) launch, beach or leave a boat;
 - (e) take or use a boat, or a particular class of boat;
 - (f) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property
 - (g) play or practise –
 - (i) golf or archery;

- (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*;
or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (h) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (i) other activities as determined in accordance with clause 2.2.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (b) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (c) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (d) taking or using a boat, or a particular class of boat;
 - (e) the playing or practice of –
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
 - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and
 - (h) other activities as determined in accordance with clause 2.2.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

2.9 Sign under repealed local law taken to be determination

- (1) Where a sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

3.1 Activities requiring a licence

- (1) A person must not without a licence –

- (a) subject to subclause (3) hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
 - (d) teach, coach or train, for profit, any person in any facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (h) conduct a function or entertainment event on local government property ;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) light or set off any firework or conduct a fireworks display on local government property;
 - (l) parachute, hang glide, abseil or base jump from or on to local government property;
 - (m) erect a building or a refuelling site on local government property;
 - (n) make any excavation on or erect or remove any fence on local government property;
 - (o) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (p) depasture any horse, sheep, cattle, goat, camel ass or mule on local government property;
 - (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Licence to erect structures or camp

- (1) This clause does not apply to a caravan park or camping ground operated by the local government.
- (2) A person must not without a licence –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
 - (c) park a vehicle on local government property, thoroughfare or public place for the purpose of sleeping in the vehicle.
- (3) The maximum period for which the local government may approve an application for a licence in respect of paragraph (a) or (b) of subclause (2) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.
- (4) Any tent, camp, hut or similar structure erected in contravention of paragraph (b) of subclause (2) and associated goods may, subject to Regulation 29 of the General Regulations, be impounded.
- (5) A vehicle parked in contravention of paragraph (c) of subclause (2) may, subject to the provisions of Regulation 29 of the General Regulations, be impounded by immobilising the vehicle by the use of a wheel clamping device.

- (6) An authorised person who impounds a vehicle under subclause (5) shall attach a notice to a vehicle advising the owner of the vehicle that the vehicle will be released upon payment of the costs of impounding and the place where and hours during which the costs can be paid.
- (7) The notice attached to the impounded vehicle under subclause (6) shall also advise the owner that if the impounding costs are not paid within 24 hours the vehicle may be removed to the local government pound.
- (8) Notices issued under this clause shall be in the form determined by the local government.

3.3 Licence required for possession and consumption of liquor

- (1) A person, on local government property, must not consume any liquor, have in her or his possession or under her or his control, or sell any liquor, unless –
 - (a) permitted under the Liquor Control Act; and
 - (b) a licence has been obtained for that purpose from the local government.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

PART 4 - BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY AND THOROUGHFARES

4.1 Behaviour which interferes with others

- In or on any local government property or thoroughfare, a person must not, behave in a manner which –
- (a) is likely to interfere with the enjoyment of a person who might use or who might be on the property or thoroughfare; or
 - (b) interferes with the enjoyment of a person using the property or thoroughfare.

4.2 Behaviour detrimental to property

- A person must not behave in or on local government property or thoroughfare in a way which is or might be detrimental to the property, including but not limited to –
- (a) removing any thing from the local government property or thoroughfare including a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property or thoroughfare, including a plant, a seat provided for the use of any person or a building.

4.3 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property is set aside for a function, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of any fee chargeable for admission as determined by the hirer at the time.
- (2) An authorised person may exempt a person from compliance with subclause (1)(b).

4.4 Taking or injuring fauna

- (1) In this clause –
 - animal** means any living thing that is not a human being or plant;
 - fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –
 - (a) any class of animal or individual member;
 - (b) the eggs or larvae; or
 - (c) the carcass, skin, plumage or fur unless it has been shed or discarded by the fauna in a normal or natural manner.
- (2) A person must not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property or thoroughfare, unless that person is authorised under a written law to do so.

4.5 Flora

- (1) In this clause –
 - flora** means all vascular plants, seeds and other flora, whether living or dead;

- (2) On or above any local government property or thoroughfare, unless authorised to do so under a written law or with the written approval of an authorised person, a person must not –
- (a) remove, damage or interfere with any flora; or
 - (b) plant or deposit any flora.

4.6 Animals

On any local government property or thoroughfare, a person must not –

- (a) tether any animal other than a dog, to an object or tree; or
- (b) permit any animal other than a dog, to enter unless authorised by a licence.

4.7 Waste

A person must not deposit or discard waste on local government property or thoroughfare except –

- (a) in a place or receptacle set aside by an authorised person for that purpose, and in accordance with any conditions that may be specified on the receptacle or a sign; or
- (b) at the Narrogin waste disposal facility, and subject to directions issued from time to time by an authorised person for the orderly and proper use of those waste facilities in relation to –
 - (i) hours of business;
 - (ii) separation of waste into designated receptacles;
 - (iii) prohibition of the deposit of certain types of refuse or waste; and
 - (iv) conduct of persons, including persons in charge of vehicles, while on the site.

4.8 Glass

Unless authorised by a licence or by the local government, a person must not take a glass –

- (a) on to a children's playground; or
- (b) within any area of local government property as indicated by a sign.

4.9 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.10 Prohibition on use of firearms

A person shall not discharge a firearm within or so as the missile crosses any part of local government property for any reason, except with the express permission of the local government.

4.11 Vehicles on local government property

- (1) Unless authorised by a licence or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
- (a) subject to subclause (3), the local government property is clearly designated as a road, access way, or car park;
 - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle in the course of his or her duties;
 - (d) the vehicle is –
 - (i) used in accordance with the conditions set down by the local government or an authorised person; and
 - (ii) of a type allowed to be taken onto the local government property by the local government or an authorised person;
 - (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a person with a disability.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 20 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.

- (3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property or part of it that is being used for a function for which a licence has been obtained unless permitted to do so by the licence holder or an authorised person.

4.12 Motorised model aeroplanes, toys or ships

A person must not use, launch or fly a motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except where a licence or determination specifies a particular local government property.

4.13 Archery, pistol or rifle shooting

A person must not play or practise archery, pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise provided by a determination or licence.

4.14 Playing or practising golf

A person must not play or practise golf on local government property except where a licence or determination specifies a particular local government property.

4.15 Prohibition relating to bicycles, skateboards etc. on local government property

Unless the local government property is clearly identified for the purpose, a person must not, use or ride a bicycle or wheeled recreational device, skateboard or roller-blades, or sand board or similar devices on any local government property –

- (a) inside, or on the curtilage to, a building; or
- (b) in or on a lakebed or waterway.

4.16 Exemption

Notwithstanding the requirements of clauses 4.10 to 4.14 inclusive, the CEO may approve the activity on local government property in circumstances and under such conditions as is considered appropriate.

PART 5 - MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

5.1 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by an authorised person,

5.2 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
- (a) females – then a person of the male gender must not use that entry of the toilet block or change room;
 - (b) males – then a person of the female gender must not use that entry of the toilet block or change room; or
 - (c) families – then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
- (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.3 Use of shower or bath facilities

A person may use a shower or bath facility in change rooms only on conditions that –

- (a) the facilities must be used by the person only for the purpose of cleansing, bathing and washing themselves;
- (b) the facilities must not be used for the purpose of laundering of clothing or washing of other articles.

PART 6 - ACTIVITIES IN THOROUGHFARES

Division 1 – General

6.1 General prohibitions

A person must not –

- (a) plant, or allow to remain, in a thoroughfare a plant that by virtue of its height, position or density obstructs a reasonable sight line for a driver of any vehicle negotiating or using the thoroughfare;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a thoroughfare unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government ; or
 - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless –
 - (i) the damage to, or removal of, the street tree is authorised by an authorised person in writing; or
 - (ii) the person is acting under authority of written law;
- (d) except as permitted by this local law place, or allow to be placed or remain, on a thoroughfare any thing (except water) that –
 - (i) obstructs the thoroughfare; or
 - (ii) results in a hazard for any person using the thoroughfare;
- (e) unless at the direction of an authorised person, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare, by the local government or a person acting under the authority of a written law; or
- (f) play or participate in any game or sport so as to cause danger to any person or thing or unreasonably impede the movement of vehicles or persons on a thoroughfare.

6.2 Activities allowed with a licence

(1) A person must not, without a licence –

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) fell or damage any street tree;
- (h) fell any tree onto a thoroughfare;
- (i) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
- (j) unless installing, or in order to maintain, a permitted verge treatment –
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install, on any part of a thoroughfare, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (k) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (l) on a thoroughfare use anything or do anything so as to create a nuisance;
- (m) place or cause to be placed on a thoroughfare a bulk rubbish container;
- (n) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;
- (o) carry on any trading on a thoroughfare;
- (p) conduct or set up a market on a thoroughfare; or

- (q) conduct an entertainment event on a thoroughfare.
- (2) An authorised person may exempt a person from compliance with subclause (1) on the application of that person.

6.3 Assignment of numbers

- (1) An authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.
- (2) In this clause, *number* means a number of a lot with or without an alphabetical suffix indicating the address of a lot by reference to a thoroughfare.

6.4 No driving on closed thoroughfare

A person must not drive or take a vehicle on a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act unless –

- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a licence.

6.5 Fencing of public place – Item 4(1) of Division 1, Schedule 3.1 of Act

A public place, as that term is defined in clause 1.6, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Division 2 – Permitted verge treatments

6.6 Application

This Division only applies to within a built-up area.

6.7 Permitted verge treatments

- (1) A person must not install or maintain a verge treatment which is not a permitted verge treatment.
- (2) An owner or occupier of land which abuts on a verge may install a permitted verge treatment, on that part of the verge directly in front of her or his land.
- (3) A permitted verge treatment is–
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that –
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature; and
 - (c) subject to subclause (4), the installation of material which do not detract from the amenity of the area, including but not limited to –
 - (i) bituminous surface or in-situ concrete, subject to reduction of area shedding of storm water or flooding ;
 - (ii) use of paving bricks or concrete slabs; and
 - (iii) all forms of loose aggregate materials such as pebbles, stones and gravel, not larger than 50mm and contained within the verge area at all times; and
 - (d) other treatment approved by the local government
- (4) Where installation of material which would create a hard surface has been installed or is intended, an authorised person may by written notice, require –
 - (i) a reduction of area covered or to be covered, if shedding of storm water or flooding is likely to cause a nuisance to neighbours or users of a thoroughfare; and
 - (ii) an area of open space to a maximum of 1m from the edge of a street trees.

- (5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.9.

6.8 Obligations of owner or occupier

An owner or occupier who installs or maintains a permitted verge treatment must –

- (a) keep the permitted verge treatment in a good and tidy condition and, where the verge treatment is a garden or lawn, ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a carriageway, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –
 - (i) do not protrude above the level of the lawn or verge treatment when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

6.9 Transitional provision

(1) In this clause –

former provisions means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.

- (2) A verge treatment is to be taken to be a permitted verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions which –
- (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions.

6.10 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any –
 - (i) verge treatment and, in particular, any plant or any material or other hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

Division 3 – Vehicle crossovers

6.11 Temporary crossovers

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a licence for the construction of a temporary crossover to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
- (a) a crossover does not exist; or
 - (b) a crossover does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossover.
- (2) The person responsible for the works in subclause (1) is to be taken to be –
- (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.

- (3) If an authorised person approves an application for a licence for the purpose of subclause (1), the licence is taken to be issued on the condition that until such time as the temporary crossover is removed, the licensee must keep the temporary crossover in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

6.12 Removal of redundant crossover

- (1) Where works on a lot will result in a crossover no longer giving access to a lot, the crossover is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of an authorised person.
- (2) An authorised person may give written notice to the owner or occupier of a lot requiring her or him to –
- (a) remove any part of or all of a crossover which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

6.13 Crossovers in unsafe locations

- (1) Where a crossover is in an unsafe location, Council may give notice to the owner or occupier to –
- (a) remove the crossover; or
 - (b) make the crossover safe.
- (2) In determining whether the crossover is in an unsafe location, Council shall have regard to –
- (a) any guidelines or advice Main Roads Western Australia sought or published from time to time;
 - (b) the usage of the thoroughfare; and
 - (c) alternative treatments available to make the crossover safe.
- (3) Any notice issued under subclause (1) is to give a minimum period of 28 days to remove or make the crossover safe, provided immediate measures are taken to advise users of the thoroughfare of the circumstances deemed unsafe.

PART 7 - ACTIVITIES IN PUBLIC PLACES

7.1 Leaving animal or vehicle in public place

- (1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a licence or is authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

7.2 Prohibitions relating to animals

- (1) In this clause, **owner** in relation to an animal includes –
- (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal must not –
- (a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal in a public place.
- (3) An owner of a horse must not lead, ride or drive a horse on a thoroughfare, unless that person does so under a licence or under the authority of a written law.

7.3 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

7.4 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

7.5 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, an authorised person may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer –
 - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
 - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

7.6 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

7.7 Prohibition relating to bicycles, skateboards etc. in some public places

A person shall not ride any bicycle or wheeled recreational device, skateboard, roller-blades or similar device within a mall, arcade or veranda of a shopping centre.

PART 8 - TEMPORARY SIGNS AND TRADE DISPLAYS

8.1 Definitions

In this Part, unless the context otherwise requires—

advertising sign means a temporary sign or poster which advertises a business, products or services for commercial gain;

election sign means a temporary sign or poster which advertises any aspect of a forthcoming Federal, State or local government election;

event sign means a temporary sign or poster which advertises an event, function or activity;

temporary sign means a sign used for the purpose of advertisement or notification, whether free standing or requiring to be affixed to a structure of any type, and includes –

- (a) a bill, poster and the like;
- (b) an advertising sign;
- (c) an event sign; and
- (d) an election sign;

trade display means the display for sale or as samples, the goods and services available in, or with the permission of the adjoining premises.

8.2 Application

- (1) This Part applies –
 - (a) within the built-up area; and
 - (b) to temporary signs complying with clause 8.5; and
 - (c) to temporary trade displays complying with clause 8.10.
- (2) Any advertising sign or trade display that is to be a permanent structure or fixture is to comply with –
 - (a) the Building Code as defined in section 3 of the *Building Regulations 2012*;
 - (b) any Local Planning Scheme; and
 - (c) any other written law regulating of signs within the district.

8.3 Temporary signs and trade displays

- (1) A person shall not on local government property or in a thoroughfare, without a licence –

- (a) place an temporary sign;
 - (b) place a trade display; or
 - (c) post any bill or paint, place or affix any advertisement.
- (2) Notwithstanding subclause (1), a licence is not required for –
- (a) the first and second advertising signs where each –
 - (i) does not exceed an area of 1 square metre ;
 - (ii) does not exceed 750mm horizontally;
 - (iii) has a minimum height of 600mm within the CBD or 300mm elsewhere;
 - (iv) is placed against the property boundary;
 - (v) complies in all other respects with clauses 8.5, 8.6 and 8.7;
 - (b) not more than 5 free standing event signs where each –
 - (i) does not exceed an area of 1 square metre ;
 - (ii) does not exceed 750mm horizontally;
 - (iii) has a minimum height of 600mm within the CBD or 300mm elsewhere; and
 - (iv) complies in all other respects with clauses 8.5, 8.6 and 8.8;
 - (c) not more than 5 event signs requiring support where each –
 - (i) does not exceed an area of 5 square metres individually or an aggregate of 15 square metres;
 - (ii) has a maximum height of 1.2m above ground level;
 - (iii) is placed flat against a wall or constructed fence for the full length and height of the sign;
 - (iv) is for the purposes of a sporting, charitable or not for profit organisation; and
 - (v) complies in all other respects with clauses 8.5, 8.6 and 8.8;
 - (d) an election sign which –
 - (i) complies with the requirements of subclause (2)(b)(i) to (iii) or (2)(c)(i) to (iii);
 - (ii) complies in all other respects with clauses 8.5, 8.6 and 8.9;
 - (e) a trade display which –
 - (i) does not exceed 1m in width from the property boundary ;
 - (ii) is placed against the property boundary, or if no adjoining business, does not exceed 5m in length;
 - (iii) does not extend beyond the frontage of the business; and
 - (iv) complies in all other respects with clause 8.10.

8.4 Matters to be considered in determining application for licence

In determining an application for a licence for the purpose of clause 8.3(1), matters the local government is to have regard to include –

- (a) any other written law regulating the construction or placement of signs or trade displays within the district;
- (b) the dimensions of the sign or trade display;
- (c) whether or not the sign or trade display may create a hazard to persons using a thoroughfare;
- (d) other signs or trade displays already approved or erected in the vicinity of the proposed location of the sign or trade display; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

8.5 Conditions for temporary signs

Temporary signs shall –

- (a) be portable and free-standing or temporarily affixed so as there is no resulting damage to any thing;
- (b) be secured in position in accordance with any requirements of the local government;
- (c) be placed so as not to impede or obstruct either vehicle or pedestrian traffic, or access to a place by any person;
- (d) be placed so as not to obstruct lines of sight for vehicle traffic;
- (e) not be unduly distracting, in the opinion of an authorised person, if illuminated or incorporating reflective or fluorescent materials;
- (f) not display only part of a message which is to be read with other separate signs in order to obtain the whole message;
- (g) be maintained in good condition; and

- (h) be in compliance with any limitation of the number of signs notified in writing by the local government.

8.6 Prohibition on placement of temporary signs

An temporary sign shall not be placed –

- (a) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
- (b) on any natural feature, including a rock or tree, on a thoroughfare; or
- (c) on any bridge or the structural approaches to a bridge.

8.7 Additional conditions for advertising signs

An advertising sign shall –

- (a) relate only to the business activity, or placed with the consent of the owner or occupier of the adjoining premises;
- (b) be in place only during the hours of the business activity or the event being advertised; and

8.8 Additional conditions for event signs

An event sign shall –

- (a) relate only to the event, function or activity advertised;
- (b) not be placed more than 28 days prior to the event, function or activity being advertised; and
- (c) be removed within 48 hours of the conclusion of the event, function or activity advertised.

8.9 Additional conditions for election signs

An election sign shall –

- (a) not being erected until the election to which it relates has been officially announced; and
- (b) being removed within 24 hours of the close of polls.

8.10 Conditions for trade displays

A trade display shall –

- (a) relate to the adjoining business activity;
- (b) is in place only during the hours of the business activity;
- (c) be constructed only to a such a height that it remains stable, in the opinion of an authorised person;
- (d) be secured in position in accordance with any requirements of the local government;
- (e) be placed so as not to impede or obstruct either vehicle or pedestrian traffic, or access to a place by any person;
- (f) be placed so as not to obstruct lines of sight for vehicle traffic; and
- (g) be maintained in a neat and tidy manner.

PART 9 - LICENCING

Division 1 – Applying for a licence

9.1 Application for licence

- (1) Where a person is required to obtain a licence under this local law, that person must apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law must –
 - (a) be in the form determined by the CEO;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.
- (4) An authorised person may require an applicant to give local public notice of the application for a licence.

- (5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

9.2 Decision on application for licence

- (1) An authorised person may –
- (a) approve an application for a licence unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a licence.
- (2) If an authorised person approves an application for a licence, the licence is to issued to the applicant a licence in the form determined by the CEO.
- (3) If an authorised person refuses to approve an application for a licence, written notice of that refusal is to be given to the applicant.
- (4) An authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licensee.

9.3 General restrictions on grant of licence

- (1) An authorised person must not grant a licence if there are reasonable grounds for believing that the provision of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) An authorised person must not grant a licence unless an authorised person is satisfied that –
- (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) the public place at which the activity is to be provided is suitable for that purpose;
 - (c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is a fit and proper person to carry on the activity.

9.4 Examples of conditions

- (1) Examples of the conditions that an authorised person may impose on a licence under clause 9.2(1)(a) or 9.7(1)(a) are conditions relating to –
- (a) the payment of a set fee;
 - (b) compliance with a standard or a policy adopted by the local government;
 - (c) the duration and commencement of the licence;
 - (d) the commencement of the licence being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a licence which may be required by the local government under any written law;
 - (g) the area of the district to which the licence applies;
 - (h) where a licence is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by an authorised person.
- (2) Examples of the type and content of the conditions on which a licence to hire local government property may be issued include –
- (a) when set fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of an authorised person to cancel a booking during the course of an annual or seasonal booking, if an authorised person sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;

- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

9.5 Imposing conditions under a policy

- (1) In this clause –
 - policy** means a local government policy adopted by the Council under section 2.7(2)(b) of the Act containing conditions subject to which an application for a licence may be approved under clause 9.2(1)(a).
- (2) Under clause 9.2(1)(a) an authorised person may approve an application subject to conditions by reference to a policy.
- (3) An authorised person must give to the licensee a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a licence, with the form of licence referred to in clause 9.2(2).
- (4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until an authorised person gives the licensee a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

9.6 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licensee must comply with each of those conditions, as amended.

9.7 Variation of licence

- (1) The CEO may, by written notice given to the licensee, vary a licence –
 - (a) imposing any new condition; or
 - (b) change or remove any existing condition.
- (2) An amendment may be made on application made by the licensee or on the CEO's initiative.
- (3) An amendment will come into effect on the day that written notice is given to the licensee, or some other date as specified in the notice.

Division 3 – Duration of licences

9.8 Duration of licence

A licence is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the licence; or
- (b) suspended or cancelled under this Division.

9.9 Renewal of licence

- (1) A licensee may apply to the CEO for the renewal of a licence.
- (2) An application for renewal must –
 - (a) be in the form determined by the CEO;
 - (b) be signed by the licensee;
 - (c) provide the information required by the form;
 - (d) be forwarded to the CEO no later than 28 days before the expiry of the licence, or within a shorter period that the CEO in a particular case permits; and
 - (e) be accompanied by any set fee.
- (3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

9.10 Transfer of licence

- (1) An application for the transfer of a valid licence is –
 - (a) to be made in writing;
 - (b) to be signed by the licensee and the proposed transferee of the licence;
 - (c) to include such information as an authorised person may require to enable the application to be determined; and
 - (d) to be forwarded to the CEO together with any set fee.
- (2) An authorised person may approve an application for the transfer of a licence, refuse to approve it or approve it subject to any conditions.
- (3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the CEO or the authorised person.
- (4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licensee.

9.11 Suspension of licence

- (1) The CEO may, subject to clause 9.12, by written notice given to the licensee, suspend a licence if there are reasonable grounds for believing that –
 - (a) the licensee has contravened a term or condition of a licence;
 - (b) the licensee has contravened a provision of this local law; or
 - (c) the continued provision of the activity authorised by the licence constitutes or will constitute an unacceptable risk to the safety, health or welfare of the public.
- (2) The suspension notice must –
 - (a) state the day, or the day and time, on or at which the suspension takes effect;
 - (b) state the reasons for the CEO's decision to suspend the licence; and
 - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and
 - (d) inform the licensee that the licensee has a right to apply under the Act for a review of the CEO's decision to suspend the licence.

9.12 Proposed suspension

- (1) If the CEO proposes to suspend a licence under clause 9.11(1)(a), the CEO must give written notice to the licensee of the proposed suspension.
- (2) The notice must –
 - (a) state that the CEO proposes to suspend the licence;
 - (b) state the reasons for the proposed suspension; and
 - (c) inform the licensee that the licensee is entitled to make representation to the CEO in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.
- (3) In considering whether to suspend the licence, the CEO must have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

9.13 Revocation of suspension

- (1) The CEO must, by written notice given to the licensee revoke the suspension of a licence if the CEO is satisfied that the steps specified in the suspension notice have been taken.
- (2) The CEO may, by written notice given to the licensee, revoke the suspension of the licence if it is appropriate to do so in the circumstances of a particular case.

9.14 Period of suspension

The suspension of a licence has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 9.13;
- (b) the licence is cancelled under clause 9.15 or expires; or
- (c) the licence is surrendered in accordance with the provisions of this local law.

9.15 Cancellation of licence

A licence may be cancelled by the CEO if –

- (a) the licence was obtained improperly;
- (b) the licensee has persistently or frequently contravened a term or condition of the licence, or a provision of this local law, whether or not the licence is or has been suspended on the grounds of a contravention; or
- (c) there are reasonable grounds for believing that the continued provision of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the licence has been suspended on the grounds of that risk.

9.16 Surrender of licence

A licensee may, at any time by notice in writing to the CEO, surrender the licence.

Division 4 – Responsibilities of licensees and others

9.17 Production of licence

A licensee must produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

9.18 Production of licence document for amendment

If the CEO amends or renews a licence, the licensee must, if required by the CEO, produce the licence document to the CEO for amendment within the period specified by the CEO.

9.19 Advertising

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

9.20 False or misleading statement

A person must not make a false or misleading statement in connection with an application in respect of a licence under this local law.

9.21 Other responsibilities of licensee

A licensee must, in respect of local government property to which the licence relates –

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) comply with an instruction from an authorised person to take the action specified in the instruction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to an authorised person; and
- (e) take all reasonable action to prevent the consumption of any liquor on the local government property unless the licence allows it and a licence has been obtained under the Liquor Control Act for that purpose.

PART 10 - SIGNS AND POWERS TO GIVE DIRECTIONS

10.1 Signs installed by the local government

- (1) The local government may install a sign in public places, on local government property or in thoroughfares specifying any conditions of use which apply to that property or thoroughfare.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

10.2 Pre-existing signs

Where a sign in a public place, property or thoroughfare or has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 10.1 if –

- (a) the sign specifies a condition of use relating to the thoroughfare which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

10.3 Authorised person to be obeyed

- (1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.
- (2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

10.4 Refusal of entry and removal

- (1) An authorised person may refuse to allow entry, or suspend admission, to a specific venue of local government property except for the venue where local government council meetings are held, by any person who he or she believes has behaved in a manner contrary to the provisions of this Part.
- (2) If an authorised person considers that a person has behaved in a manner contrary to the provisions of this Part or reasonably suspects that a person has contravened a provision of a written law, the authorised person may direct the person to leave the local government property.
- (3) A person who has been refused entry or who has been directed to leave under subclause (1) or (2) must immediately leave the local government property quickly and peaceably.
- (4) If a person fails to comply with subclause (1) or (2), an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (5) This refusal or suspension of entry can be for any period of up to 12 months as decided by that authorised person.

10.5 Disposal of lost property

An article left on any local government property, and not claimed within a period of 2 months, may be disposed of by the local government in any manner it thinks fit.

PART 11 - OBJECTIONS AND REVIEW

11.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a licence or consent.

PART 12 - NOTICES

12.1 Notice to remedy non-compliance

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give a notice in writing –

- (a) to the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been done or not done; or
- (b) to any other person who may be responsible for the thing done or not done, requiring the person to comply with the requirements of this local law.

12.2 Notice regarding damage to local government property

If a person unlawfully removes, damages or interferes with local government property or portion of a thoroughfare, an authorised person may give the person a notice requiring that person to do any one or more of the following (at the local government's option) –

- (a) reinstate the property to the state it was in before the removal, damage or interference;
- (b) replace that property; or
- (c) pay for the costs of reinstatement or replacement.

12.3 Notice requirements

A notice given must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken; and
- (c) the time within which the work or action is to be undertaken.

12.4 Local government may undertake requirements of notice

If a person fails to comply with a notice referred to in clauses 12.1 or 12.2, the local government may –

- (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
- (a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
- (b) recover all costs from the person, as a debt.

12.5 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

PART 13 - OFFENCES AND PENALTIES

13.1 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

13.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

13.3 Form of notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

13.4 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) If evidence of a determination is provided under subclause (1), it is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 – PRESCRIBED OFFENCES

[cl.13.2]

Offences in respect of which a modified penalty applies

Item	Clause	Nature of offence	Modified penalty \$
Part 2 – Determination in respect of local government property			
1	2.4	Failure to comply with a determination	100
Part 3 – Activities local government property			
2	3.1	Undertaking activity on local government property without a licence	100
3	3.2(2)	Camping on local government property or erecting an unauthorised structure	100
4	3.3(1)	Failure to obtain licence to possess, consume or sell liquor	100
Part 4 – Behaviour on all local government property			
5	4.1	Behaviour interfering with others	100
6	4.2	Behaviour detrimental to local government property	200
7	4.3	Unauthorised entry to event or function	100
8	4.4(2)	Taking or injuring fauna without authorisation	200
9	4.5(2)	Removing, damaging or depositing flora without authorisation	200
10	4.6	Animal on local government property without a licence	100
11	4.7(a)	Improper disposal of waste on local government property	100
12	4.7(b)	Improper disposal of waste at the Narrogin waste facility	100
13	4.8	Taking glass into prohibited area	100
14	4.9	Under influence of liquor or prohibited drug on local government property	100
15	4.10	Discharge of firearm within or so as missile crosses part of local government property	500
16	4.11(1)(a)	Unauthorised vehicle on local government property	100
17	4.11(1)(b)	Unauthorised driving of a vehicle at more than 20km/hr on local government property	100
18	4.11(1)(c)	Unauthorised driving of a vehicle on local government property during a function	100
19	4.12	Unauthorised use of model aeroplane, toy or ship	50
20	4.13	Unauthorised archery, pistol or rifle shooting on local government property	100
21	4.14	Unauthorised playing or practising golf on local government property	100
22	4.15	Unauthorised use of bicycle, skateboard etc. on local government property	50
Part 5 – Matters relating to particular local government property			
23	5.1	Unauthorised entry to closed or fenced local government property	100
24	5.2	Unauthorised entry to gender specific toilet block or change room	200
25	5.3	Unauthorised use of showers or bath facilities in change room	50
Part 6 – Activities in thoroughfares			
26	6.1(a)	Planting or allowing plant or verge treatment in thoroughfare to	100

	6.8(b)	become a sightline hazard	
27	6.1(b)	Damaging a lawn or garden in a thoroughfare	100
28	6.1(c)	Damaging or removing whole or part of a street tree without authorisation	200
29	6.1(d)	Obstruction of water channel or water course in a thoroughfare	100
30	6.1(e)	Damaging, removing or interfering with thoroughfare, part of thoroughfare, sign or structure in a thoroughfare without authorisation	100
31	6.1(f)	Playing games in thoroughfare so as to impede vehicles or persons	100
32	6.2(1) (a),(d), (e),(f), (g),(i)	Unauthorised activity in a thoroughfare causing damage	200
33	6.2(1) (b),(c), (h),(i), (k),(l), (m),(n), (o),(p)	Unauthorised activity in a thoroughfare causing inconvenience	100
34	6.2(1)(q)	Unauthorised activity in a thoroughfare otherwise	50
35	6.4	Driving on a closed thoroughfare	100
36	6.7(1)	Unauthorised verge treatment	100
37	6.8(a), 6.8(d), 6.8(e)	Failure to keep permitted verge treatment in good and tidy condition, obstruct a thoroughfare, footpath, drain, or driveway	100
38	6.8(c)	Placing an obstruction on or around a verge treatment	50
39	6.8(f)	Failure to ensure sprinklers or reticulation pipes do not protrude, do not cause inconvenience to pedestrians, or present a hazard	100
40	6.11	Failure to obtain licence for a temporary crossover	200
41	6.12	Failure to remove redundant crossover or reinstate kerb, drain, footpath, verge or thoroughfare	200
42	6.13	Installation of or failure to remove vehicle crossover in unsafe location	500
Part 7 – Activities in public places			
44	7.1(1)	Animal or vehicle obstructing public place without authorisation	100
45	7.2(2)	Animal in public place when not led, ridden or driven	100
46	7.2(3)	Horse being led, ridden or driven in a thoroughfare without authorisation	100
47	7.3	Failure to clearly mark name or trading name on shopping trolley	100
48	7.4	Person leaving a shopping trolley in a public place other than trolley bay	50
49	7.5	Failure to remove shopping trolley after being advised of location	100
50	7.7	Prohibited use of bicycle, skateboard etc in a public place	50
Part 8 – Temporary signs and trade displays			
51	8.3(2)	Placement of non-compliant temporary sign or trade display, or posting a bill or painting, or placing an advertisement without	100

		authorisation	
Part 9 – Licencing			
52	9.1	Failure to obtain a licence when required	100
53	9.6	Failure to comply with licence condition	100
54	9.17, 9.18	Failure to produce licence for inspection or amendment when required	100
55	9.19	Advertising of commercial activity in a public space without holding a licence	200
56	9.20	False or misleading statement in application for a licence	200
Part 10 – Signs and powers to give directions			
57	10.1(2)	Failure to comply with condition of use indicated by a sign	100
58	10.3(1)	Failure to comply with direction of authorised person	100
59	10.3(2)	Obstruction or hindrance of an authorised person	100
60	10.4(3)	Failure to leave a venue when instructed by an authorised person	200
61	10.4(5)	Failure to comply with period of refusal or suspension	200
Part 12 – Notices			
62	12.5	Failure to comply with notice	100
Part 13 – Offences and penalties			
63	13.1	Offence not elsewhere specified	100

Dated _____ 2016

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

_____, President

A.J. COOK, Chief Executive Officer.

10.2.116 CHRISTMAS BUSINESS TRADING HOURS

File Reference: **8.1.3**
Disclosure of Interest: Nil
Applicant: Narrogin Chamber of Commerce
Previous Item Nos: Nil
Date: 9 September 2016
Author: Mr Aaron Cook – Chief Executive Officer

Attachments

- Letter and list of dates from the Narrogin Chamber of Commerce.

Summary

It is presented to Council to endorse the proposed extended business trading hours for the month of December 2016 as presented by the Narrogin Chamber of Commerce.

Background

Each year the Narrogin Chamber of Commerce requests that Council make an application to Department of Commerce to extend the business operating hours for the Christmas period being the month of December. If approved by Council officers then make application to the Department of Commerce for this to be approved.

Comment

As per previous years it is presented for Council to endorse the attached dates and times for the proposed Christmas trading hour's extension for the month of December 2016. The dates and times have been developed by the Narrogin Chamber of Commerce in consultation with its members and was resolved on 5 September 2016.

Should Council approve the attached dates and times, application is then made to the Department of Commerce for formal approval. Upon advice of the Department's approval the Chamber of Commerce then advertises the attached list where and it is placed on Council's webpage and Facebook.

It should be noted that the increase in days hours does not commit any business to opening extended hours but provides the ability if they should choose.

Consultation

- Narrogin Chamber of Commerce.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

- | | |
|-----|---|
| 1.4 | Promote Narrogin to the Business Community, State Government and the general public as a strong and positive economic entity. |
|-----|---|

Voting Requirements

Simple Majority.

COUNCIL RESOLUTION 0914.143 AND OFFICER'S RECOMMENDATION

Moved: Commissioner L Ballard

Seconded: Commissioner G Ballard

That Council:

Endorse the proposed Christmas trading hours as presented by the Narrogin Chamber of Commerce and make application to the Department of Commerce for formal approval.

CARRIED 3/0



Narrogin Chamber of Commerce

"To be a representative body promoting the growth and development of business in our community"

PO Box 374
NARROGIN WA 6312
Email: admin@narroginchamber.com.au
Fax: 08 9881 2605
www.narroginchamber.com.au

Chairperson: Michelle Wnuk
Tel 0400 078 668
Executive Officer: Kerry Bryant
Tel 0428 812 607

Mr Aaron Cook
Chief Executive Officer
Shire of Narrogin
PO Box 1145
NARROGIN WA 6312

Dear Aaron

PROPOSED TRADING HOURS FOR 2016 / 2017 CHRISTMAS / NEW YEAR PERIOD

At the committee meeting held on the 05th September 2016 the attached proposed Narrogin Christmas / New Year retail trading hours for 2016-2017 was felt to meet the needs of both shoppers and retailers in our region.

When the dates applied for by the Shire of Narrogin are approved, would you please advise the chamber so that we can forward this information to our members?

Kind regards

A handwritten signature in black ink that reads "Kerry Bryant". The signature is written in a cursive, flowing style.

Kerry Bryant
Executive Officer

06 September 2016

Enc: 2016-2017 Proposed Hours

PROPOSED

Narrogin Christmas/New Year retail trading hours 2016/2017

Date	Trading Hours
Thursday 1 December 2016	8.00 am to 9.00 pm
Friday 2 December 2016	8.00 am to 6.00 pm
Saturday 3 December 2016	8.00 am to 5.00 pm
Monday 5 December 2016	8.00 am to 6.00 pm
Tuesday 6 December 2016	8.00 am to 6.00 pm
Wednesday 7 December 2016	8.00 am to 6.00 pm
Thursday 8 December 2016	8.00 am to 9.00pm
Friday 9 December 2016	8.00 am to 6.00pm
Saturday 10 December 2016	8.00 am to 5.00pm
Sunday 11 December 2016	10.00 am to 5.00pm
Monday 12 December 2016	8.00 am to 9.00pm
Tuesday 13 December 2016	8.00 am to 9.00 pm
Wednesday 14 December 2016	8.00 am to 9.00 pm
Thursday 15 December 2016	8.00 am to 9.00 pm
Friday 16 December 2016	8.00 am to 9.00 pm
Saturday 17 December 2016	8.00 am to 5.00 pm
Sunday 18 December 2016	10.00 am to 5.00 pm
Monday 19 December 2016	8.00 am to 9.00 pm
Tuesday 20 December 2016	8.00 am to 9.00 pm
Wednesday 21 December 2016	8.00 am to 9.00 pm
Thursday 22 December 2016	8.00 am to 9.00 pm
Friday 23 December 2016	8.00 am to 9.00 pm
Saturday 24 December 2016	8.00 am to 5.00pm
Sunday 25 December 2015	CLOSED
Monday 26 December 2015 (public holiday)	CLOSED
Tuesday 27 December 2015 (public holiday)	CLOSED
Wednesday 28 December 2016	8.00 am to 6.00 pm
Thursday 29 December 2016	8.00 am to 9.00 pm
Friday 30 December 2016	8.00 am to 6.00 pm
Saturday 31 December 2016	8.00 am to 5.00 pm
Shire of Narrogin Ordinary Council Meeting Minutes 13 September 2016 Sunday 1 January 2017 (public holiday)	CLOSED

11. ELECTED MEMBER'S MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

Nil

13. CLOSURE OF MEETING

8.20 pm – Commissioner Yuryevich declared the meeting closed.