

**PLANNING & DEVELOPMENT ACT 2005
TOWN PLANNING APPLICATION AVAILABLE FOR INSPECTION
SHIRE OF NANNUP**

**SCHEDULE 8: NOTICE OF PUBLIC ADVERTISING OF PLANNING
PROPOSAL - TIMEWOOD (Our Reference: R1788 - Planning NO 019/09)**

References:

- A. Planning and Development Act 2005
- B. Local Planning Scheme No 3

Notice is hereby given that the local government of the Shire of Nannup has made application for planning approval to use and/or develop land for the following purpose and public comments are invited.

The proposal is to construct a building for uses "Office" "Civic Use", "Community Purposes" and "Shop" as the part of the "Timewood" complex on Lot 1 (Reserve 1788), Warren Road, Nannup.

Details of the proposal are available for inspection at the Shire Offices, 15 Adam Street, Nannup and will be available for inspection during office hours up to and including 16th October 2009.

Comments on the proposal may be made in writing on Form No. 4 and lodged with the Chief Executive Officer, Shire of Nannup PO Box 11, Nannup WA 6275 on or before 4.30pm 16th October, quoting 'TIMEWOOD PLANNING APPLICATION' and Shire's Reference of 'R1788'.

SHANE COLLIE
CHIEF EXECUTIVE OFFICER

Attachment 4

Schedule of Submissions: Timewood Centre

Ser	Submitter	Comment	Action
1	Baden Happ, 5 Cross Street, Nannup WA 6275	Not support as increase rates	Noted
2	DPI		Included in assessment
3	Department of Planning and Infrastructure		Included in assessment
4	Department of Water		Included in assessment
5	Regional Heritage Advisor		Included in assessment
6	Maclean and Lawrence		Included in assessment

Attachment:

1. Serial 1

SHIRE OF NANNUP			
RECEIVED			
Ref: R-1788	No. 963		
08 SEP 2009			
CEO MCS WAL MBB	AO EO ADO ORI	LIP PUB	FMO YO RO

Form No. 4
[Regs. 16(1) and 20(2).]

Planning and Development Act 2005

Nannup Local Planning Scheme No 3

TO: THE CHIEF EXECUTIVE OFFICER OF THE SHIRE OF NANNUP

PLANNING APPLICATION: SHIRE OF NANNUP 019/09 - TIMEWOOD

SHIRE REFERENCE: R1788

Name BADE N HAPP Phone 97563064

Address 5 CROSS ST
NANNUP 6275 W.A.

SUBJECT OF SUBMISSION

(State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.)

I object to the Proposed Timewood
Centre as it will most assuredly
increase everybody's rates.

ADDRESS OF PROPERTY AFFECTED BY SCHEME (if applicable). (Include lot number and nearest street intersection).

SUBMISSION (Give in full your comments and any arguments supporting your comments — continue on additional sheets if necessary).

This Building is just a grandiose waste
of money. We can easily expand & renovate
the under utilised Community Centre
which conveniently just happens to be
well above the highest Flood level ever recorded
This will save heaps on Insurance premiums as well
Date 9.10.2009 Signature Baden Happ

It is evident from the submissions objection space
that you don't want much argument on this
matter & that mirrors most attitudes of other
Shire Councils I have dealt with in the Past.

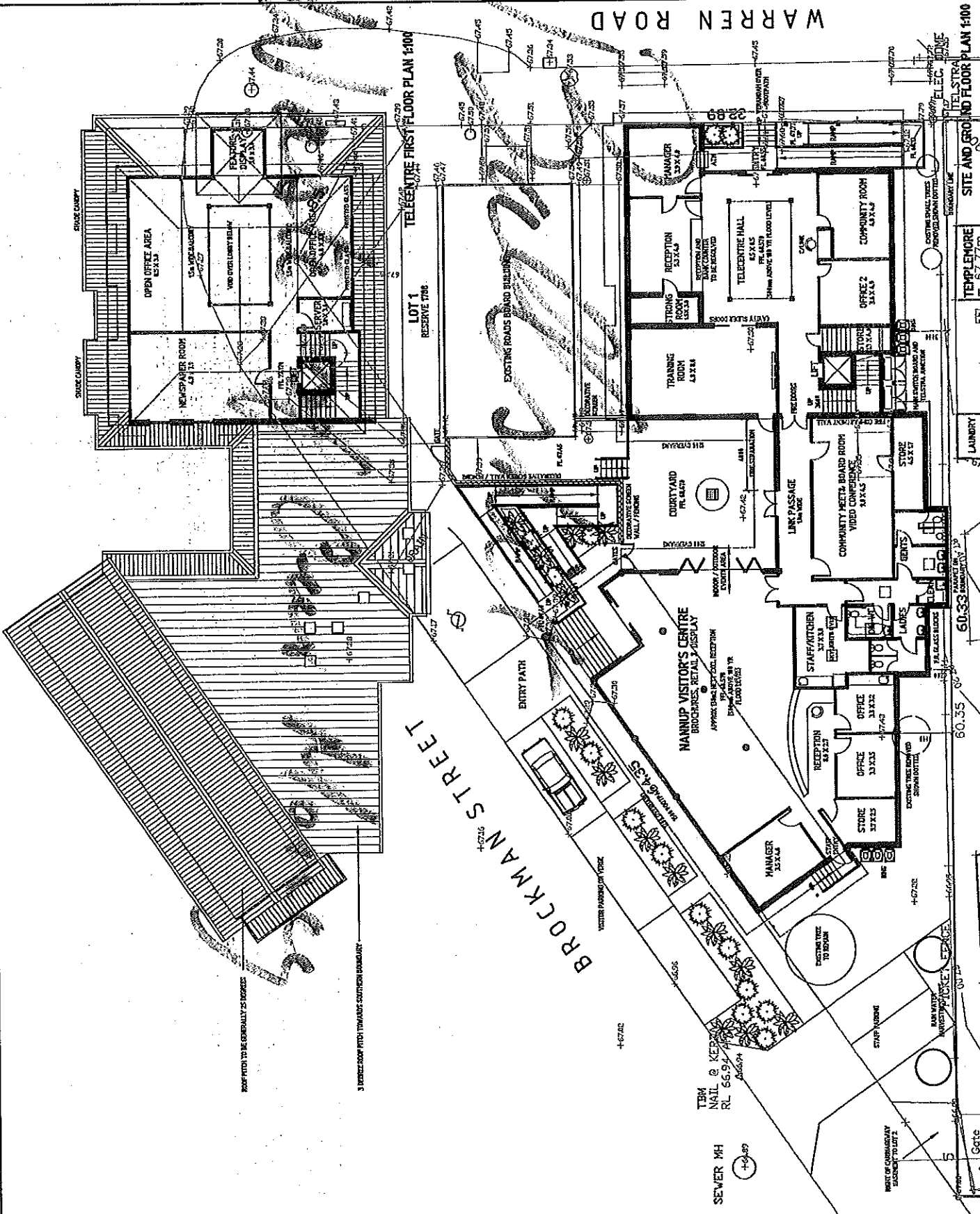


PROJECT NO	1000	DATE	09/07/09
CLIENT	SHIRE OF NANNUP	SCALE	1:500 @ A1, 1:200 @ A3
PROJECT TITLE	NANNUP TOWN CENTRE LOT 1 WARREN ROAD NANNUP	DRAWN	MG
DRAWING TITLE	SITE & FLOOR PLAN	CHECKED	MG
DATE	09/07/09	PROJECT MANAGER	DA 01
SCALE	1:500 @ A1, 1:200 @ A3	DATE	09/09/09
DRAWN	MG	REVISIONS	REV
CHECKED	MG	DATE	09/09/09
PROJECT MANAGER	DA 01	DATE	09/09/09

WARREN ROAD

TELECENTRE FIRST FLOOR PLAN 1:100

SITE AND GROUND FLOOR PLAN 1:100



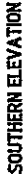
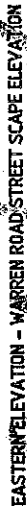
BROCKMAN STREET

NANNUP VISITOR'S CENTRE
BROCHURES, RETAIL & DISPLAY
APPROXIMATE RECEPTION
APPROXIMATE RECEPTION
APPROXIMATE RECEPTION

TEMPLEMORE

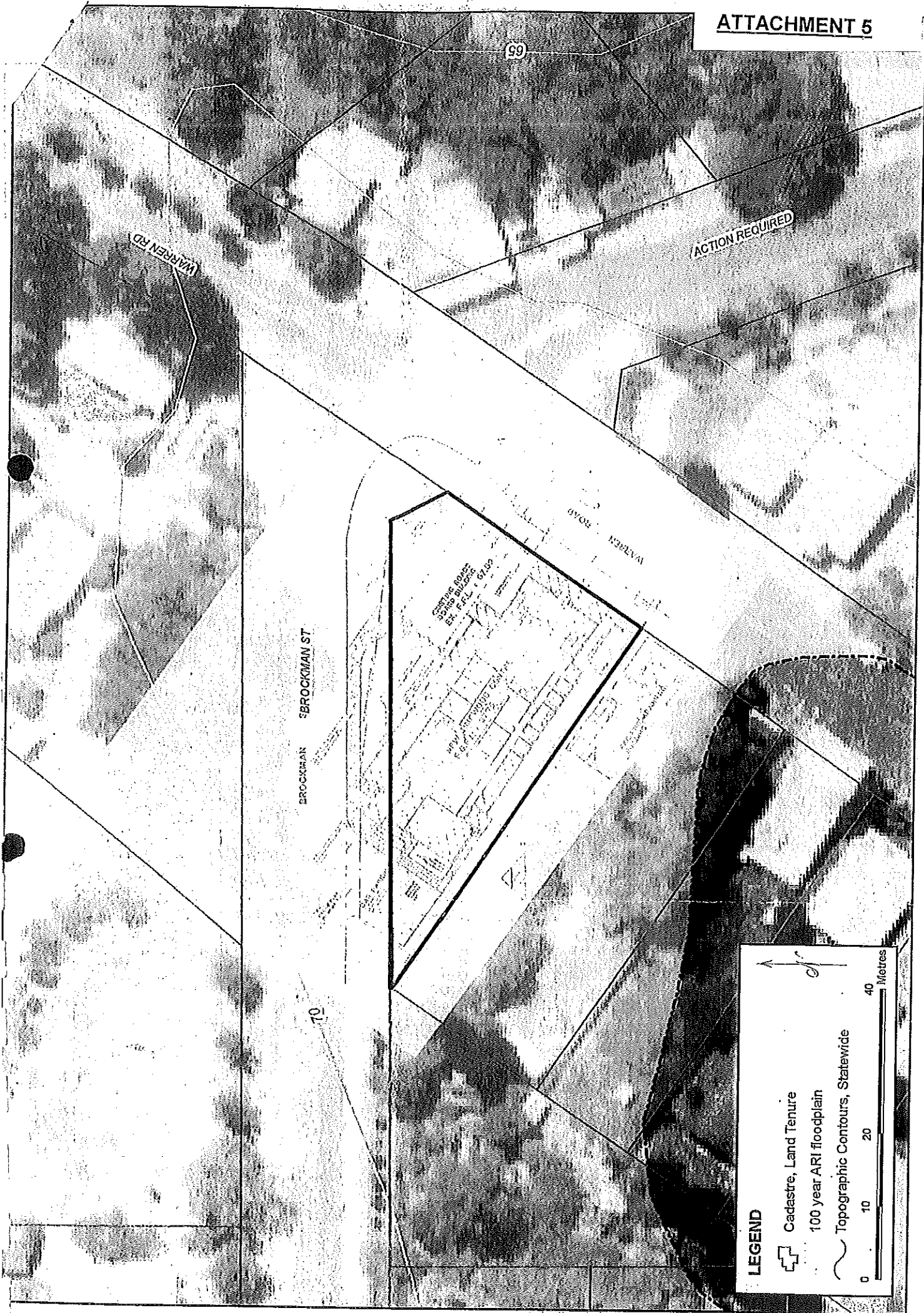
LAUNDRY

TEMPLEMORE SHED



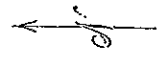
— LOWER PANEL OF WINDOW: PROTESTED SHOOTING
HATCHED

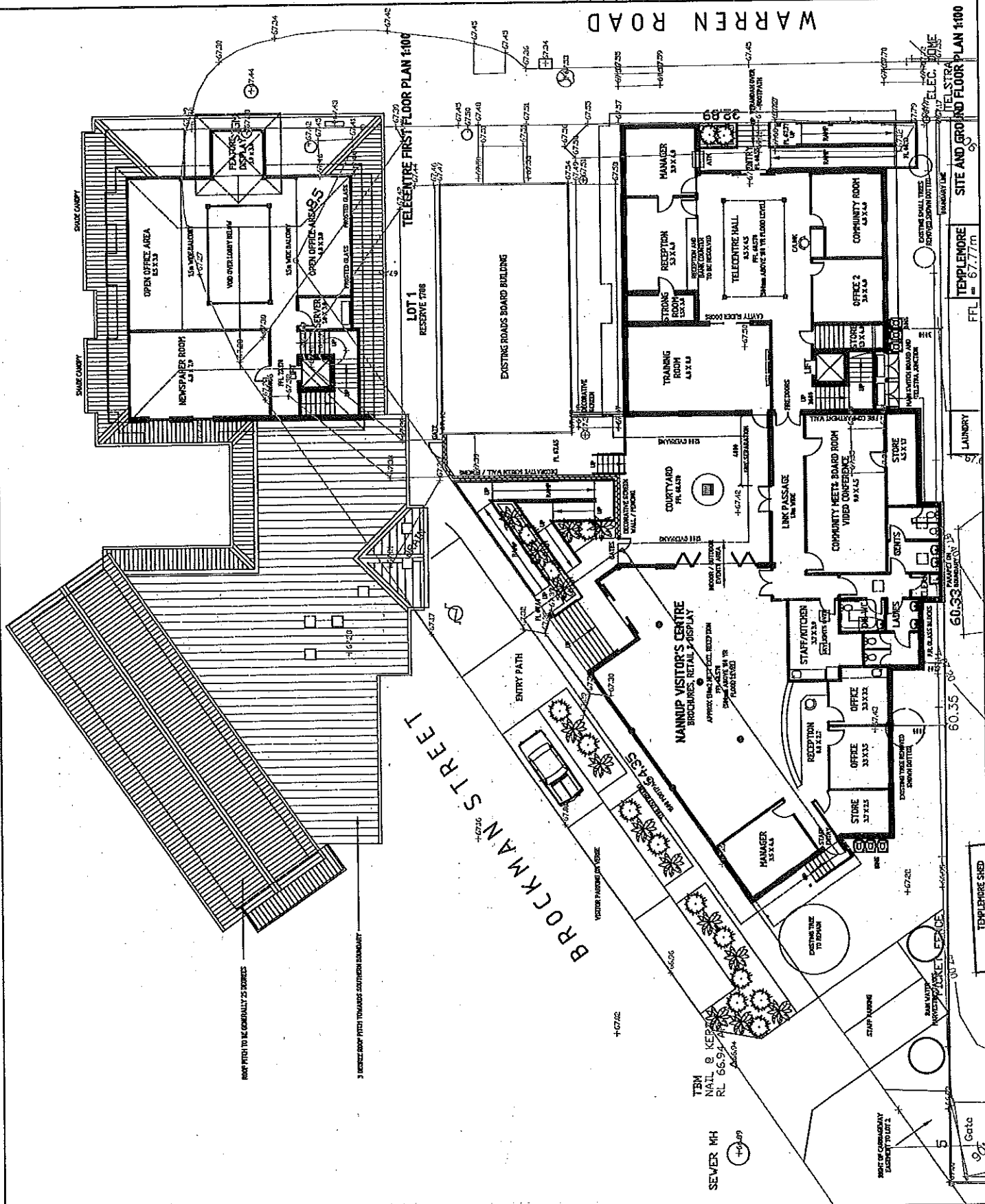
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16	PROJECT NAME TO BE USED FOR	12/17/1999	PM
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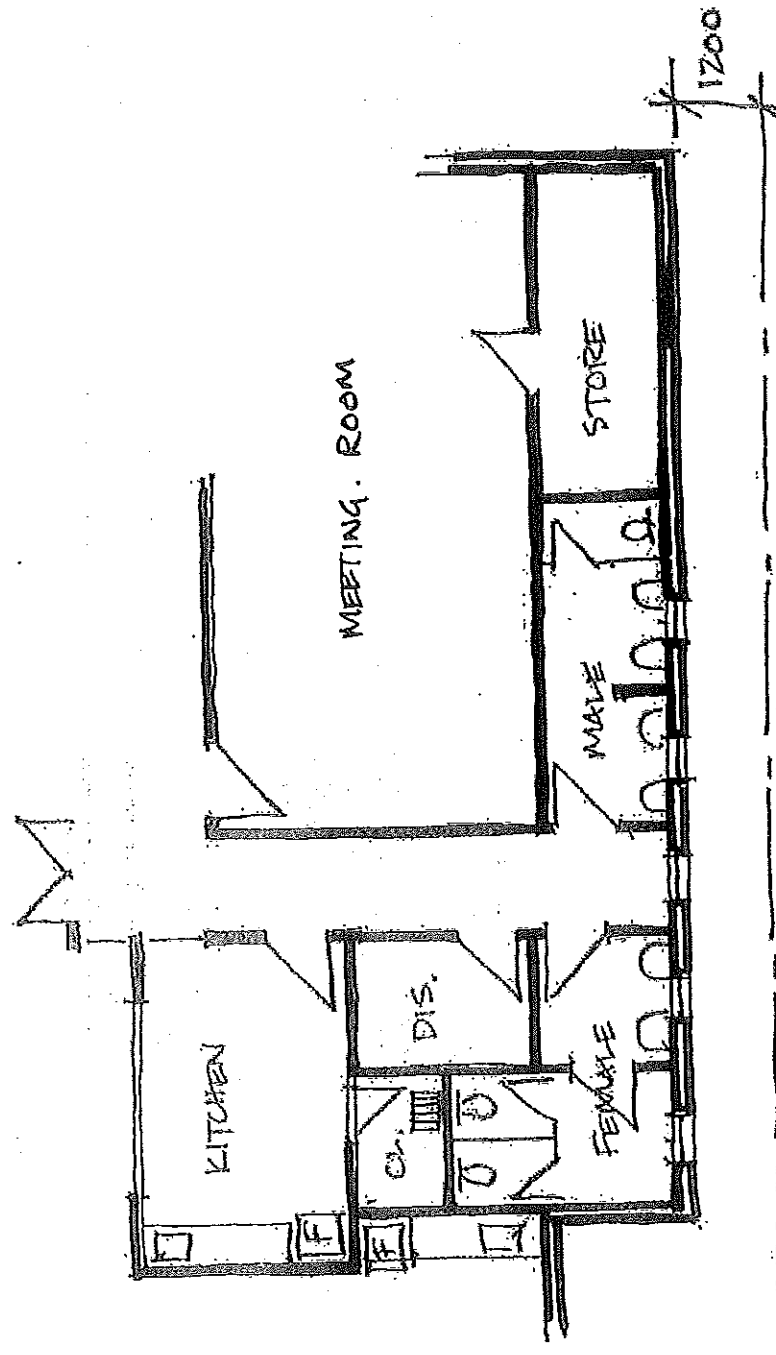


LEGEND

- Cadastre, Land Tenure
- 100 year ARI floodplain
- Topographic Contours, Statewide



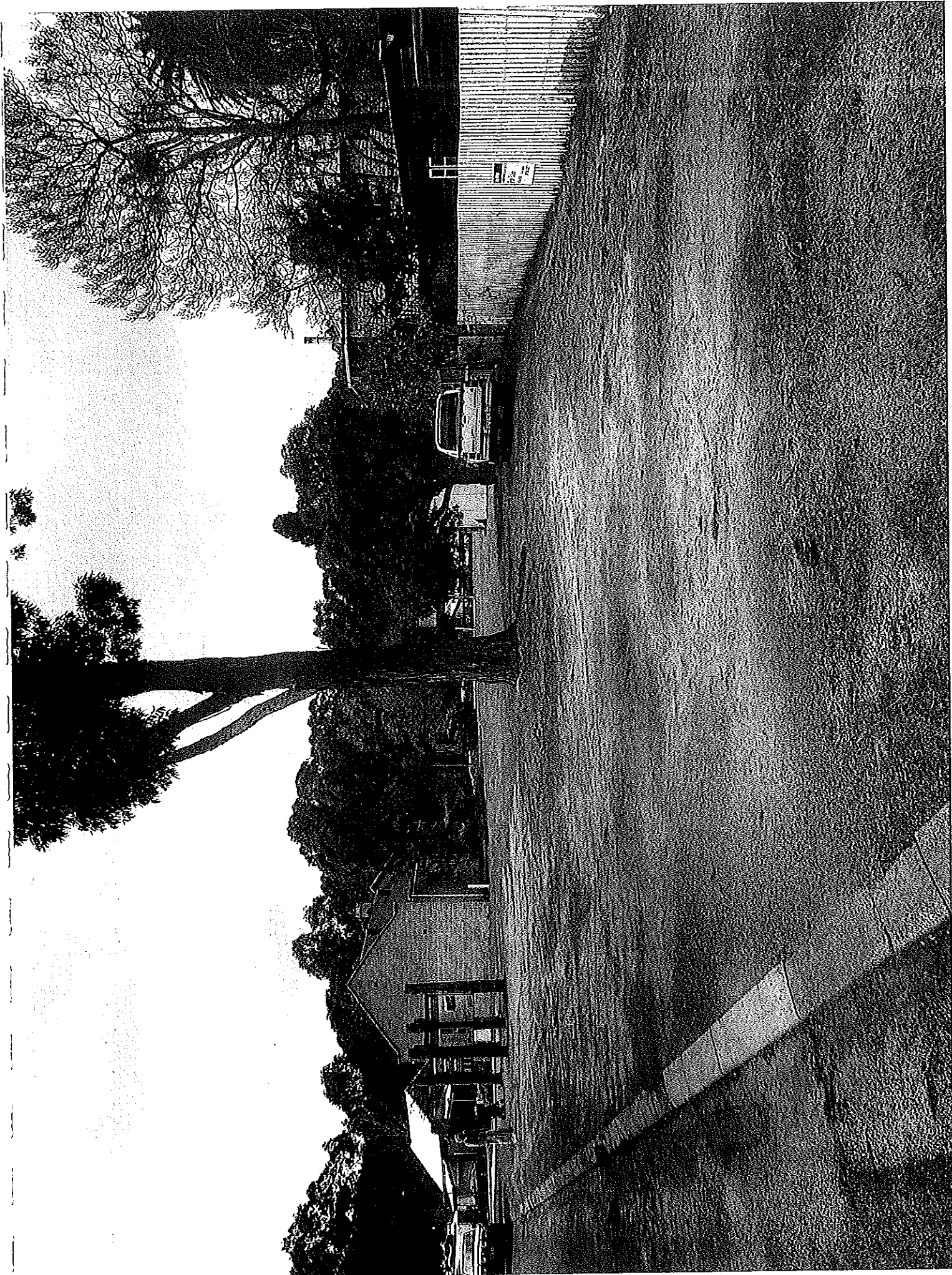
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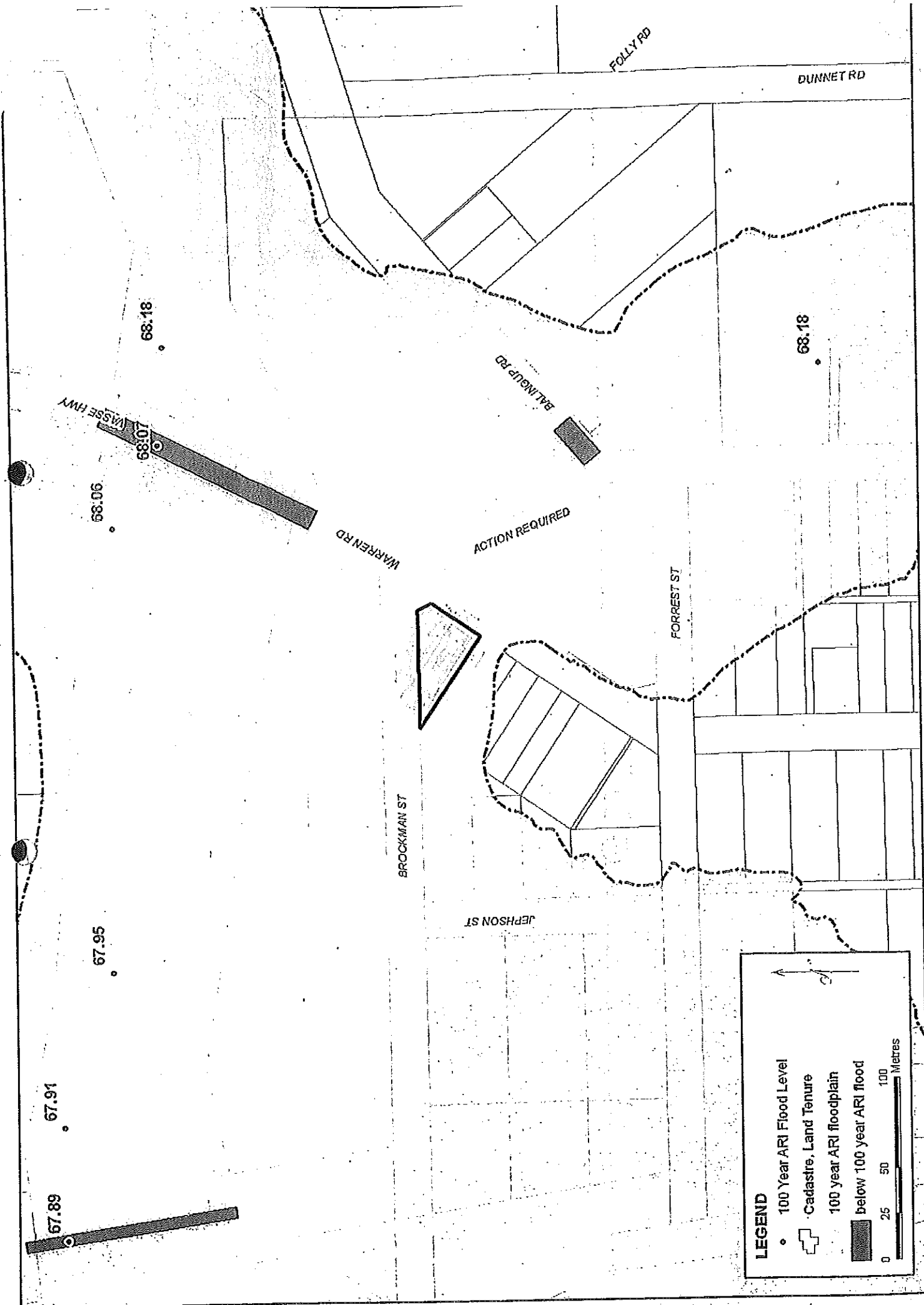
McG. Architects P/L.

0911. 28 Sept. 2009

Nannup Time wood Centre.







LEGEND

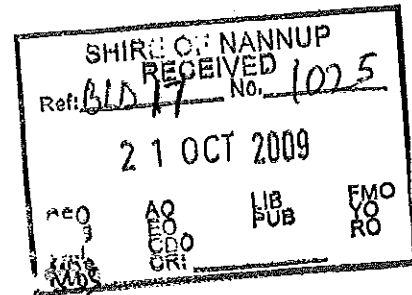
- 100 Year ARI Flood Level
- ⬢ Cadastre, Land Tenure
- 100 year ARI floodplain
- below 100 year ARI flood





Your ref: BLD17
Our ref: WT6610
Rbre1074.doc
Enquiries: Rick Bretnall (ph: 6364 6922)

Mr Ewen Ross
Manager Development Services
Shire of Nannup
PO Box 11
NANNUP WA 6275



Dear Mr Ross

TIMEWOOD CENTRE - NANNUP

I refer to your letter dated 22 September 2009 regarding the proposed Timewood Centre on Warren Road in Nannup.

The issue that you have raised is not uncommon as there have been a number of towns in floodprone areas that have raised similar concerns regarding the re-development of sites for habitable dwellings or for commercial purposes in already developed areas where streetscaping/access is a significant issue. These issues have been resolved in consultation with our Department and the following are two examples in how they were addressed.

Floodplain management is a balance between the social/economic/ecological costs and benefits of carrying out activities on the floodplain against the risk, hazard and adverse consequences caused by flooding.

We acknowledge that our recommended minimum floor levels for habitable dwellings may have a significant impact on the streetscaping in older developed areas such as in your town. However, in other towns such as Pinjarra for example, this has been addressed by using a 0.15 metre freeboard rather than the higher 0.50 metre freeboard above the 100 year ARI flood level. This conforms with Building Code of Australia requirements.

In addition, for commercial type properties, the following is how the Shire of York has recently addressed this issue and have amended their TPS, in particular (c) and (f), as follows:

- (a) *In addition to a building licence, the local government's planning consent is required for all development including a single house and such application shall be made in accordance with the provisions of the scheme.*
- (b) *Any habitable building or structure located in the flood fringe shall have a minimum floor level of 0.50 metre above the adjacent 100 year ARI flood level*
- (c) *At the local authority's discretion, where proposed non-habitable development is in the flood fringe but within a heritage streetscape area, a floor level of 0.30 metre above the centre of the street frontage of the development may apply.*

(d) *Proposed development that is located within the floodway (ie filling, building etc), and is considered obstructive to major flows by the Department of Water and the local authority, shall not be permitted.*

(e) *In determining an application for planning consent the local government shall consult with the Department of Water to prescribe the floor level of any proposed structure or development.*

(f) *Any application for development or land use shall require an instrument on title to the effect that the land is subject to inundation.*

(g) *The erection of a fence within the floodway is permitted providing it is of a non-obstructive nature to flood flows, such as post and rail fencing so that it does not alter the direction of natural water flows nor retain surface water that may affect adjoining properties.*

The Department was satisfied with this approach but I suggest that you contact the Shire of York to discuss their thinking/approach and how these rules conform with Building Code of Australia requirements.

Any further question, please do not hesitate to contact us.

Yours faithfully



Rick Bretnall

MANAGER, WATER RESOURCE ASSESSMENT

16 October 2009

Ewen Ross

From: RODGERS Simon [Simon.RODGERS@water.wa.gov.au]
Sent: Thursday, 12 November 2009 10:20 AM
To: Ewen Ross
Subject: RE: Timewood centre

Ewen

The Department of Water, in carrying out its role in floodplain management, provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Blackwood River Flood Study through Nannup shows that the Lot is affected by major flooding with the 100 year ARI flood level estimated to be 68.07 m AHD.

When development is proposed within the floodplain our department assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit. Based on our floodplain management strategy for the area, the following comments are provided for this particular proposal :

- the proposal is not considered to have a significant impact the existing 100 yaer ARI flooding regime of the area.
- a floor level of 150 mm above the 100 year ARI flood level provides 100 year ARI flood protection albeit with minimal freeboard.
- It is recommended that all proposed electrical instalations are located above 68.57 m AHD and satisfactorily insulated
- the proposal has significant regional benefit to the community.

Consequently, the Timewood Centre proposal is considered acceptable with regard to major flooding.

Please note that a failure to adhere to these recommendations will result in a greater exposure to risks of flood damage.

Regards

Simon Rodgers

Senior Engineer
Water Resource Assessment Branch
Department of Water (WA)
Ph: 08 6364 6923
fax: 08 6364 6515
email: simon.rodgers@water.wa.gov.au

From: Ewen Ross [mailto:ewen@nannup.wa.gov.au]
Sent: Thursday, 12 November 2009 9:20 AM
To: RODGERS Simon
Subject: RE: Timewood centre

Hi Simon,

Regards last conseration, can we get a more formal response to the request. Thanks Ewen

If I can be of any further assistance please do not hesitate to contact me.

MACLEAN AND LAWRENCE PTY. LTD.

SUITE 11, 11 VENTNOR AVE, WEST PERTH, WESTERN AUSTRALIA 6005.

TELEPHONE: (08) 9321 2966 FACSIMILE: (08) 9481 1691

PRINCIPAL: B.T. LAWRENCE, DIP. PLMBG. DES. MIPA
 ASSOCIATES: C.D. LAWRENCE, B.COMM
 D.R. BARNES, DIP. PLMBG. DES.
 J.M.P. DA SILVA, B.ENG, MIE.AUST

EMAIL: admin@maclaw.net.au
 A.C.N. 008 735 573
 A.B.N. 76 008 735 573

13 October 2009

Shire of Nannup
 PO Box 11
 Nannup WA 6275

Attention: Ewen Ross

Reference: Nannup Timewood Centre

Dear Sir,

Further to your request and information provided in your letter of 30 September 2009 and MCG Architects Pty Ltd Drawings

- a. Project 09/09/09 DA 01(B) Site & Floor Plan; and
 - b. Project 0911 DA 01(B) Elevations
- we advise as follows:

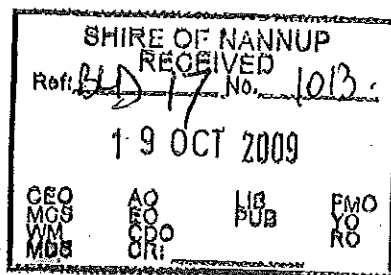
THE BUILDING CODE OF AUSTRALIA (BCA) FP1.2 and FP1.3**FP1.2**

Surface water, resulting from a storm having an average recurrence interval of 100 years must not enter the building.

Compliance with FP1.2

The proposed building finished floor level (FFL) of RL 68.570 shown on the above Site & Floor Plan is 500mm above the 1 in 100 year annual recurrence stormwater flood level of RL 68.070 (level provided by Leigh Guthridge of Shire of Nannup).

This FFL is in compliance with FP1.2 of the BCA 2009, providing the FFL of the main switchboard and Telstra junction on the North elevation of the building are amended to also be at or above RL 68.570.



FP1.3

A drainage system for the disposal of surface water must –

- a) convey surface water to an appropriate outfall; and
- b) avoid the entry of water into a building; and
- c) avoid water damaging the building.

Compliance with FP1.3

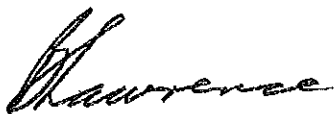
- a) Surface water at the proposed development at time of flood will form part of the area flood water, and will discharge to an appropriate outfall (Blackwood River) as outlined below Clause 6.2.1.1 (a)(i).
- b) See Notes above under 'Compliance with FP1.2'.
- c) In our opinion the proposed building will not be damaged in time of flood, providing the building is constructed in compliance with BCA requirements.
- d) Although construction detail is not outlined in the provided drawings, we assume that the building will be constructed to avoid water damage from storms up to & including 1 in 100 year storms with flood level at RL 68.070 (level provided by Leigh Guthridge Shire of Nannup) & floor level at RL 68.570.

LOCAL PLANNING SCHEME No. 3 Clause 6.2.1.1 - our assessment is as follow:

- (a) (i) We have not carried out a study on the floodwater catchment area which affects this site, however in our opinion the proposed development on this site would have minimal effect on the flow of floodwater to the Blackwood River, as the full surface of the adjoining road reserves remains available and with approximate minimum effective flow depth of 500mm.
- (a) (ii) In our opinion the safety of the proposed development will not be jeopardised in time of flood, providing the building is constructed in compliance with Building Code of Australia (BCA) requirements.
- (a) (iii) In our opinion the proposed building does not involve possible risk to life or human safety or damage to private property over and above any inherent risk associated with 1 in 100 years flood water level external of the building.

We trust that this is satisfactory, and please contact us should you require any additional information at this stage.

Yours faithfully



MACLEAN AND LAWRENCE PTY LTD

MACLEAN AND LAWRENCE PTY. LTD.

SUITE 11, 11 VENTNOR AVE, WEST PERTH, WESTERN AUSTRALIA 6005

TELEPHONE: (08) 9321 2966 FACSIMILE: (08) 9481 1691

PRINCIPAL: B.T. LAWRENCE, DIP. PLMBG. DES. MIPA
ASSOCIATES: C.D. LAWRENCE, MBA, B.COMM
D. BARNES, DIP. PLMBG. DES.
A. P. INFANTE, DIPL. HYDR. ENG.

EMAIL: maclaw@inet.net.au
A.C.N. 008 735 573
A.B.N. 76 008 735 573

6 November 2009

Shire of Nannup
PO Box 11
Nannup WA 6275

Attention: Ewen Ross

Reference: Nannup Timewood Centre

Dear Sir,

In response to your email dated 5 November 2009, please receive our advice regarding the Timewood Centre finish floor level.

To the question "Would 1:100 years flood plus 150mm i.e. floor level of 68.070 plus 150mm finished 68.220 be compliant with BCA" our reply is as follow:

BCA does not refer to a minimum level to which the building should be in reference to a 100 years flood event. The BCA state that water from a 100 year storm event should not enter the building. In theory if the building FFL level is above the 100 year flood level water should not enter the building, and this will comply with BCA.

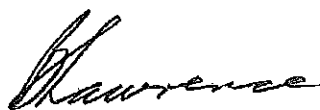
To the question that "it would be a reasonable solution that the FFL is 150mm above the 100 years flood event", our reply is as follow:

We advice that the building FFL shall be at 68.570 which is 500mm above the 100 years flood event. In a 100 years event, waves created by passing boat or object might generate surge, which would be above the forecasted flood level. In conclusion we do not recommend setting the FFL, 150mm above the 100 years storm event level.

We trust that this will answer your questions.

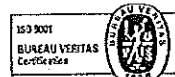
We trust that this is satisfactory, and please contact us should you require any additional information at this stage.

Yours faithfully



MACLEAN AND LAWRENCE PTY LTD

CONSULTING ENGINEERS: HYDRAULIC • MECHANICAL • GAS • SUBDIVISIONS • CO-ORDINATING



Ewen Ross

ATTACHMENT 8

From: Cuthbert, Matthew [Matthew.Cuthbert@planning.wa.gov.au]
Sent: Wednesday, 30 September 2009 10:57 AM
To: Ewen Ross
Subject: Timewood Centre - Nannup

Hi Ewen

Thanks for your letter re: the above, received on 29 September 2009.

In response to your two questions, I provide the following advice:

1. This office does not have the necessary expertise to provide a response to this question which would be more appropriately sought from the Department of Water. I would suggest that the DoW may require information, additional to that which has been provided to this office, in order to provide meaningful feed back on the issue.
2. The Scheme specifically addresses this question at 6.2.1.3

Cheers

Matt Cuthbert | Senior Project Planner

Department of Planning | www.dpi.wa.gov.au

, Level 6, 61 Victoria Street, Bunbury WA 6230, AUSTRALIA

08 9791 0577 | 08 9791 0576

• matthew.cuthbert@planning.wa.gov.au

Definitions:

LPS No3 and BCA

Tourist: Not defined

Commercial: Not defined

LPS No3

Residential: Two meanings

(1) Includes aged/dependent persons home, backpackers accommodation, workers accommodation and lodging house.

(2) Same as in R-Codes: Human habitation for temporarily by two or more persons and/or permanently by seven or more persons.... excluding hospital, sanatorium, prison, hotel, motel or residential school.

Habitable building: means a building designed primarily for housing and/or overnight accommodation purposes for persons.

BCA

Class 5: includes professional chambers or suites, lawyers offices, government offices, advertising agencies and accountant offices. LPS No3 "Office" Civic Use" and "Community Purposes".

Class 6: includes goods or services are directly sold or supplied to public. LPS No3 "Shop"

LPS No3 Interpretation

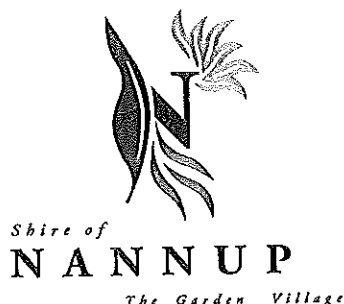
In interpreting LPS No3 the proposal being assessed is based on class 5 and 6 building. With regards LPS No3 in the absence of definite of the terms being used the proposal is being assessed as a "commercial building" in regards clause 6.2.1. With regards to "tourist" and "commercial" as clause 6.2.1.1 (b) is clearly related to "dwelling house or other habitable building", I believe the intent is that LPSNo3 flood risk land intent is not to exclude development of class 5 and 6 buildings. The intent is to "dwellings" and "people accommodated".

BCA regards flood

In accordance with BCA;

FP1.2 does not specify how this is to be done, but raising the floor level above the 1:100 flood levels would suffice. The information from Department of Water indicates 150mm would suffice, whereas the consultant's advice is 350mm.

Council has designed the building at 1:100 plus 500mm. This would suffice both the LPS No3 and BCA requirements. However, as outlined previously regarding the amendment to LPS No3 (Amendment 7) still to be approved by the Minister and the reason above I feel the Council could approve a finish floor level of 1:100 plus 350mm. (With further investigation this may be reduced to 150mm as adopted in other Shires).



15 Adam Street,
P.O. Box 11, Nannup WA 6275
Telephone: (08) 9756 1018
Facsimile: (08) 9756 1275
Email: nannup@nannup.wa.gov.au
Web: www.nannup.wa.gov.au

NANNUP MAINSTREET HERITAGE PRECINCT DESIGN GUIDELINES (SEP 09)

ASSESSMENT FORM: 019/09 - TIMEWOOD

LOT: 1 WARREN ROAD, RESERVE 1788

Ser	Requirement	Comment	Yes / No
1	Generally the emphasis of buildings should be vertical or compact, rather than wide, low buildings which have a horizontal emphasis in their form and	The Timewood has been designed in this manner and is vertical.	Yes
2	Where large frontages are planned, the facade should be broken up by vertical elements, and where possible new floor levels, window positions and sizes, and verandahs should complement those of adjacent buildings.	The scale of Timewood against the Templemore and Old Road Board Building do not correlate. The scale of the building made worse by the additional floor level meet flood requirements makes this building stand out from the adjacent buildings.	No
3	Although shops will wish to display their goods effectively, modern shop fronts with aluminum frames and large expanses of glass are not appropriate, and will not be encouraged in new developments. They should certainly not be included in alterations to existing historic buildings	The Warren Road profile meets this requirement. However, the Brockman Street profile is contrary to this requirement.	No
4	Additions or alterations to existing shop fronts in Nannup's Heritage Precinct should follow traditional window-door-veranda-gable forms in	The additional floor height and the scale of the building don't	No

	size, proportion and placement. The heights of these elements, especially the gable or parapets ends, the verandahs and the dwarf wall under the display window should follow those of adjacent original shop fronts.	permit blending in of the verandas. The design has introduced meet shading louvers and the verandas do not extend over the foot paths. The roof lines and eaves end mid footpath.	
5	The shapes of traditional plan forms in Nannup are characteristically simple. They are composed of basic rectangle and square combinations and are usually symmetrically arranged around a central front door. Plans for new developments should reflect this where possible. Complex plans with walls that step in and out are not acceptable.	The profile from Warren Street meets this requirement. The profile from Brockman Street doesn't meet this requirement. With regards the shape the two building components and court yard would meet this general rectangle design.	No Yes
6	As is often the case with older commercial buildings, the front door may be recessed slightly from the remainder of the front facade, with the external entry floor abutting the footpath paved with decorative feature tiles or mosaics.	Finishes of the Warren Street doors are not provided. This could be a requirement for detail of the Warren Street entrance.	No
7	Main roofs in Warren Road have characteristically been clad with custom orb profile sheeting (i.e., corrugated iron - not tiles), and pitched between 25 and 35 degrees. The design configuration of the roof should be simple with rectangular plans and a combination of hipped or gabled roofs. The custom or most appropriate for use in the Precinct is traditional uncoloured zincalume, or red (painted or 'colorbond').	The pitch of the roof is and simple hipped and gable design.	Yes
8	Apart from the Nannup Hotel, buildings within the Precinct are single storey. This can mean about 4 to 6 metres in height. Two storey buildings may be permitted where the function of the proposed building makes it unavoidable. Three storey	Since writing of the guidelines, Templemore with a height of 7 metres and two stories has	No

	buildings will not be permitted.	been approved. With the addition of flood plain requirements, this building is a 2 1/2 to 3 storey. (Clock tower 12.4M, Warren Road 10.7M and Brockman 7.5M)	
9	<p>In altering or extending existing buildings in the Precinct, all of the general principles, outlined for new development in these guidelines should be applied.</p> <p>In making additions, care needs to be taken of the impact the changes may have on the building being extended, and on the character of the street as a whole. There are some simple ways in which additions can be carried out to reduce their impact, and some examples are illustrated here.</p>		N/A
10	In carrying out external alterations to existing buildings, the principles established in these guidelines in respect of materials, colour schemes and building details should be taken into consideration.		N/A
11	It is highly desirable that an architect with heritage conservation skills be engaged to assist in major alterations to existing heritage buildings. Advice should also be sought from the Heritage Council of W.A. This is a very important form of development because of its immediate relationship with, and impact upon, existing buildings and the streetscape.	Previous heritage architect was employed and application has been referred to the Regional Heritage Advisor.	N/A
12	Infill development does not need to imitate traditional buildings in every detail, but it should at least respect and reflect the scale, form, materials and emphasis of surrounding buildings.	This building has moved to modern building materials such as aluminum window and door frames. Red and orange brick work has been included and timber weatherboard cladding of upper levels.	Yes No
13	Infill commercial development should seek to provide continuity and harmony with the existing	As above	No

	streetscape, by continuing the parapet height or gable height, the verandah height, window and door format, dado and stringing lines of adjacent traditional buildings.		
14	Building construction should be limited to a palette of sympathetic materials such as weather board, red/orange bricks, steel custom orb sheeting, and/or rendered finished masonry.	Except aluminum joinery	Yes
15	If a dwelling is to be constructed within the Warren Road Precinct, it should be compatible in style, form, scale, materials and location on the site with existing dwellings in the immediate locality. Suburban-style project homes or kit homes are not appropriate to this Heritage Precinct, and will not be approved.	The design has been sympathetic to local Precinct particularly on the Warren Road profile.	Yes
16	Generally, new commercial buildings shall be located on the front property boundary, unless the function of the building demands that some part of it be set back. Applicants should be aware that Council will need to be strongly convinced of any need to set a building or part of a building back from the front property line.	The building has been design to be on the front boundary of Warren Road and Brockman Street. There may be conflict in intent as the set back of Templemore and the Old Roads Building is 2M and 3M respectively. To blend in existing landscape both setbacks and heights would need to be consistent.	Yes
17	It is accepted that access to the rear of developments may need to be provided at the side of buildings, but side setbacks should ideally be kept to a minimum to facilitate continuity of frontages in the northern part of the Precinct.	Built to boundary	Yes
18	Any garage or carport facing the main street shall be set back to the side of, or behind, the dwelling or commercial building it serves, and in any event shall be set back a minimum of 5 metres from the front property line. The front fence must contain an enclosing gate on the front property line where vehicular access is gained from the street, and the gate must be compatible in style, scale and materials with the rest of the front fence. (see "Fences & Garden Walls")	Two (2) car parks to the side with no set back from the boundary.	No

19	A garage or carport shall be designed in a manner consistent With the style of the existing dwelling or commercial building to which it is associated, except where this would be detrimental to achieving the desired streetscape.		N/A
20	As has been stated previously, it is strongly recommended that commercial buildings be located on the front boundary. Therefore the scope for planting at the front of the building, (other than on the footpath in the public domain) will be limited or impossible. Therefore, in order to maintain the town's rural character, the planting of taller-growing trees to the side and rear of buildings will be encouraged. This will help provide the buildings with a setting and a backdrop when seen from the street, in keeping with the Precinct's existing character.	Built to boundary	Yes
21	Existing street trees should be protected and retained in the course of any new development. Opportunities for new street tree plantings should be actively pursued, It is preferable to locate new street trees on the extended alignment of side boundaries, so shops and their advertising will not be unduly obscured by the tree canopies.	The "Nannup Entrance Statement" is to be retained. The tree to the rear of the property is to be retained. All other foliage is planned for removal. Recommend that the garden on the south of the Old Roads Board Building be retained and the boundary with Templemore be landscaped/ fenced.	Yes
22	The most common original building material for walls in the Precinct is weatherboard. Red/orange bricks, and/or rendered finished masonry are also widespread. Some stone has been used, mostly associated with fencing. Custom orb ("corrugated iron" or zincalume) is a traditional material that is used widely for roofing, and for some walls.	As above	Yes
23	Modern decorative bricks, pale-coloured bricks or tumble-finished bricks should be avoided, as should fibro cement planks and sheeting, and steel sheeting other than custom orb.	As above	Yes
24	A "Character Sheet" is available at the Council which gives examples of appropriate colours for	Final colour scheme to be submitted	Yes /No

	Nannup, and suggested approaches to material selection.		
25	Verandahs provide shade and protection from the weather for footpaths and ground level shopfronts. Their provision on new buildings where the intended use of the proposed building makes it feasible will be strongly encouraged, especially where continuity with adjacent verandahs will result.	See above, metal louver shade, roof line extended part way only over boundaries.	No
26	Roll-down blinds attached to the front edge of verandahs are useful for sun protection, and can double as advertising spaces. (see "Outdoor Advertising & Signage") Both commercial and domestic buildings in the Precinct have traditionally been built with verandahs. The verandahs of commercial buildings have nearly all been located over the public footpath, with simple, square profile "4x4" posts. Rustic "bush poles" for verandah supports are not acceptable. If the posts are unprotected from vehicles they should be non-structural. If they are adequately protected then they can be structural elements.	Regards veranda's	No
27	The addition of a verandah to an existing building is acceptable, provided either that the building originally had a verandah, or that one can be added without prejudicing the building's original character and details.		N/A
28	Where appropriate, additions and new buildings should follow precedent and adopt a verandah style in keeping with local examples in Warren Road. Overly "bull nose"-style verandahs are not a part of the Nannup streetscape and should be avoided.	Verandas not included.	No
29	Traditionally, the windows and doors of Nannup's heritage buildings are of a vertical, rectangular format. The shopfront windows may be multi-paned or square. Large 'picture windows' and floor-to-ceiling sliding glass doors should be avoided. Most windows have sills, and frames are made of timber or copper. Aluminum frames which are clearly metallic in appearance are not encouraged.	The Warren Road profile meets the general design; however use of aluminum joinery and floor to ceiling windows and doors on Brockman Street is not compliant.	Yes /No
30	Door openings, like windows, should have a vertical emphasis. Timber doors with a plain flush panel or vertical boards are preferred, as are	Subject to final schedule of finishes. Generally, square	No

	timber door frames.	windows have been included.	
31	The type and form of advertising and other signage on buildings should be respectful in scale, form and style to the character of the building itself, and the Precinct as a whole. Town identification should be paramount in the wording of signs.	No information provided but should be noted.	N/A
32	Advertising signage should ideally be confined to those areas of buildings illustrated below. While it is not necessary to adopt an "olde worlde" approach to signage, signs which at least respect the scale and form of traditional signs are preferred. In particular, the use of under-verandah signs and "shingles" is encouraged.	No information provided but should be noted. The Nannup Entrance Statement to remain	N/A Yes
33	If necessary, signs can be externally illuminated. Internally illuminated, flashing and "chasing"-type signs are inappropriate in the Heritage Precinct, and will not be permitted.	No information provided but should be noted.	N/A
34	Large hoarding-style signs on the flank walls of buildings are potentially very intrusive and should be avoided. Roof-mounted signs are not permitted. Signs painted directly onto roofs or verandahs may be permitted.	No information provided but should be noted.	N/A
35	Advertising signs on roll-down blinds on verandahs may also be permitted.	No information provided but should be noted.	N/A
36	'A-frame signs (sandwich boards) may be permitted, provided they do not have a surface area (each of two faces) of more than 0.5 sq. metre, and in any event a maximum width of 600 mm and a maximum height of 900 mm measured from the ground.	No information provided but should be noted.	N/A
37	Each business is restricted to one A-frame sign. The sign must be placed immediately adjacent to the kerb, or to the front wall of the business, and must not be placed in close proximity to other items (tables, chairs, rubbish bins etc.) so as to create a "pinchpoint" in the footpath, thereby restricting free pedestrian movement.	No information provided but should be noted.	N/A
38	As well as protecting and enhancing a building, its colour scheme can have a dramatic effect on the streetscape. A poor colour scheme can undermine architectural features and streetscape quality. This is particularly important in a small, visually	Schematic provides colour scheme that would blend with the Nannup colour scape. The propose brick	Yes

	cohesive town like Nannup. Buildings should therefore be painted to create a harmonising streetscape, while allowing for some individual expression.	work may reflect a "new" brick rather than the older brick work in Nannup.	
39	The Shire of Nannup wants to encourage the application of a co-ordinated "palette" of colours to public buildings, privately-owned existing and new commercial buildings, and street furniture within the main street Heritage Precinct. These colours should be appropriate to the rural character and acknowledged heritage values of the town. The use of natural colours appropriate to the Nannup locality is encouraged. These colours should reflect the hues of the local soils, rocks and vegetation.	Final finishes not provided.	No
40	However, where paint scrapings can determine original colours on older buildings, then these colours should be reinstated, or closely followed.	Final finishes not provided.	No
41	Previously unpainted brickwork on heritage buildings should not be painted over.	Refers to Old Roads Board Building	Yes
42	The preferred colours for roofing iron include zincalume in its natural state, or traditional red.	Final finishes not provided.	No
43	Appropriate colours for decorative elements (where they occur) such as cornices or mouldings will be those which will provide either a darker or lighter contrast to the colour of the building, either weatherboard, brick or render. Doors, windows, fascias and other trim can be contrasted in colours appropriate to the region's natural environment. The Council may seek professional advice on colour schemes appropriate to Nannup. A "Character Sheet" is available at the Council which gives examples of appropriate colours for Nannup, and suggested approaches to material and colour selection.	Final finishes not provided.	No
44	Generally, private parking provision should be at the rear of buildings, or perhaps at the side. Open car parks at the front of buildings will not be permitted.	Twenty One (21) car parks recommended at the Grange Street facility.	Yes
45	Access to rear car parks should be provided at the side of buildings, rather than breaking up the frontage with a central driveway.	Two (2) on site car parks	Yes
46	Service access shall be provided to the side or rear of a commercial building. Service vehicle access shall be constructed so that vehicles using it may return to the street in a forward direction.	Provided at side, but back onto street.	Yes /No

47	It is important that the character of Nannup is not compromised or lost by the intrusion of fence types and heights that would transform its country town tenor into that of a suburban subdivision.	Applicable between Templemore. Details to be provided	Yes /No
48	Where commercial buildings are built up to or close to the front boundary, fences have generally not been provided. They are usually provided on residential lots, or on the front boundary of that part of a commercial lot which does not contain a building (e.g., to contain an outdoor eating area adjacent to a cafe,).	Rear access to Templemore retained. No fencing other than above	Yes
49	Where front fencing has been provided it is low (0.8 to 1.2m) and built of a consistent palette of timber post and rail, simple timber pickets, and/or stone and rendered masonry. Front hedges of a similar height may also be acceptable. Gates should match the style and scale of the fence.	This should apply to set back of Templemore 2M	Yes /No
50	High fences, "super-six" fibro cement and "timber-lap" fencing is inappropriate for front fencing. Different fences suit different property types. Generally the smaller (narrower) the lot, the more sophisticated the fence. Side fences beyond the front building line and rear fences can step up to approx. 1.8m. "Super-six" style fibre cement sheeting may be used as a fencing material for rear yards if its visual impact from the street(s) will be limited.	Applicable to Templemore fence, details required	Yes ?No
51	Vacant sites within the Precinct should be maintained in good order. They should not be used to store materials, parked cars, or allowed to deteriorate or become a fire risk.		N/A
52	It is highly desirable for vacant sites to be fenced along the front boundary, in order to maintain a continuous "street wall" which helps to reinforce the visual impression that the town is healthy and prosperous. Even a basic picket fence can help to attract the passer-by's attention, and distract him/her from the uninteresting view behind it.		N/A
53	"Al fresco" is an Italian word, meaning "in the fresh air". Nannup's climate makes dining outdoors a pleasant pastime for much of the year, and the town's food outlets are increasingly providing tables and chairs outside on road reserves for their patrons' enjoyment.		N/A
54	Al fresco dining facilities can add colour and vitality		N/A

	to the main street, but it is important that they do not obstruct pedestrian or vehicular movement, or interfere with activities carried on in adjoining premises. The establishment of appropriate alfresco dining areas is encouraged by the Shire of Nannup.		
55	<p>Alfresco dining areas can be established in association with most cafes, restaurants, hotels, bakeries or take away food outlets, provided that:</p> <ul style="list-style-type: none"> • they are located directly adjacent to the business; • they do not obstruct pedestrian movement or obscure or restrict access to adjacent properties. A minimum of 1.5 metres of footpath width must be kept clear for pedestrians in all areas; and • alfresco dining furniture and A-frame signs must not obstruct the visibility of vehicles or pedestrians either at road junctions or at driveways. 		N/A
56	Street furniture offers the opportunity to provide colour and interest, and to enhance the image of the business. While the versatility and low cost of plastic furniture is recognised, other materials such as wood, steel and cast metals are more appropriate to the character of Nannup, and are also encouraged as they are less susceptible to discolouration and marking, and are available in a wide variety of styles.		N/A
57	Structures which are part of the street furniture may bear commercial advertising, although the advertising can only relate to the establishment, or the goods sold within it.	Planter boxes could incorporate signage.	N/A Yes /No
58	The business which establishes and carries on the alfresco dining establishment is responsible for cleaning the dining area at the close of business each day.		N/A
59	Any local, regional, state, national or international corporate body proposing a development in Nannup (including a petrol station, real estate agent, hardware store, supermarket, fast food store, chemist or similar retail/commercial enterprise), should be aware that every application for planning approval shall be assessed against these guidelines. In particular, colour schemes and advertising will be critically assessed, and		N/A

	developments will not be permitted to adversely affect the town's established character, or subdue its rural image.		
60	While an applicant's requirement to exhibit their company's standard logo is recognised and will be accommodated where possible, it is expected that restraint will be shown in the application of corporate colours, bunting, decoration and advertising.	Applies to Nannup Entrance Statement and any occupiers of building signage.	N/A
61	In particular, Council will not allow the guidelines regarding building form to be compromised by the introduction of inappropriate suburban "drive-through" architecture.		N/A

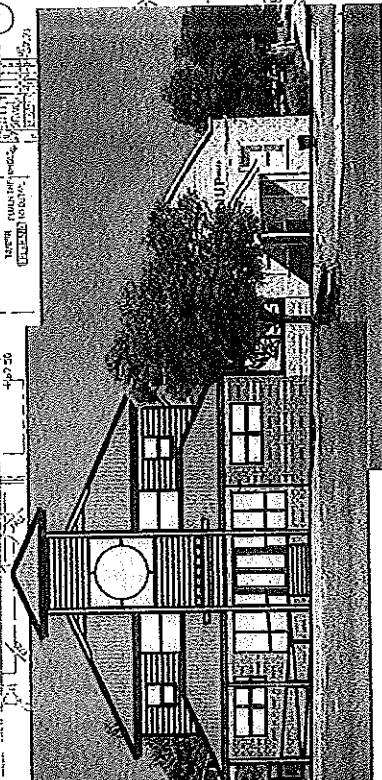
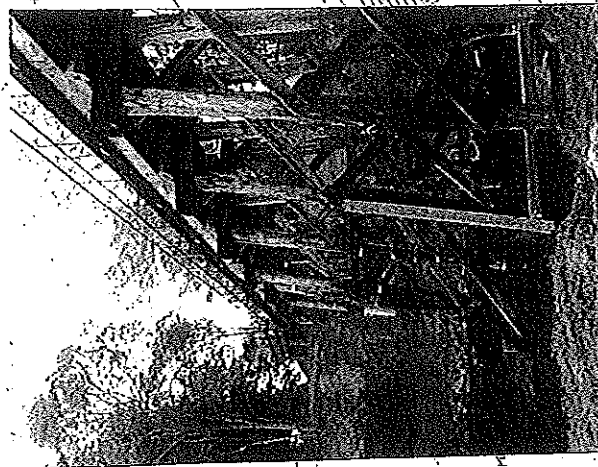
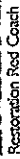
Conclusion

A review of the Timewood plans against the Mainstreet Heritage Precinct and the previous heritage assessment of the previous project indicate not much has changed. The building has been reduced in scale, fits within the boundary, has a symmetrically frontage to Warren Street, is broken in to two parts by a court yard and meets the flood requirement, hence the vertical projection.

The building still dominates the streetscape and incorporates modern features such as aluminum windows, metal sun shades and a shop front to Brockman Street which is modern. The assessment is subjective and it remands Councils decision based on community feedback. With receiving only one response to community consultation it is difficult to decline the application based on design.

EWEN ROSS
MANAGER DEVELOPMENT SERVICES

Attachment: Schematic Timewood



THE DRAWING IS AND SHALL REMAIN THE PROPERTY OF "and remains my" AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS CONSIDERED AND MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION OF THE OWNER.

LOT 1-WARREN ROAD NANNUP

2011 SCHEDULES OCTOBER 2009

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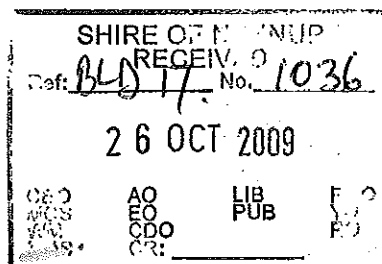
Our ref: P10646/24766

Enquiries: CHarben / (08) 9220 4118
caroline.harben@hc.wa.gov.auHERITAGE
COUNCIL
OF WESTERN AUSTRALIA

22 October 2009

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Attention: Ewen Ross



Dear Ewen Ross

Nannup Town Centre Precinct Proposed Timewood Centre

Thank you for your correspondence received on September 30, 2009 regarding this proposal to construct a new two storey building known as the Timewood Centre which will accommodate a new visitors centre, telecentre and community meeting rooms.

The proposed Timewood Centre is located centrally in the Nannup Mainstreet Heritage Precinct as Place 10646 which is included in the Heritage Council's Assessment Program. The proposal also has the capacity to impact on several Municipal Inventory listed properties such as Templemore (Place 4326) and Roads Board Building fmr (P 1787).

We received the following drawings prepared by mcg architects dated 9/9/09:

DA 01 Site & Floor Plan Nannup Timewood Centre Lot 1 Warren Road Nannup
DA 01 Elevations Nannup Timewood Centre Lot 1 Warren Road Nannup

A Conservation Officer, with delegated authority from the Heritage Council, has assessed the development referral in the context of the identified heritage significance of the place. We offer the following advice regarding the proposal:

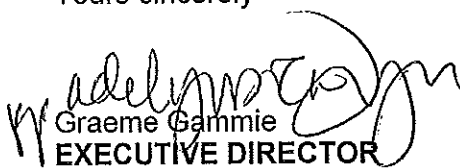
1. The proposal is likely to dominate the streetscape character mainly due to the scale and height of the building and the placement of the building on the lot and set back further forwards than the adjacent heritage buildings.
2. The proposal is also for a two storey construction in a streetscape that is traditionally low scale. In this respect the proposal is not aligned with the Nannup Mainstreet Heritage Precinct Design Guidelines which state that infill development should "*respect and reflect the scale, form, materials and emphasis of surrounding buildings*" and infill commercial development "*should seek to provide continuity and harmony with the existing streetscape.*"
3. We would encourage the Shire to consider a revised design so that the two storey section of the building and tower is located towards the centre of the site to create a more sympathetic scale, improved relationship with the streetscape and open up view lines to existing heritage buildings in the streetscape.

4. The general form of the building and materials palette is supported with the exception of the height, setbacks. Further consideration could also be given to the door and window openings to comply with the Nannup Mainstreet Heritage Precinct Design Guidelines.

We hope this advice enables the project to move forwards and we welcome the opportunity to comment on any revised proposal submitted.

Should you have any queries regarding this advice please contact Ms Caroline Harben at caroline.harben@hc.wa.gov.au or on 9220 4118.

Yours sincerely


Graeme Gammie
EXECUTIVE DIRECTOR

cc: Annette Green, Regional Heritage Adviser - South West Region

**HERITAGE
ADVICE
REPORT**

Annette Green
BArch, MBEnv (Building
Conservation)
Greenward Consulting
**South West Regional Heritage
Advisor**

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Email: annetteg@bigpond.net.au

To: Ewen Ross, Manager Development Services
Organisation: Shire of Nannup
Subject: Nannup Timewood Centre, Lot 1 Warren Road, Nannup
cc. Heritage Council of Western Australia (Within the Nannup
Town Centre Precinct, HCWA database # 10646; and adjacent to
Templemore, # 4326, and the Roads Board Building (fmr), # 1787)
Date: 13 October 2009

Dear Ewen

In providing heritage advice on this proposal the following points have been taken into consideration:

1. The Place

The site of the proposed Timewood Centre is an irregular shaped vacant block (wrapping around the former Roads Board Building) with frontages to Warren Road and Brockman Street.

The site is located near the northern end of the Nannup Mainstreet Heritage Precinct and is in a prominent location at the northern entrance to the town.

This streetscape has been entered in the Heritage Council's places database as the Nannup Town Centre Precinct, and included in the Heritage Council's Assessment Program (no current timeframe for assessment).

The *Nannup Mainstreet Heritage Precinct Design Guidelines* (prepared for the Shire of Nannup by Chris Antill and Sally Malone, Aug 2000) concluded that:

The collective worth of the existing heritage buildings – large and small – and the absence of any really intrusive buildings distinguishes Warren Road Nannup as an important Heritage Precinct, and one well worth protecting and enhancing

The aim of the Guidelines is to:

.... guide and encourage new development and redevelopment, and to ensure that the important heritage values, and unique timber town character of Nannup, will be preserved for the enjoyment of future generations

All new development should contribute positively to Nannup's townscape if the very features for which the town is admired are to be conserved.

2. Heritage Buildings in the immediate area

On the Warren Road frontage the development site is flanked by the former Roads Board Building on the north-eastern side and Templemore on the south-western side. The proposed development of this site will also have some visual impact on a number of other heritage buildings, within the context of their general setting within the Nannup Mainstreet Heritage Precinct.

The primary impact will be on:

- Roads Board Building (former), Warren Road
Included in the Shire of Nannup Municipal Inventory (MI) with a recommendation for a high level of protection under the TPS
Entered in the Heritage Council of Western Australia (HCWA) database (place # 1787) and included in the HCWA Assessment Program.
Other: Classified by the National Trust of Australia (WA)
- Templemore, Warren Road
Included in the MI with a recommendation for a high level of protection under the TPS and for entry in the State Register of Heritage Places.
Entered in the Heritage Council of Western Australia (HCWA) database (place # 4326) with reference to the above recommendation.

Other heritage places within the general streetscape setting and which contribute to views along this section of Warren Road, include:

- Nannup Police Station and Quarters (fmr), Brockman Street (cnr Warren Road)(now the Tourist Information Centre)
Included in the MI with a recommendation for a high level of protection under the TPS
Entered in the Heritage Council of Western Australia (HCWA) database (place # 1783) with reference to the MI entry.
- Nannup Town Hall and Supper Room, Warren Road
Included in the Shire of Nannup Municipal Inventory (MI) with a recommendation for a high level of protection under the TPS and for entry in the State Register of Heritage Places.
Entered in the Heritage Council of Western Australia (HCWA) database (place # 1779) and included in the HCWA Assessment Program.
Other: Classified by the National Trust of Australia (WA)
- Brick shop, Warren Road (between the Nannup Hotel and Templemore)
(place number not determined from readily available information)
- Nannup Hotel, Warren Road
Included in the MI with a recommendation for a high level of protection under the TPS and for entry in the State Register of Heritage Places.
Entered in the Heritage Council of Western Australia (HCWA) database (place # 1786) and included in the HCWA Assessment Program.

3. Background Information

The following plans prepared by mcg architects pty ltd were received as part of this referral:

- Site & Floor Plan (dwg # DA 01 Rev B)
- Elevations (dwg # DA 02 Rev C)
- Materials and Colour Schedule

Reference was also made to RHA file copies of:

- Photographs of the development site, nearby heritage buildings and immediate streetscape
- *Shire of Shire of Nannup Municipal Inventory* (prepared for the Shire of Nannup by Heritage and Conservation Professionals, February 1996)
- *Nannup Mainstreet Heritage Precinct Design Guidelines* (prepared for the Shire of Nannup by Chris Antill and Sally Malone, Aug 2000)

4. The Proposal:

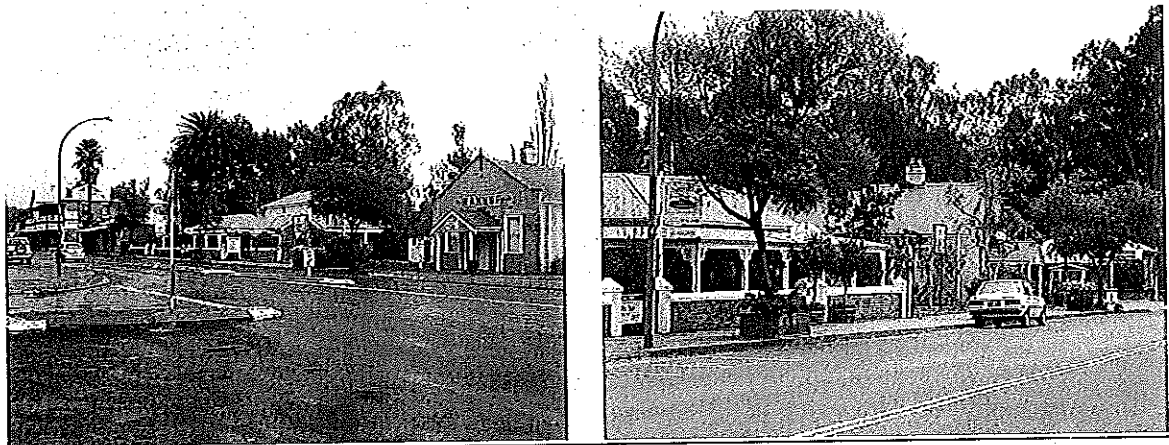
It is understood that it is proposed to construct the Nannup Timewood Centre as a new, two storey building to accommodate a new Visitors Centre, Telecentre and Community meeting rooms.

This will replace existing facilities in the Nannup Town Hall Supper Room (Telecentre) and the former Nannup Police Station (Tourist Information Centre)

5. Comments/Recommendations:

The following comments and recommendations:

- Have been provided under the Regional Heritage Advisory service and should not be mistaken for, or used instead of, any advice provided by the Office of Heritage, the Heritage Council of WA or its Committees
- Relate to the heritage impacts of the proposal only
- Have been based on general heritage conservation principles, with reference to the *Nannup Mainstreet Heritage Precinct Design Guidelines* (the Guidelines), as relevant.



Streetscape Character

The traditional low scale and open - "working timber town" and "garden village" - characteristics referred to in the Guidelines have, in conjunction with the geography and rural backdrop, developed a distinctive heritage character for the main street of Nannup. The aims of the Guidelines are to protect and enhance this distinctive traditional character and to maintain the identity of the place (which has obvious

benefits for both the "marketing" of Nannup to visitors and the local community's "sense of place").

The location of the development site is a prominent part of the northern entry to the town and is in close proximity to a number of key heritage buildings. The site certainly has development potential, but the balance between creating a prominent and iconic new public building, and maintaining the traditional streetscape requires a very sensitive design brief.

In the current concept, the project brief has resulted in a prominent two-storey building and tower element marking the entry to the Telecentre, a place that, from a functional sense, does not require such a strong visual presence within the main street.

Thrust forward of the adjacent heritage buildings, this will have a significant visual impact on the traditional streetscape character and the streetscape views to both Templemore and the former Roads Board Building. This is inconsistent with the Guidelines, which state that (pp 6-7):

Infill development should at least respect and reflect the scale, form, materials and emphasis of surrounding buildings.

Infill commercial development should seek to provide continuity and harmony with the existing streetscape ..."

Further to the above, the tower element over the main entry to the Telecentre has an overall height of approximately 12m, and would be a major new streetscape element, defining the new building as a "landmark" to the detriment of the heritage character of the streetscape. This decorative landmark quality appears to be the primary function of the tower, which internally is simply a feature display area off an open office area, without any other function requiring the additional height.

Height

The Guidelines (p 6) note that, apart from the Nannup Hotel, buildings within the Precinct are single storey (approx. 4-6m in height) – although since that time a second storey addition has also been added at the rear of the original portion of Templemore.

The Guidelines permit 2 storey buildings where the function of the building makes it unavoidable, but this also needs to be considered in the context of the potential visual impact on the character of the immediate streetscape and on nearby heritage buildings.

Along this section of Warren Road, the Nannup Hotel is currently the prominent built element, by virtue of its height, scale, building materials, and its location on a bend in the road. Country hotels are often prominent two-storey elements within traditional single storey streetscapes and, in this case, the Nannup Hotel forms an important landmark that helps to define the character of the traditional streetscape. From a heritage perspective, this should ideally remain as the primary two-storey streetscape element, and new two storey developments should be set back from the street frontage to reduce their apparent bulk and visual impact.

In the immediate vicinity of the development site, the traditional buildings are single storey, and would be visually dominated by the proposed, prominent two-storey frontage to Warren Road. The height differentiation is further accentuated by the need to raise the ground floor level to meet current flood requirements, which effectively raises the overall height (exclusive of the tower) to 2½ storeys. No

dimensions are provided for the second storey, but the ridge height appears to be nearly 11m above the ground level at Warren Road. By comparison (scaling from the drawings provided) the apex of the former Roads Board Building appears to be about 6.5m high, while the ridge height of the original portion of Templemore appears to be about 4.2m.

In order to achieve a more positive heritage outcome for both the streetscape and the adjacent buildings, it is therefore recommended that consideration be given to redesigning the Timewood Centre so the two storey section and tower element are located towards the centre of the site, with clear setbacks from both the Warren Road and Brockman Street frontages.

The aim of this should be to create a design in which the scale of the new building is in harmony with the adjacent buildings at the main street frontage and in general streetscape views – ensuring that the Timewood Centre does not unduly dominate, or detract from, the heritage buildings.

Setbacks

The Guidelines state that “generally, new commercial buildings shall be located on the front property boundary”, and the design of the Timewood Centre is consistent with this recommendation. However, in this location, consideration also needs to be given to the visual impact on the adjacent heritage buildings and the need for new infill development to provide continuity and harmony within the immediate streetscape.

In order to achieve a more positive heritage outcome for both the streetscape and the adjacent buildings, it is therefore recommended the Timewood Centre be redesigned so the Warren Road façade (exclusive of any open, single storey verandahs, entrance ramps etc) does not project forward of the main façade to the former Roads Board Building.

In the present design, the forward projecting manager's office and the tower element are the major enclosed elements that are set forward of this line.

Detailing

The Guidelines state that door and window openings should have a vertical emphasis (p 9). The current proposal features windows with a square or horizontal emphasis to the Warren Road frontage.

It is recommended that further consideration be given to the manner in which the windows are designed with reference to the Guidelines.

Building Form and Materials Palette

The building forms, roof pitches, articulation and materials palette are generally sympathetic to the traditional Warren Road streetscape, with the key exceptions of height, setbacks and window proportions, as noted above.

Other heritage implications

It is not clear from the current documentation what future use has been identified for the Nannup Town Hall Supper Room (current Telecentre) and the former Nannup Police Station (current Tourist Information Centre).

In a small town such as Nannup, where there are a large number of under-utilised heritage buildings set within a heritage streetscape, careful consideration should be

given to the on-going viable use of all publicly owned heritage buildings as an integral part of the overall planning for new public facilities.

6. Conclusion

Based on the above points, I believe that the current concept would be detrimental to the heritage character of the streetscape and the setting of the adjacent heritage buildings. This primarily relates to the prominence of the tower as a new streetscape "landmark", the physically and visually dominant location of the two storey section at the street frontage, and the location of the main façade forward of the former Roads Board building and Templemore.

With careful redesign, the new building could be a positive contribution to Warren Street, complimenting the adjacent heritage buildings and harmonising with the distinctive character of Nannup as part of the important and attractive northern entry to the town.

I hope these comments are of assistance. Please do not hesitate to contact me if you require further information and/or clarification relating to this advice.

Regards, Annette

Disclaimer:

- *The information in this report is provided as heritage advice only, and does not replace any formal application, referral or approval processes*
- *The advice in this document is provided by the Regional Heritage Advisory Service. It should not be mistaken for, or used instead of, formal statutory advice provided by the Office of Heritage, the Heritage Council of WA or its Committees.*
- *The advice provided relates to heritage principles and impacts. It has been based on the information described in this report, and on the professional expertise of the Regional Heritage Advisor. Unless otherwise noted, it does not relate to town planning, building code, structural or other issues, which will need to be considered by others, as relevant.*
- *No person or organization should use or rely on this document for detailed advice, or as the basis for formulating decisions or actions, without considering, and if necessary obtaining, relevant advice from other sources.*
- *The Regional Heritage Advisor has exercised care to avoid errors in the information contained in this report but does not warrant that it is error or omission free.*

ATTACHMENT

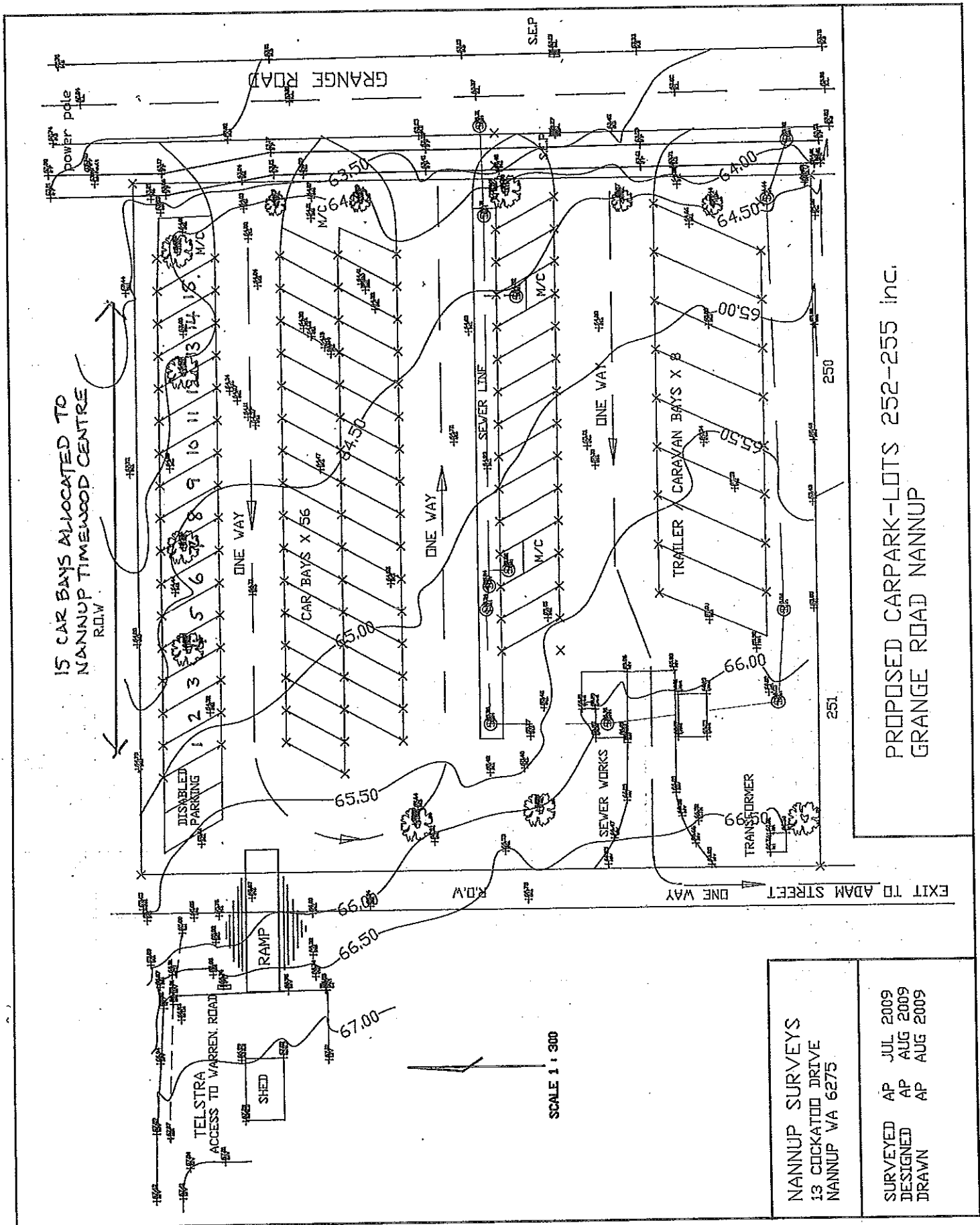
Matters considered by Council

Under LPS N03, clause 10.2, in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application:

Ser	Requirement to Consider	Reference/Action	Y/N
1	the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;	LPS No3.	Y
2	the Local Planning Strategy	Shire of Nannup Local Planning Strategy	Y
3	the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;	Amendment No7	Y
4	any approved Statement of Planning Policy of the Commission;	Warren Blockwood Strategy (1997), Nannup Townsite Strategy (1996)	Y
5	any approved Environmental Protection Policy under the Environmental Protection Act 1986;	N/A	
6	any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;	N/A	
7	any Local Planning Policy adopted by the Council under the provisions of clause 2.4,	LPS No3 Flood Risk Land	Y
8	any heritage policy statement for any designated Heritage Area adopted under clause 7.2, or any other plan or guideline adopted by the local government under the Scheme	LPS No3, Nannup Heritage Precinct	N
9	in the case of land reserved under the Scheme,	Vesting Order	Y

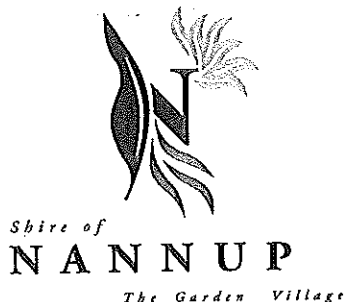
	the ultimate purpose intended for the reserve		
10	the conservation of any place that has been registered in the Register of Places under the Heritage of WA Act 1990, or which is subject of an order under Part VI of the Heritage of WA Act, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a Heritage Area	Mainstreet Heritage Precinct Assessment	N
11	the compatibility of a use or development within its setting	LPS No3	Y
12	any social issues that have an effect on the amenity of the locality	Nil	Y
13	the cultural significance of any place or area affected by the development	Old Roads Boards Building and Templemore	Y
14	the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment	No affect	Y
15	whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk	Mitigated flood risk through floor level.	Y
16	the preservation of the amenity of the locality	Within area usage and character	Y
17	the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal	Will impact on Templemore and Old Roads Board Building	N
18	whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles	LPS No3 policies	Y

19	the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	Improve corner as sketched	Y
20	whether public transport services are necessary and, if so, whether they are available and adequate for the proposal	N/A	Y
21	whether public utility services are available and adequate for the proposal;	Western Power and Water Corporation service within Nannup Townsite	Y
22	whether adequate provision has been made for access for pedestrians and cyclists	Cycle stand required	Y
23	whether adequate provision has been made for access by disabled persons	Ramp access and lift access to first floor	Y
24	whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved	Tree and Nannup Entrance Statement retained	Y
25	whether the proposal is likely to cause soil erosion or land degradation	No	Y
26	the potential loss of any community service or benefit resulting from the planning approval	Community benefit as provision of services provided	Y
27	any relevant submissions received on the application;	See summary of submissions	Y
28	the comments or submissions received from any authority consulted under sub-clause 10.1.1	See summary of submissions	Y
29	any other planning consideration the local government considers relevant		



NANNUP SURVEYS
13 COCKATOO DRIVE
NANNUP WA 6275

SURVEYED AP JUL 2009
DESIGNED AP AUG 2009
DRAWN AP AUG 2009



15 Adam Street,
P.O. Box 11, Nannup WA 6275
Telephone: (08) 9756 1018
Facsimile: (08) 9756 1275
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Web: www.nannup.wa.gov.au

PLANNING AND DEVELOPMENT ACT 2005 (as amended)

SHIRE OF NANNUP

DECISION ON APPLICATION FOR PLANNING APPROVAL

Application: No. 019/09 **Location:** Lot 1, Reserve 1788 Warren Road

Application Date: 18 Sep 09 **Received on:** 18 Sep 09

Description of proposed development:

To construct a 700m² building called "Timewood" to accommodate uses, "Office", "Civic use", Community Purposes", and "Shop" on Lot 1, Warren Road. The existing "Old Roads Boards Building" ("Exhibition Centre") and the entry statement to Nannup (Nannup Tiger/Signs) will be retained and integrated into the proposal.

The application for planning approval is granted subject to the following conditions:

Conditions

- 1) That the setback to the southern boundary is 1.2 metres.
- 2) That the roof lines be extended fully over the footpaths and so designed to blend with the current streetscape.
- 3) That the following parking requirements are placed on the development:
 - a) Two onsite parks are designated "visitors assessable" and "unloading/loading" parking and not included in the totals.
 - b) The requisite twenty-one (21) car parks are provided at the "Councils Grange Road" facility before the Timewood complex is opened.
- 4) The toilet block is demolished and toilet facilities for the Old Roads Board Building are defined as the current Town Hall/Telecentre toilets.
- 5) That the finish floor level be 68.220 being the 1:100 flood plus 150mm.

Notes:

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: This application was considered by Council on 26 March 2009 and a copy of their resolution is attached.
- Note: 4: Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

Signed: (Shire of Nannup)

Dated:

Council Resolution:

Nannup TimeWood Centre

Quantity Surveyor's Estimate II

24 November 2009

AGENDA NUMBER: 10.6
SUBJECT: Proposed Standing Orders Local Law
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 8
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 5 November 2009

- Attachments: 1. Draft WALGA Model Standing Orders Local Law.
2. Delegation # 5, Local Laws.
3. Explanatory Memoranda Directions – Checklist, Example (Parking Local Law).

BACKGROUND:

Council in March 2008 adopted the following resolution:

"The Nannup Shire Council moves to adopt a uniform set of standing orders for Council Meetings and the CEO be instructed to circulate a copy prior to the April Meeting for discussion."

A draft set of standing orders was circulated at this time per the above resolution. Consideration of introducing Standing Orders has been delayed however as the WA Local Government Association (WALGA) have been working on a new model Standing Orders Local Law which was to include significant amendments brought about by the Local Government (Rules of Conduct) Regulations 2007. Unfortunately despite the elapse of some 18 months this work has not yet been finalised.

COMMENT:

WALGA have been able to provide the latest version of the draft model local law and this is as per Attachment 1. The accompanying email also explains the latest situation in respect of timing. The question for Council is whether it wishes to proceed with the introduction of a Standing Orders local law or does it continue to wait for the model to be finalised before proceeding. It may well be another twelve months before the model is complete.

To proceed with the introduction of a local law that could possibly be out of date immediately or worse be disallowed by the State Committee on Delegated Legislation does not make sense. If Council chooses to commence the process of introducing a local law for Standing Orders it should be legally correct from the outset as well as serving the purpose for which it is intended.

The options would appear to be as follows (assuming Council wishes to introduce a Standing Orders local law).

1. Continue to wait for WALGA to complete the model local law, at which time it would be adapted to meet the specific requirements of this Council. It would be unlikely to require significant changes and could be undertaken in house with checking by Council's solicitor.
2. Proceed with the commencement of the process of introducing a Standing Orders local law and either have it pend until such time as the WALGA model is complete, or alternatively have Council's solicitor make the required changes to the existing draft model to ensure compliance with the Local Government (Rules of Conduct) Regulations 2007. For example the Town of Claremont Standing Orders local law was gazetted in 2007 and with that Council's consent could be accessed and incorporated into the current draft provided it contains the updated information.
3. Proceed with the commencement of the process of introducing a Standing Orders local law and have Council's solicitor draft a new document which complies with the Local Government (Rules of Conduct) Regulations 2007. This option is expensive however will ensure that the document is legally correct and minimises the chance of disallowance.

Option 2 is preferred as there is normally approximately 6 months between the commencement of the making of a local law and adoption by Council. Attachment 3 refers where it can be seen that the process started for the introduction of the Parking local law on 23 November 2006 was completed on 26 April 2007. This local law also was relatively uncomplicated, was based on a model and had only one public submission associated with it.

Legislative Requirements

The introduction of Standing Orders must be by local law. Council is governed by the Local Government Act 1995 and that legislation is the minimum standard by which Council operates, including meeting procedure.

Council presently operates under the Act and a variety of guidelines and conventions which would be familiar to all members. The problem with guidelines and conventions is that they are not enforceable and this has the potential to cause problems as well as put unreasonable expectations on the person presiding at Council or Committee meetings.

A Standing Orders local law if introduced becomes subsidiary legislation under the Local Government Act 1995. It would be enforceable and would have monetary or other penalties for non compliance. Council members will need to

consider this carefully and understand the possible ramifications should the decision be made to introduce Standing orders.

Local Law Making Process

The process for the making of a local law is relatively complex and is as per Attachment 3 previously referred to. Public submissions are to be called twice throughout the process. There are a number of legal issues that need to be satisfied throughout the process and there are many traps for those inexperienced in creating subsidiary legislation. For example if Council was to commence the process of making a Standing Orders local law now it would need to be called "*Shire of Nannup Standing Orders Local Law 2010*", despite it still being 2009. The local law if using the year 2009 would be rejected at the State legislative level and the process would have to be commenced over again. The local law would not be in position to be adopted by Council until at least 2010 taking into account advertising and submissions.

Council does not formally "make" the local law until advertising is undertaken and any submissions received are considered. When making the local law Council needs to ensure that the local law is not significantly different to that proposed and advertised. The local law can be disallowed on the basis of any significant changes, typographical errors, legal errors relating to other legislation and even if not adopted by Council using an absolute majority vote.

What is intended by virtue of this item is to commence the process of making a Standing Orders local law. Point 2 above is the preferred method of implementing the process and would be followed if Council decides to proceed.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 3.12 (1) states:

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Local Government Act 1995 Section 3.12 (2) states:

At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Local Government (Functions and General) Regulations 1996 Section 3 states:

For the purpose of Section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

(a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and

(b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Minor advertising costs only at this stage though it is expected that as the process continues more costs will be incurred. The degree that solicitor's advice is required will be the main determinate of costs. Should there be any likelihood of significant costs being incurred prior approval of Council would be sought through the budget review process.

At the time of writing a cost estimate was pending and should be available for today's meeting.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advertises the intention to make a Standing Orders local law, the purpose of which is to conduct orderly meetings of the council or committees, with the effect being effective and fair local government decisions by the council.

8283 DEAN/GILBERT

That Council advertises the intention to make a Standing Orders local law, the purpose of which is to conduct orderly meetings of the council or committees, with the effect being effective and fair local government decisions by the council.

CARRIED 6/2

Councillors voting for the motion: Camarri, Dunnet, Dean Gilbert, Mellema and Pinkerton.

Councillor voting against: Boulter and Lorkiewicz.

Shane Collie

From: Tony Brown [tbrown@walga.asn.au]
Sent: Friday, 6 November 2009 1:25 PM
To: Shane Collie
Subject: RE: STANDING ORDERS
Attachments: D01 Local Government (Council Meetings) Model Local Law 2009.pdf; Drafting Instructions Draft Meeting Procedure Local Law (3).doc

Hello Shane

The draft Model Local Law is still with the Department of Local Government and the State Solicitors Office. It is taking forever!!!

I have attached a copy of the draft local law and the original version of the drafting instructions currently with Parliamentary Counsel – I don't think the drafting instructions would have changed much so should be enough to get a flavour for the model.

Process from here: the Model Local Law will be amended to reflect the drafting instructions before coming back to the working group, then on to Local Governments for comment.

I understand there has been a second version of the drafting instructions however I could not get a copy of this. I think there is enough information attached to get an idea of how the model will look.

You could use this as a base to start your own Model Local Law.

I am sorry this is taking so long, however there is not much we can do about it.

Any queries please call.

Cheers

Tony

From: Shane Collie [mailto:shane@nannup.wa.gov.au]
Sent: Thursday, 5 November 2009 9:16 AM
To: Tony Brown
Subject: STANDING ORDERS

Hi Tony,

One of my Councillors has submitted a notice of motion for our next meeting to introduce standing orders. Hence if there is anything that is available that will incorporate the new Rules of Conduct legislation in a set of standing orders could you put me on the right track where to find it please. Alternatively if you are aware of any other Council that has adopted a set of standing orders with those changes could you let me know and I can chase them up.

Many thanks,

Shane Collie
Chief Executive Officer
Shire of Nannup

Local Government (Council Meetings) Model Local Law 2009

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Local Government (Council Meetings) Model Local Law 2009

The Governor in Executive Council, acting under section 3.9 of the Act, has caused this model local law to be prepared and published.

Under section 3.9 of the Act, this model local law has no effect except to the extent that it is adopted by a local law made under the Act by a local government.

Part 1 — General matters

1. Citation

- ¹ This model local law is the *Local Government (Council Meetings) Model Local Law 2009*.

2. Terms used

- (1) In this model local law, unless the contrary intention appears —
Act means the *Local Government Act 1995*;
committee means a committee of the council;
meeting means a meeting of the council or of a committee, as the case requires;
member means a member of the council or a committee, as the case requires;

cl. 3

presiding member at a meeting, means the member who, under the Act, is presiding at the meeting;

section means section of the Act;

² *substantive motion* includes a motion to amend a substantive motion;

working day means a day other than a Saturday, a Sunday or a public holiday in the district of the local government.

- (2) If a term is given a meaning in the Act, it has the same meaning in this model local law unless the contrary intention appears in this model local law.

3. Regulations not affected

This model local law does not affect the operation of any regulation made under the Act.

4. Presiding member to decide procedural questions

If written laws do not provide the answer to a procedural question at a meeting, the presiding member must decide the question.

5. Presiding member's decisions, effect of

³ At a meeting a decision made by the presiding member under this model local law is final unless, under Part 8, a motion disagreeing with the decision is carried.

6. Petitions to the council [MLL 3.4]

? (1) Any petition to the council must be given to the CEO.

⁴ (2) The CEO may refuse to accept a petition to the council unless it —

- (a) is addressed to the mayor or president, as the case requires, of the council; and
- (b) states the request on each of its pages; and

- (c) contains a summary of the reasons for the request; and
 - (d) for each person who has signed it, shows —
 - (i) the person's name and address; and
 - (ii) the date on which the person signed it;and
 - (e) states the name and an address of one person to whom notice to the petitioners can be sent.
- ⁵ (3) The CEO may refuse to accept a petition to the council if its request is a matter that can be the subject of a proposal made under section 2.12 or to the Advisory Board.

Part 2 — Calling meetings

7. Ordinary council meeting [MLL 3.2]

⁶ The agenda for an ordinary meeting of the council given under section 5.5(1) —

- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
- ⁷ (b) must include any business that was not decided at the previous ordinary meeting; and
- (c) may include any matter the CEO considers should be decided at the meeting.

8. Special council meeting [MLL 2.2]

^{8 9} (1) A notice of a special meeting of the council given under section 5.5(2) must be given at least 72 hours before the time of the meeting stated in the notice.

(2) If the mayor or president is of the opinion that a special meeting of the council is needed urgently, he or she may approve a shorter period of notice than the 72 hours.

(3) The purpose of a special meeting of the council stated in the notice of the meeting —

- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
- (b) may include any matter the CEO considers should be decided at the meeting.

9. Committee meeting [MLL 2.1]

¹⁰ (1) A meeting of a committee is to be held —

- (a) if the presiding member of the committee orally notifies the CEO of the date and purpose of the proposed meeting; or

- (b) if called for by either —
 - (i) the presiding member of the committee; or
 - (ii) at least $\frac{1}{3}$ of the members of the committee,
in a written notice given to the CEO setting out the date
and purpose of the proposed meeting; or
 - (c) if the committee so decides.
- ¹¹ (2) The CEO is to convene a meeting of a committee by giving each member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (3) If the presiding member of the committee is of the opinion that a meeting of the committee is needed urgently, he or she may approve a shorter period of notice than the 72 hours.
- ¹² (4) The purpose of a meeting of a committee stated in the notice of the meeting —
- (a) must include any matter that, under the Act, must occur or be considered or decided at the meeting; and
 - ¹³ (b) must include any business that was not decided at the previous meeting; and
 - (c) may include any matter the CEO considers should be decided at the meeting.

Part 3 — Quorums

10. Quorum to be present [MLL 6.1]

¹⁴ No matter on the notice of a meeting can be discussed or decided at the meeting unless a quorum is present.

11. Loss of quorum during a meeting [MLL 6.2]

- (1) If during a meeting a quorum ceases to be present because one or more members who have disclosed an interest in a matter to be discussed at the meeting cannot participate in the discussion or in deciding the matter, discussion of and any decision on the matter is adjourned until a quorum is present, whether because of a decision made by the Minister under section 5.69 or otherwise.
- (2) If during a meeting a quorum ceases to be present for a reason other than that described in subclause (1) —
 - (a) the presiding member must adjourn the meeting for at least 5 minutes and not more than 30 minutes, as decided and stated by the presiding member; and
 - (b) if at the end of the period stated there is no quorum, the meeting is taken to be adjourned; and
 - (c) clause 23 applies.

Part 4 — Business at meetings

12. Business at council meetings [MLL 3.1]

- ¹⁵ (1) At an ordinary meeting of the council, only the matters specified in the agenda given under section 5.5(1) can be considered unless the council decides otherwise.
- (2) At a special meeting of the council, only the matters specified in the purpose of the meeting in the notice given under section 5.5(2) can be considered.
- ¹⁶ (3) At an adjourned meeting of the council, only matters that were not resolved at the meeting can be considered.
- (4) If any matter is not resolved at an ordinary meeting of the council, it has precedence at the next ordinary meeting.

13. Order of business at council meetings [MLL 3.2]

- ¹⁷ (1) At an ordinary meeting of the council the order of business is as follows, unless the council, or the presiding member under clause 18, decides otherwise —
- (a) official opening;
 - (b) public question time in accordance with section 5.24 and the *Local Government (Administration) Regulations 1996*;
 - (c) apologies and leave of absence;
 - (d) any deputation invited under clause 17;
 - (e) any motion on notice moved under clause 64 and confirmation of minutes;
 - ¹⁸ (f) announcements by the presiding member made under clause 18;
 - (g) reports;
 - ¹⁹ (h) motions on notice given under clause 19;

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- ²⁰
- (i) any matter not on the agenda that, under clause 12(1), is to be considered at the meeting;
 - (j) any matter the council decides under section 5.23 will be dealt with in the absence of members of the public;
 - (k) closure.

- (2) At a special meeting of the council the order of business is that stated in the notice of the purpose of the meeting, unless the council decides otherwise.

14. Business at committee meetings [MLL 3.1]

- (1) At a committee meeting only matters specified in the purpose of the meeting in the notice given under clause 9(2) can be considered.
- (2) At an adjourned meeting of a committee, only matters that were not resolved at the meeting can be considered.
- (3) If any matter is not resolved at a meeting of a committee, it has precedence at the next meeting.

15. Order of business at committee meetings [MLL 3.2]

At a meeting of a committee the order of business is that stated in the notice of the purpose of the meeting, unless the committee decides otherwise.

16. Public question time [MLL 3.3]

- ²¹
- (1) A member of the public who raises a question at a meeting must state his or her name and address.
 - (2) The council or a committee may defer responding to a question raised by a member of the public at a meeting.
 - (3) If under subclause (2) responding to a question is deferred, the CEO must —
 - (a) give the person who raised the question a written response; and

- (b) include a copy of the response on the agenda of the next meeting of the council or the committee, as the case may be.

17. Deputations [MLL 3.12]

- (1) A deputation that wants to be received at a meeting must apply in writing to the CEO before the meeting.
- (2) The CEO must send the application to the mayor or president, or the presiding member of the committee, as the case requires.
- (3) The mayor or president, or the presiding member of the committee, as the case may be, may —
 - (a) approve the application; or
 - (b) require the CEO to refer the application to the council or committee to decide.
- (4) If the application is approved, the CEO must invite the deputation to attend a meeting specified in the invitation.
- (5) If the application is refused, the CEO must notify the applicant.
- (6) If a deputation is invited to attend a meeting —
 - (a) it must not be more than 5 people; and
 - (b) not more than 2 of them may address the meeting but any of them may respond to a question from a member; and
 - (c) it must not address the meeting for more than 10 minutes without the agreement of the council or the committee.
- (7) The council or a committee must not decide a matter on which a deputation is addressing a meeting of it until the deputation has finished addressing the meeting on the matter.

18. Announcements by the person presiding [MLL 3.6]

Subject to clause 13(1), the presiding member at a meeting —

- (a) may announce or raise any matter of interest or relevance to the meeting; and
- (b) may announce his or her decision to change the meeting's order of business.

19. Motions on notice [MLL 3.9]

- ²² (1) At a meeting a member may move any motion that the member has given notice of, and that is included in the notice of the meeting, under this clause.
- (2) To give notice of a motion, a member, at least 7 working days before the date of the meeting at which the member intends to move it, must give the CEO a written notice of its wording.
- (3) On receipt of a notice of a motion, the CEO —
 - ²³ (a) with the approval of the mayor or president, as the case may be, may reject the motion if it —
 - (i) does not relate to the good government of persons in the district; or
 - (ii) would be ruled out of order at a meeting;and
 - (b) if the motion is not rejected —
 - ²⁴ (i) may amend the form but not the substance of the motion to ensure it is in a proper form; and
 - (ii) must include the motion in the notice of the meeting at which the member intends to move it; and
 - ²⁵ (iii) may, in the CEO's name, provide the meeting with laws, facts, policies and budgetary and other information that the CEO considers are or may be relevant to the motion.

(4) A motion, notice of which is in the notice of a meeting, lapses if—

(a) the member who gave the notice, or another member authorised to do by that member in writing, does not move the motion when called on at the meeting; or

²⁶

(b) ???

²⁷

(5) If a motion lapses under subclause (4)(a), a motion in the same terms or of the same effect cannot be moved until at least 3 months after the date of the meeting at which it lapsed.

Part 5 — Conduct at meetings generally

20. Order at meetings [MLL 15.1, 15.8, 15.9, 18.2]

- (1) The presiding member at a meeting must keep order at the meeting.
- (2) For the purposes of keeping order at a meeting, the presiding member may do any of the following —
 - (a) call any member or other person present at the meeting to order if, in the presiding member's opinion, there is good reason to do so;
 - (b) stand and ask all people present to sit and be silent;
 - (c) without explanation or a procedural motion, adjourn the meeting for up to 15 minutes;
 - (d) having once adjourned the meeting for up to 15 minutes, without explanation or a procedural motion, adjourn the meeting to later in the same day or to another day.
- (3) If under subclause (2) the presiding member at a meeting stands and asks all people present to sit and be silent —
 - (a) any other person speaking must stop and sit; and
 - (b) any other person standing must sit; and
 - (c) all persons present at the meeting must be silent so that the presiding member can be heard without interruption.

Penalty: a fine of \$5 000.

- (4) If under subclause (2) the presiding member adjourns the meeting, clause 23 applies.

21. Recording of proceedings [MLL 8.5]

- ²⁸ A person must not make an audio or an audio-visual recording of any part of a meeting without the prior permission of the presiding member.

Penalty: a fine of \$5 000.

22. Disorderly conduct by non-members [MLL 8.6]

- ²⁹ (1) In this clause —
behave in a disorderly way at a meeting, includes —
- (a) to use insulting, offensive or threatening language; and
 - (b) to behave in an insulting, offensive or threatening manner; and
 - (c) to disrupt, disturb or interrupt the meeting.
- (2) This clause does not apply to a person at a meeting of the council or a committee if the person is a member of the council or the committee.
- (3) A person at a meeting must not behave in a disorderly way at the meeting.
- (4) A person who addresses a meeting must be courteous and respectful toward the members and other people at the meeting.
- (5) The presiding member at a meeting —
- (a) may order a person who is contravening subclause (3) or (4) to stop doing so; and
 - (b) if the person does not obey the order, order the person to leave the meeting.
- (6) A person who disobeys an order given under subclause (5)(b) commits an offence.
Penalty: a fine of \$5 000.

23. Adjournments and resumptions of meetings [MLL 12.2]

- ³⁰ (1) If, when a council meeting is adjourned, the adjournment interrupts debate on a substantive motion, the presiding member must ensure the minutes record the names of those members who have spoken in the debate.

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- (2) When an adjourned meeting resumes —
- (a) unless the presiding member or the council or committee decides otherwise, it resumes from the point at which it was adjourned; and
 - (b) if debate on a substantive motion was interrupted by the adjournment —
 - (i) the debate resumes at the point at which it was interrupted; and
 - (ii) in the case of a council meeting, the adjournment does not affect the operation of clause 31(3).

31

Part 6 — Conduct of members at meetings

24. Seating at meetings [MLL 8.2]

³²

At a meeting —

- (a) the arrangement of the seating at the meeting is that decided by the presiding member; and
- (b) members must sit in the places decided by the presiding member.

25. Members to indicate they want to speak [MLL 9.1]

- (1) At a meeting of the council, a member who wants to speak must put up his or her hand or indicate in some other way agreed by the council.
- (2) Subclause (1), with necessary changes, applies to a meeting of a committee if the committee decides it does.

26. Priority of speakers [MLL 9.2]

- (1) If at a meeting 2 or more members indicate simultaneously that they want to speak, the presiding member must decide the order in which they will be invited to speak.
- ³³ (2) The presiding member's decision cannot be debated or, despite clause 5, disagreed with.

27. Members invited to speak [MLL 9.1]

- (1) At a meeting of the council, a member who is invited to speak —
 - (a) must stand while speaking unless unable to do so due to illness or disability; and
 - (b) must address the presiding member.
- (2) Subclause (1), with necessary changes, applies to a meeting of a committee if the committee decides it does.

28. Presiding member may speak in debates [MLL 9.3]

³⁴ The presiding member at a meeting may speak in any debate in the meeting.

29. Official titles to be used [MLL 8.1]

At a meeting members must refer to each other by his or her official title (such as mayor, president or councillor).

30. Adverse statements about decisions and members [MLL 8.4]

³⁵ (1) At a meeting a member must not make adverse statements about a decision of the council or committee except in, or in debate on, a motion to revoke or change the decision.

(2) At a meeting a member must not make an offensive statement about the council or any committee of the council or any person.
Penalty: a fine of \$5 000.

³⁶ (3) If at a meeting a member contravenes subclause (2), the council or the committee, as the case may be, or the presiding member may order the member to withdraw and apologise for the statement.

(4) If a member by making a statement —
(a) contravenes subclause (1); or
(b) contravenes subclause (2) and either is not given an order under subclause (3) or is and does not obey the order,

another member may move immediately, without notice, that the member's statement be recorded in the minutes of the meeting.

(5) If a motion moved under subclause (4) is carried, the presiding member must ensure the minutes record the actual words of the statement concerned as verified by the meeting.

31. Speaking rules [MLL 9.4, 9.5, 9.7, 9.8, 9.9]

- (1) At a meeting the following apply —
- (a) a member's speech must be relevant to the substantive motion being debated or be a personal explanation made under clause 33;
 - 37 (b) a member must not interrupt another member who is speaking except —
 - (i) to raise a point of order under clause 32; or
 - (ii) to indicate, under clause 33, that he or she wants to make a personal explanation; or
 - 38 (iii) to move that the member be no longer heard;
 - 39 (c) a member must not speak on a substantive motion for more than 5 minutes unless the council or the committee decides otherwise;
 - (d) a member cannot speak on a substantive motion if the mover has replied;
 - (e) a member cannot speak on a substantive motion if it has been put;
 - 40 (f) a member must not discuss any decision made by the council or the committee except for the purpose of moving or debating a motion to revoke or change the decision.
- (2) A motion to extend the speaking time of a member cannot be debated.
- (3) At a meeting of the council, a member cannot speak more than once on a motion except —
- (a) to answer a point of order; or
 - (b) to make a personal explanation under clause 33; or
 - (c) to exercise any right of reply he or she has under clause 47.

32. Points of order [MLL 15.3-15.7]

- (1) In this clause —
- ⁴¹ *point of order* includes —
- (a) that the matter being discussed is not before the council or the committee, as the case may be;
 - (b) that a written law, or a policy of the local government, is being contravened.
- (2) To raise a point of order at a meeting, a member must stand and address the point to the presiding member.
- (3) If a point of order is raised at a meeting —
- (a) any person speaking must sit and be silent while the presiding member listens to the point; and
 - (b) the point takes precedence over all other business at the meeting until it is decided.
- (4) If a member's point of order is that a written law, or a policy of the local government, is being contravened, the member must specify the written law or policy concerned.
- (5) The presiding member must decide a point of order by either upholding or rejecting it.

33. Personal explanations [MLL10.16-10.18]

- (1) A member at a meeting may make a personal explanation.
- ⁴² (2) A member's personal explanation —
- (a) must be a succinct explanation of a specific part of a speech made previously by the member that the member considers may have been misunderstood; and
 - (b) must not include extraneous material; and
 - (c) must not exceed the time allowed for the explanation set by the presiding member.

- (3) A member at a meeting who wants to make a personal explanation must indicate the fact to the presiding member.
- (4) The presiding member may allow the member to make the personal explanation immediately or later at a time decided by the presiding member.
- (5) If the presiding member allows the member to make the personal explanation immediately, the presiding member may interrupt a member who is speaking.

34. Presiding member's powers to control speakers

⁴³

If at a meeting —

- (a) a member's speech is persistently irrelevant or repetitious; or
- (b) a member speaking contravenes any clause in this Part or Part 7 or 8,

the presiding member may order the member to stop speaking.

35. Members leaving meetings [MLL 8.3]

A member must not leave a meeting without having first notified the presiding member.

Part 7 — Substantive motions

36. Term used: motion

In this Part —

motion means a substantive motion.

37. Application of this Part

This Part applies to all meetings.

38. Wording of motions [MLL 10.1, 10.5, 10.9]

- ⁴⁴ (1) A member moving a motion —
- (a) must state aloud the words of the motion; and
 - (b) if required to do so by the presiding member, put the words into writing.
- (2) If a motion has been moved, the mover cannot change the wording of the motion unless —
- (a) if it is a motion referred to in the *Local Government (Administration) Regulations 1996* regulation 10, all the members who, under that regulation, signed the notice of the motion consent;
 - (b) in any other case, the seconder consents.
- (3) If a motion is complex, the presiding member may order, or the council or the committee (as the case may be) may decide, that the motion be divided into a several motions to be put in sequence.
- ⁴⁵ (4) A motion that a motion be divided cannot be debated.

39. Motions to be seconded [MLL 10.2]

A motion cannot be debated or voted on —

- (a) if it is a motion referred to in the *Local Government (Administration) Regulations 1996* regulation 10, unless it has the support required by that regulation;
- (b) in any other case, unless it is seconded.

40. Withdrawing motions [MLL 10.14]

- (1) If the mover of a motion so requests, and the seconder of the motion consents, the council or a committee may give leave to the mover to withdraw the motion.
- (2) A request for leave to withdraw cannot be debated.

41. Unopposed motions [MLL 10.3]

- (1) This clause does not apply to a motion to revoke or change a decision of the council or a committee.
- (2) As soon as a motion is moved and seconded, the presiding member may ask if any member opposes it.
- (3) If any member indicates opposition, the motion must be dealt with under this Part.
- (4) If no member indicates opposition —
 - (a) the presiding member may, without debate or a vote, declare the motion carried; and
 - (b) the minutes of the meeting must record that the motion was carried unanimously.

42. Only one motion to be dealt with at once [MLL 10.4]

While a motion is being debated and decided, no other motion, other than one to amend the one being debated, can be moved.

43. Motions to revoke or change decisions [MLL 14.1(3)]

⁴⁶

If, when a motion to revoke or change a decision of the council or a committee, other than a procedural decision, is moved —

- (a) in the case of a decision that relates to the issue of an approval, authorisation, certificate, licence or permit to a person, the local government has acted on the decision by notifying the person; or
- (b) in any other case, any action has been taken on the decision,

the council or a committee cannot vote on the motion unless it has received and considered a report prepared by or at the direction of the CEO about the legal and financial consequences of passing the motion.

44. Order of proceedings on motions [MLL 10.6, 10.7]

- (1) When a motion is to be considered, the presiding member must invite members in this order —
 - (a) a member to move the motion;
 - (b) a member to second the motion, unless the motion is one referred to in the *Local Government (Administration) Regulations 1996* regulation 10 and has the support required by that regulation;
 - (c) the mover of the motion to speak for the motion;
 - (d) the seconder or, if there is more than one, one of them, to speak for the motion;
 - (e) a member to speak against the motion;
 - (f) a member to speak for the motion;
 - (g) other members to speak alternately against or for the motion;
 - (h) if under clause 47 the mover of the motion has a right to reply, the mover to reply.

- ⁴⁷ (2) Despite subclause (1), if at any time the presiding member believes there has been sufficient debate on a motion, he or she may invite the mover of the motion to reply, as long as at least one member has spoken against the motion.
- (3) The presiding member must put a motion to the vote —
- (a) if the mover of the motion replies, immediately the reply ends; or
 - (b) otherwise, when there is no member to speak on the motion.
- 45. Member may require motion to be restated [MLL 10.8]**
- (1) In the debate on a motion a member may at any time, other than when a member is speaking, ask for the words of the motion to be stated aloud again.
 - (2) If such a request is made, the presiding member, or the mover of the motion, must state aloud the words of the motion.
- 46. Amendments to motions [MLL 10.10-10.13, 10.15]**
- ⁴⁸ (1) Any number of amendments to a motion (*motion A*) may be moved.
- (2) A motion to amend motion A that, if carried, would negate or defeat the intent of the motion A cannot be moved.
- ⁴⁹ (3) If an amendment to motion A is moved —
- ⁵⁰
- (a) any member, including a member who has spoken on motion A, may speak on the motion to amend; and
 - (b) the member who moved the motion to amend has no right of reply on the motion to amend, despite clause 47; and
 - (c) no other motion to amend motion A can be moved until the motion to amend is decided; and

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⁵¹ (d) motion A cannot be withdrawn until the motion to amend is decided, unless the council or the committee agrees otherwise.

⁵² (4) If a motion is amended, the amended motion replaces the motion.

47. Right of reply [MLL 10.19, 10.20]

⁵³ (1) If a member opposes a motion, the mover of the motion has a right to reply.

⁵⁴ (2) A member may exercise his or her right to reply only when the presiding member invites him or her to do so.

(3) The reply must be confined to rebutting arguments in speeches on the motion.

Part 8 — Procedural motions

48. Term used: procedural motion

In this Part —

procedural motion means a motion in a meeting —

- 55 (a) that the council or committee, as the case may be, adjourn; or
- (b) that the council or committee, as the case may be, under section 5.23 of the Act, close to members of the public the meeting or part of the meeting; or
- (c) that the council or committee, as the case may be, go to the next matter of business; or
- 56 (d) that the operation of one or more clauses of this model local law be suspended; or
- (e) that a decision of the presiding member be disagreed with; or
- (f) that the substantive motion being debated be adjourned; or
- (g) that the substantive motion being debated be put; or
- (h) that the member speaking be no longer heard.

49. Application of this Part

This Part applies to all meetings.

50. Moving procedural motions [MLL 11.1, 11.3]

- 57 (1) Notice of a procedural motion is not needed.
- (2) Any member may move a procedural motion unless subclause (3) or (4) applies to the member.
- (3) A member who has moved, seconded or spoken for or against a substantive motion cannot move a procedural motion that, if carried, would close debate on the substantive motion.

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- ⁵⁸ (4) In any one meeting, a member other than the presiding member cannot move or second more than one motion that the council or committee, as the case may be, adjourn.
- ⁵⁹ (5) A motion that the operation of one or more clauses of this model local law be suspended must state which clause or clauses are proposed to be suspended and the purpose of suspending them.
- ⁶⁰ (6) A motion that the substantive motion being debated be adjourned must state when debate on the substantive motion is to be resumed.
- (7) A procedural motion that is not seconded cannot be voted on.

51. Dealing with procedural motions [MLL 11.2]

- ⁶¹ (1) After a procedural motion referred to in paragraph (a), (b), (c), (d), (e) or (f) of the definition of procedural motion in clause 48 is moved and seconded —
- (a) the mover may speak for the motion for no more than 5 minutes; and
 - (b) the seconder cannot speak on the motion; and
 - (c) the motion cannot otherwise be debated; and
 - (d) unless subclause (4) applies, the presiding member must put the motion to the vote as soon as the mover has finished speaking for the motion.
- (2) After a procedural motion referred to in paragraph (g) or (h) of the definition of procedural motion in clause 48 is moved and seconded —
- (a) the mover cannot speak on the motion; and
 - (b) the seconder cannot speak on the motion; and
 - (c) the motion cannot be debated; and
 - (d) the presiding member must put the motion to the vote as soon as it is seconded.

⁶² (3) If a motion that the council or committee, as the case may be, adjourn (the *adjournment motion*) is moved and seconded, the presiding member, before putting the motion to the vote, may ask for leave to deal with unopposed matters on the notice of the meeting.

⁶³ (4) If on a request made under subclause (3) leave is given, the presiding member must put the adjournment motion to the vote as soon as the unopposed matters have been dealt with.

52. Withdrawing procedural motions [MLL 16.4]

⁶⁴ If the seconder of a procedural motion consents and no other member objects to the withdrawal, the mover may withdraw the motion.

53. Close of debate does not affect right of reply [MLL 11.4]

A procedural motion that is carried and closes the debate on a substantive motion, or a motion to amend a substantive motion, does not affect any right of reply a member has under Part 7.

54. Motion to adjourn meeting, effect of [MLL 12.3]

If a motion that the council or committee, as the case may be, adjourn is carried —

(a) the meeting of the council or committee is immediately adjourned to —

(i) the time scheduled for the next ordinary meeting of the council or committee; or

(ii) an earlier time (including a time on the day of the adjournment) decided by the council or committee when adjourning;

and

(b) clause 23 applies.

55. Motion to close meeting to public, effect of [MLL 12.7]

⁶⁵ If a motion that the council or committee, as the case may be, under section 5.23 of the Act, close to members of the public the meeting or part of the meeting is carried —

- ⁶⁶ (a) the meeting, or that part of it, must not proceed until all members of the public have left the meeting; and
- (b) in the case of a council meeting, unless the council decides otherwise, clause 31(3) does not apply while members of the public are excluded.

56. Motion to go to next business, effect of [MLL 12.1]

 If a motion that the council or committee, as the case may be, go to the next matter of business is carried —

- (a) consideration and any debate of the current matter of business must cease immediately; and
- (b) the council or committee must go immediately to the next matter of business on the notice of the meeting; and
- (c) the council or committee is not required to, but may, return later to the current matter of business.

57. Motion to disagree with presiding member, effect of [MLL 12.6]

 If a motion that a decision of the presiding member be disagreed with is carried, the presiding member's decision has no effect.

58. Motion that motion be adjourned, effect of [MLL 12.4]

- (1) If a motion that the substantive motion being debated be adjourned is carried —
- (a) consideration and any debate of the substantive motion must cease immediately; and
- (b) in the case of a council meeting, the presiding member must ensure the minutes record the names of those members who have spoken in the debate; and

- (c) debate of the substantive motion must resume at the time stated in the motion.
 - (2) When debate on an adjourned substantive motion resumes —
 - (a) the debate resumes at the point at which it was adjourned; and
 - (b) in the case of a council meeting, the adjournment does not affect the operation of clause 31(3).
- 59. Motion that motion be put, effect of [MLL 12.4]**
- (1) If a motion that the substantive motion being debated be put is carried and the substantive motion is not a motion to amend, the presiding member must —
 - (a) if the mover of the substantive motion has a right of reply, invite the mover to reply; and
 - (b) immediately after the mover declines to reply or ends his or her reply, put the substantive motion to the vote.
 - (2) If a motion that the substantive motion being debated be put is carried and the substantive motion is a motion to amend, the presiding member must immediately put the substantive motion to the vote.
 - (3) If a motion that the substantive motion being debated be put is lost, debate on the substantive motion is to continue.
- 60. Motion that member no longer be heard, effect of [MLL 12.5]**
- If a motion that the member speaking be no longer heard is carried —
- (a) the member speaking cannot speak further on the substantive motion being debated or on any motion to amend that substantive motion; but
 - (b) if the member speaking has a right of reply, he or she may exercise the right when invited to do so.

Part 9 — Voting on motions

61. Putting motions to the vote

If under this model local law the presiding member at a meeting is required to put a motion to the vote, the member must —

- (a) if requested to do so by a member, state aloud the words of the motion; and
- (b) require the council or committee, as the case may be, to vote on the motion in a manner stated by the presiding member.

62. Ascertaining the vote

- ⁶⁷ (1) If the number of votes cast for and against a motion at a meeting is not clear, the presiding member must again require the members at the meeting to vote on the motion, either by a show of hands or in some other manner decided by the presiding member.
- (2) When the number of votes cast at a meeting for and against a motion is clear in the presiding member's opinion, the presiding member must announce to the meeting the result of the voting.

Part 10 — Minutes of meetings

63. Distribution of minutes

⁶⁸ The draft minutes of a meeting must be given to members at least 10 working days before the next meeting of the council or committee, as the case requires.

64. Correcting minutes [MLL 3.5]

^{69 70}(1) A member who considers the draft minutes of a meeting are inaccurate and should be corrected must, under clause 19, give notice of a motion to amend the minutes at the next meeting of the council or committee, as the case requires.

(2) The motion must —

- (a) identify the words in the draft to be deleted from the draft minutes; and
- (b) propose any words that are to be inserted in the draft minutes.

⁷¹ (3) At a meeting the minutes of a previous meeting cannot be discussed except in relation to their accuracy.

Part 11 — Effect of decisions of council or committee

65. When decision may be acted on

- ⁷² (1) A decision made by the council or a committee at a meeting cannot be acted on by any person —
- (a) until after midday on the first working day after the day on which the decision was made, unless the council or committee direct the CEO under subclause (2); or
 - (b) if no action on the decision has been taken and notice of a motion to revoke the decision is given under clause 19 and the *Local Government (Administration) Regulations 1996* regulation 10; or
 - (c) if no action on the decision has been taken and notice of a motion to change the decision is given under clause 19 and the *Local Government (Administration) Regulations 1996* regulation 10 and the motion, if carried, would materially change the decision.
- (2) The council or a committee may, on the day on which it makes a decision at a meeting, direct the CEO to act on the decision immediately the CEO is notified of it and the direction.

Part 12 — Miscellaneous matters

66. Authorised uses of the common seal [MLL 19.1]

73 74

Each time the common seal of the local government is used, the CEO must record in a register —

- (a) the date it was used; and
- (b) a description of the document on which it was used; and
- (c) if the document is an agreement, the names of the parties to the agreement.

67. Unauthorised use of common seal [MLL 19.1]

A person must not, without the approval of the local government, use its common seal.

Penalty: a fine of \$5 000.

By Command of the Governor,

Clerk of the Executive Council.

Draft 47

Endnotes

[For ease of reference detach these notes and read them alongside the draft.]

- ¹ Abbreviations used in these endnotes:
DIA Drafting instructions sent on 7 January 2009.
LASO *Standing Orders of the Legislative Assembly of the Parliament of Western Australia*, Standing Order.
LGA *Local Government Act 1995*.
MLL *Model Local Law (Standing Orders) 1998* published in the *Government Gazette* 3 April 1998 p1948-64, clause
- ² MLL does not define 'substantive motion'. Is its meaning clear enough?
- ³ Cp MLL 10.18 & 15.2.
- ⁴ Cp MLL 3.4. This is placed here because it does not have much to do with the business at meetings.
MLL 3.4 says 'in order to be effective' a petition is to But what effect does any petition have? This suggests a different approach. It is not clear what happens with petitions. Are they given to the CEO (who, this proposes, may reject them). Or are they given to the council at a council meeting. If so what process for accepting or rejecting them goes on at the meeting?
- ⁵ DIA ¶8(c) is not clear on what is wanted. This is a guess.
- ⁶ Cp MLL 3.2(4). This seems more logical here.
Should there be more about what has to be in an agenda? See endnote 17.
- ⁷ This is a suggestion.
- ⁸ DIA ¶2(b)'s proposals are not included because I see no point in them. It should be presumed that CEOs and councillors know of and act according to the LGA Part 5 Division 2. I see no point in this model local law reminding them of that.
- ⁹ DIA ¶4.

¹⁰ DIA ¶3. Cp LGA s 5.4 & 5.5.

¹¹ Would 'agenda' instead of 'purpose of meeting' be better?

This in effect leaves it to the CEO to decide the time (as opposed to the date) of meetings. Is that OK? Should people notifying the CEO that a meeting is wanted have to state the time as well as the date?

¹² Cp MLL 3.2(4). This seems more logical here.

¹³ This is a suggestion.

¹⁴ DIA ¶19. I see no point in referring to the Act as it must be assumed that those running meetings of councils and committees know what constitutes a quorum under the LGA.

¹⁵ Cp MLL 3.1 which I have split into 2 clauses.

MLL 3.1 relates to 3.2(1)(k) and 3.11. See endnote 20.

This tries to reflect DIA ¶15 re MLL 3.11. As MLL 3.1(1) seems to allow the council to decide on the motion of any member (not just the one presiding) to consider a matter not on the agenda this does not refer to the presiding member.

¹⁶ Cp MLL 3.1(4). It is not clear from 3.1(4) if cl 3.1(1) applies to the adjourned meeting so that the council or the person presiding can approve new business (i.e. not on the agenda) at the adjournment.

¹⁷ Cp MLL 3.2. It is not clear how this fits with the agenda for an ordinary meeting. Should there be a requirement for agendas to include all this business? How will this operate if an agenda does not specify all this business, given what cl 12(1) says?

Should this list undecided business from the previous ordinary meeting?

As DIA ¶6(a) seems to say, reference to petitions has been omitted. Are petitions to be no longer dealt with at meetings? What will happen to petitions?

¹⁸ Given MLL 3.6 it seems there is likely to be discussion of these announcements so I have omitted 'without discussion'.

¹⁹ Are these on the agenda? If not when and how do members get to know of notices of motions that have been given?

- ²⁰ DIA ¶6(c) proposes a definition of 'urgent' but it is not clear why that is necessary when it is up to the council to decide what it considers at a meeting. Cl 12(1) allows a council to consider matters not on the agenda, whether urgent or not, so there seems no point in trying to restrict this item of business to only urgent matters. The concept of urgency is elastic and I see little point in trying to define it or limiting what business not on its agenda a meeting can deal with.
- ²¹ Cp MLL 3.3. Does this apply for each question a person asks? DIA ¶7(b). I see no point in saying the law as to public question time applies as that is already the case. Note cl 13(1)(b) has a reference to relevant laws.
- ²² MLL 3.9 is not clear on whether it applies to committee meetings. Your views please.
This clause, which seems to apply to only substantive motions, might be better in Part 7. Your views please.
- ²³ If this clause is to apply at committee meetings, perhaps this should refer also the presiding member of the committee. Your views please.
- ²⁴ CIA ¶13(e). I have omitted bits of MLL 3.9(4)(b) and not included ¶13(e)'s suggestion because I do not think it is necessary to include them. In exercising this power the CEO can act alone or after consulting whoever s/he thinks fit. I do not think that needs to be said.
- ²⁵ MLL 3.9(4)(c) is not clear about to whom the CEO provides information. This guesses at what is intended. Is it correct?
- ²⁶ I do not understand MLL 3.9(6)(b) so for now it is not included. If a motion is moved, it seems any of these things can happen —
- it is decided (i.e. carried or defeated);
 - consideration of it is adjourned;
 - it is withdrawn by the mover.
- ²⁷ This seems harsh for a motion that merely lapsed (possibly because the member could not attend the meeting for some good reason) and was not therefore defeated.

²⁸ DIA ¶28(b). MLL 8.5(2) is not included because there seems no need for it in view of this revised version of MLL 8.5(1).

With the advent of cameras in mobile telephones, should this extend to taking photographs? Should there be any controls on the use of mobile phones at meetings?

²⁹ DIA ¶29. This suggests a slightly different approach.

DIA ¶29(c) is not included because it does not seem necessary unless you mean that the presiding member must record offensive etc. words if asked by another member to do so.

³⁰ Note this applies only to council meetings. Perhaps it should apply to any meeting. Your views please.

³¹ Note this applies only to council meetings. Perhaps it should apply to any meeting. Your views please.

³² This is not quite as DIA ¶25(a) suggests because to give the person presiding complete power to decide these matters seems an odd approach.

DIA ¶25(b) is not included for now as it is not clear what effect declaring a person to be out of order would have. See next endnote as to contraventions.

³³ This seems to be the effect of MLL 9.2. Is it what is wanted?

³⁴ DIA ¶33 is not included because it may conflict with the LGA s 5.6 & Part 5 Div 2 Subdiv 2 which do not seem to contemplate anyone in effect vacating the chair.

³⁵ Cp cl 31(1)(f). Is this needed as well as that? I suggest this be omitted.

³⁶ Cp 8.4 & 15.2.

DIA ¶27(b)(ii) seems to propose what should happen if a member refuses to apologise etc. when ordered to do so. The proposal is hard to understand and may not be very workable. A better approach might be that in LASO 42ff.

That approach applies to a range of transgressions and could be used here to apply to any contravention of this model local law by a member.

Your views please.

DIA ¶27(b)(iii) refers to 'regulation 10(3)' but it is not clear which regulation 10(3). Anyway, it is not included because I see no point in repeating the law.

37 No reference to absence of a quorum is here because it is a point of order; namely that the LGA s 5.19 and cl 10 are being contravened.

38 Is this the only procedural motion that the mover can interrupt a person speaking to move?

39 DIA ¶36. How long are extensions of speaking times? Cp LASO 102.

40 DIA ¶39 is hard to follow. Does this prohibition apply to all decisions ever made or just those made at the meeting?

See endnote 35.

41 Cp MLL 15.4. Offensive or insulting language is not included because it is part of this local law already.

42 MLL 10.16 is not clear on whether the previous speech must be one on a motion or matter that is still being debated or whether personal explanations can relate to other speeches.

43 DIA ¶34. LASO 97 allows the member ordered to discontinue speaking to seek the approval of the House to be further heard. Should that be included here as a means of tempering the presiding member's power?

What, if anything, is to happen if a member disobeys the presiding member's order?

44 It is not clear when notice of a substantive motion is needed.

Cl 13(1)(h) refers specifically to motions on notice which seems to guarantee they will be considered. But it is not altogether clear if a person can move a substantive motion without notice and if so, when or if there any restrictions (e.g. requiring the agreement of the meeting). Perhaps cl 13(1)(i) read with cl 12(1) means that substantive motions without notice can only be dealt with if the meeting decides. Note however: those clauses deal with council meetings. The position at committee meetings is less clear still.

cl. 67

45 DIA ¶44.

46 Cp MLL 14.1(3). It is here because this seems a more logical place for it.

DIA ¶73(b)(i) is not clear. This clause proposes it will not apply to procedural decisions. But does ¶73(b)(i) intend that procedural decisions can never be revoked or changed?

47 MLL 10.7 is not clear when this power can be exercised. E.g., can it be exercised before anyone has spoken against the motion? This suggests a limit.

48 Can motions to amend a motion to amend be moved?

49 MLL 10.10 is puzzling because it only contemplates the motion for the original amendment being withdrawn or lost. What if it passed?

50 DIA ¶51. Is this what you want?

51 MLL 10.15 is puzzling because it only contemplates the motion for the original amendment being withdrawn or lost. What if it is carried?

52 MLL 10.13 is not clear on whether members who spoke on the motion before it was amended can speak on the amended motion or are barred from speaking by cl 31(3). Please advise.

53 This assumes there is no right of reply if no one has opposed the motion. Is that correct? If not then cl 47(3) may need revising.

54 MLL 10.20(a) & DIA ¶57(a) are not included because they do not seem necessary given cl 44.

55 Do these motions have to state when the meeting is to be resumed?

56 Cp MLL 18.1.

57 This is a suggestion. Your views please.

58 This is taken from MLL 16.2 (& see DIA ¶83(b)) because it seems better here.

MLL 16.2 refers to sittings but, in the case of a meeting that is adjourned, is not clear if it operates in relation to the whole meeting or just one or other of the meeting's sessions. E.g. if a meeting adjourns for a break (e.g. lunch) is a member who before the break

moved or seconded a motion to adjourn barred after the break from moving or seconding another motion to adjourn?

⁵⁹ Cp MLL 18.1(2).

⁶⁰ This seems necessary given MLL 12.2.

⁶¹ Note this applies to motions to (in effect) suspend standing orders. Is that apt?

⁶² Cp MLL 16.3.

⁶³ MLL 16.3 is not clear on what happens if leave is given. This is a suggestion.

⁶⁴ Cp MLL 16.4 & DIA ¶83(d). This is retained because cl 40 is specific to substantive motions.

It extends to all procedural motions, not just motions to adjourn a meeting. Is that OK?

⁶⁵ MLL 12.7(3) is not included here because I do not think it is consistent with the *Local Government (Rules of Conduct) Regulations 2007* r 6 which limits the disclosure of information acquired at closed meetings. I read r 6 as extending to the motions passed and the votes cast at a closed meeting. If such matters are to be capable of being disclosed to members of the public generally by the presiding member or any other member, I think r 6 should be amended.

MLL 12.6(4) (& see DIA ¶69(b)) is not included because the *Local Government (Rules of Conduct) Regulations 2007* r 6 seems to already cover the matter.

⁶⁶ DIA ¶69(a)(ii) is not included because I am not sure a local law to allow the presiding member to except some members of the public from having to leave when a meeting is closed to members of the public would be consistent with the LGA s 5.23.

The LGA does not define “members of the public” but it seems to mean anyone who is not a member of the council or a committee. I.e. it includes staff of local governments who can attend meetings as members of the public.

cl. 67

LGA s 5.23 contemplates that a meeting (or a part of it) will either be open or be closed. It does not contemplate any half measures.

If there is a need to be able to close meetings to some (not all) members of the public for some reason, I suggest you consider getting regulations made under the LGA s 5.25 or, if that section would not allow such regulations, amending the Act.

⁶⁷ DIA ¶70 is not included because I see no point in repeating the law. Nothing is said here about the openness of voting because it is covered by the *Local Government (Administration) Regulations 1996* r 9.

⁶⁸ This is suggested so that cl 64 will work.

⁶⁹ DIA ¶21 & 22. I have not included the provisions suggested as I see no point in repeating the law.

⁷⁰ This in effect combines MLL 3.5 (see DIA ¶9) and DIA ¶23(b). This proposes the motion should be on notice like any other motion on notice.

Does the member have to have been present at the meeting the minutes of which are said to be inaccurate?

⁷¹ Cp MLL 3.5(2). I do not understand the point or intent of this. It seems quite odd that a council cannot look at the minutes of and if necessary discuss what happened at a previous meeting.

⁷² DIA ¶73(b)(ii) refers to the 'first business day after the commencement of the meeting' which seems likely to be problematic if the meeting is adjourned to another day and the decision is made on the other day. So this suggests a different approach.

⁷³ The contents of this Part have little or nothing to do with meetings or the procedure at them.

I suggest you consider amending the *Local Government (Administration) Regulations 1996* to include these provisions about common seals.

⁷⁴ Should these details include —

- The details of any substantive motion that authorised the use of the common seal?
- The names of the persons who were present when the seal was used?

These details may be important if any question arises as to whether the seal was validly used. Your views please.



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THIS DRAFT IS PROVIDED IN CONFIDENCE

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INSTRUCTING DETAILS					
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COMMENTS

♠ = a provision that is new or that has been revised since the previous draft and for which there is not an endnote.

♦ = a cross reference that may need to be updated in any subsequent draft.

Shaded text is text about which there is some question.

Executive Council
Western Australia

Department File No. 20-09; 415-08.....

Minute No.

The Council respectfully advises the Governor

under the *Local Government Act 1995* to consent to the preparation and publication in the *Government Gazette* of the *Local Government (Council Meetings) Model Local Law 2009* as set out in the attached draft.

Draft

.....
Minister for Local Government

.....
Premier

Date of Meeting.....

Approved.....
Governor

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COUNSEL'S CERTIFICATE

Local Government (Council Meetings) Model Local Law 2009

In my opinion subsidiary legislation in the form of the attached draft dated 19 January 2009 would be within the powers conferred by the *Local Government Act 1995*.

The following action is required by law for the attached draft to take effect as subsidiary legislation:

1. Making by the Governor in Executive Council.
2. Publication in the *Government Gazette* on or before [insert date].

Patrick Tremlett
Senior Parliamentary Counsel
19 January 2009

**THIS CERTIFICATE WILL BE REQUIRED
BY THE GOVERNMENT PRINTER**

Drafting Instructions
Local Government (Council Meetings) Model Local Law 2009 – Draft #1

The following Drafting Instructions are to be considered in conjunction with the first draft of the Local Government (Council Meetings) Model Local Law 2009, drafted 19 January 2009 by Patrick Tremlett of Parliamentary Counsel.

1. Title

Current heading does not take into account committee meetings. Should be changed to *Local Government (Meeting Procedures) Model Local Law 2009*.

2. Clause 2 Terms Used

Endnote 2 – Yes leave definition as is.

3. Clause 4 Presiding member to decide procedural questions

This clause needs to be moved to Part 8 near clause 51.

4. Clause 5 Presiding member's decisions, effect of

Please delete the term 'model'.

It was agreed that this term should not be used in the local law.

5. Clause 6 Petitions to the council

- (a) Endnote 4 - This clause should be moved back to PART 4 after clause 16 before the Deputations clause as it is part of the order of business at meetings

- (b) Endnote 4 - In subclause (1) please insert the words "prior to the meeting" after the word "CEO".
- (c) Endnote 4 - It was proposed that the remainder of this clause be reworded similar to Clause 6.10(3) of South Perth's Standing Orders Local Law 2007. Extract below.
 - "6.10 (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition."
- (d) Endnote 5 - The definition of 'Petition' in subclause (3) needs to be broadened to cover all statutory petitions.
- (e) Please include the words 'of the Act' after the reference to section 2.12. Please insert these words in all instances where references to sections of the Act are included within the local law.

6. Clause 7 Ordinary council meeting

Please delete this clause as it appears unnecessary.

Endnotes 6 and 7 – N/A as clause deleted.

7. Clause 8 Special council meeting

Please delete subclause (3).

Endnote 8 – Agreed

8. Clause 9 Committee meeting

- (a) It was agreed that subclause (1)(a) be deleted as this is covered in subclause (1)(b).

(b) Please delete subclause (4) as it is similar to clause 7.

(b) The words 'and purpose' are to be deleted in subclause (1)(b) and subclause (2).

(c) The remainder of the clause is to be rewritten beginning with "A meeting of a committee is to be determined at the establishment of a committee..."

(d) Endnote 11 – N/A as "and purpose" deleted and clause to be reworded.
Endnotes 12 and 13– N/A as subclause (4) deleted.

9. Clause 10 Quorum to be present

Endnote 14 – Agreed.

10. Clause 12 Business at council meetings

Please delete subclause (4) as it is not always the case that unresolved matters should take precedence.

11. Clause 13 Order of business at council meetings

(a) Endnote 17 - After subclause (1)(c) please insert 'Petitions' in this list in accordance with moving clause 6 to after clause 16.

(b) Endnote 21 - Reference to Act & Regulations in subclause (1)(b) can stay here.

(c) Endnote 18 - It was agreed the words "without discussion" do not need to be included in subclause (1)(f).

(d) Endnote 20 – Agreed

12. Clause 14 Business at committee meetings

Similar to clause 12(4) if was agreed that subclause (3) be deleted.

13. Clause 16 Public question time

Please delete the words “and address” in subclause (1). It was discussed that this should be made optional in a policy or achieved administratively instead.

14. Clause 17 Deputations

It is proposed that the term ‘deputation’ needs to be defined in this clause. It is proposed that it be worded along the lines of “A deputation can only speak to an agenda item at the meeting”.

15. Clause 19 Motions on notice

- (a) Please change the words “notice of the meeting” to “agenda” to prevent any confusion between giving a “notice of motion” and the “notice of the meeting”. Please change these words throughout the entire clause for clarity.
- (b) In subclause (2) please change “7 working days” to “7 clear days”.
- (c) In subclause (3)(a) the words “or presiding member” needs to be inserted after the word “president.
- (d) In subclause (3)(a)(ii) the words “ruled out of order” are not appropriate and should be changed to “would be a breach of any written law”.
- (e) In subclause (3)(b)(iii) it appears unnecessary to include the words “in the CEO’s name”. Please delete these words as this is already covered in the first sentence of subclause (3).
- (f) Endnote 22 – Yes this clause does apply to committee meetings and; no it should not be moved to Part 7.
Endnote 23 – Agreed see paragraph (c) above.

Endnote 24 – Agreed

Endnote 25 – Correct

Endnote 26 – Subclause (4)(b) can be deleted as it is covered under subclause (4)(a).

Endnote 27 – Subclause (5) is not harsh. In practise there are other means by which a member who is unable to attend a meeting can forward their intentions to another member to move the notice on their behalf.

16. Clause 20 Order at meetings

- (a) All references to the word “must” need to be changed to “is to” or “are to” depending on appropriate circumstance,
- (b) In subclause (2)(b) the words “stand and” is to be deleted.
- (c) In subclause (3) the word “stands and” is to be deleted. It is proposed that all references to a member including “standing” be deleted as this is not always common practise in regional areas.
- (d) Penalties – Does having penalties within the local law conflict with the Local Government (Rules of Conduct) Regulations?

17. Clause 21 Recording of proceedings

Endnote 28 – This clause does not need to include a provision in respect to mobile phone usage in meetings as this can be left to the discretion of the presiding member.

18. Clause 22 Disorderly conduct by non-members

- (a) Drafting instruction 29(e) has not been done. Is there a reason this has been left out?
- (b) Endnote 29 – Agreed.

19. Clause 23 Adjournments and resumptions of meetings

(a) Endnote 30 – Yes it does apply to all meetings. Please delete the word “council” in subclause (1) to reflect this.

(b) Endnote 31 – Yes it does apply to all meetings. Please delete the word “council in subclause (2)(b)(ii) to reflect this.

20. Clause 24 Seating at meetings

This should be an administrative task rather than decided by elected members. This clause should be rewritten to revert back to the wording of clause 8.2 of the current model.

21. Clause 26 Priority of speakers

Endnote 33 – Leave clause as is.

22. Clause 27 Members invited to speak

(a) The word “must” in subclause (1)(a) and (b) needs to be deleted and replaced with “is to” .

(b) Since all councils do not always require members to stand whilst speaking, this should be left to the discretion of the council. Please insert the words “or unless the council resolves otherwise” after the word “disability” in subclause (1)(a) to reflect this.

23. Clause 28 Presiding member may speak in debates

Retain for the moment as it is.

24. Clause 29 Official titles to be used

The word “must” is to be deleted and substituted with “are to” .

25. Clause 30 Adverse statements about decisions and members

- (a) Endnote 35 – Subclause (1) is to be left as is.
 - (b) Again there is the penalty issue regarding the penalty in subclause (2). Does this duplicate the Rule of Conduct Regulations?
 - (c) It was suggested that subclauses (1) and (2) refer to different issues than subclauses (3) – (5). It is proposed that subclause (3) – (5) be put under a new clause heading along the lines of “Withdrawal of Adverse/Offensive Language”.
- 26. Clause 31 Speaking rules**
- (a) It was agreed that stating “absence of quorum” is unnecessary (endnote 37).
 - (b) Endnote 39 - Members normally only get an extension of 5 minutes speaking time. A member should be able to get his point across in 10 minutes.
 - (c) Subclause (f) needs to be reworded slightly for clarity. The word “discuss” needs to be deleted and replaced with “reopen discussion of”. The words “at that meeting” also need to be inserted after the word “committee” (endnote 40).
- 27. Clause 32 Points of order**
- (a) Endnote 41 – Okay.
 - (b) It was decided that all references to policies should be deleted in the local law as the Joint Standing Committee has issues with reference to local government policies in local laws. The words “or a policy of the local government” in subclause (1)(b) and subclause (4) therefore need to be deleted and the words “or policy” also at the end of subclause (4) should be removed.
 - (c) In subclause (2) it was resolved that the words “must stand and” be deleted and the words “is to declare point of order, may stand and is to” to be substituted instead.

28. Clause 33 Personal explanations

- (a) Endnote 42 - for clarity the words “at that meeting in relation to a matter still under discussion” should be inserted after the first instance the word “member” appears in subclause (2)(a).
- (b) In subclause (4) a person’s personal explanation should be heard relatively close to when they indicated they wanted to make a personal explanation and not left till the end of the meeting. The words “later at a time decided by the presiding member” should be deleted and replaced with “at the conclusion of another member’s speech” to reflect this.

29. Clause 34 Presiding member’s powers to control speakers

- (a) Retain as is.
- (b) Endnote 43 - If a member disobeys the presiding member’s order you refer back to maintaining order in clause 20(2)(a).

30. Clause 35 Members leaving meetings

This clause was slightly ambiguous on what is meant by the word “notified”. It is recommended the word “notified” be deleted and replaced with the words “indicated an intention to leave to”.

31. Clause 37 Application of this Part

Should this be at the beginning of the local law?

32. Clause 38 Wording of motions

- (a) It was agreed that subclause 1 should be reworded to revert back to clause 10.1 and 10.2 of the current model. However paragraph (b) relating to a member putting the words into writing if required to do so by the presiding member is to stay and be included as part of the reworded subclause (1).

(b) It is unclear in subclause (2)(a) if the reference to the Local Government (Administration) Regulations, regulation 10 is relevant. Regulation 10 deals with decisions. Subclause (2)(b) is fine.

(c) Subclause (3) and (4) may be redundant.

33. Clause 39 Motions to be seconded

It is unclear if the reference to the Local Government (Administration) Regulations, regulation 10 is relevant. Regulation 10 deals with decisions.

34. Clause 43 Motions to be revoke or change decisions

Endnote 46 – Retain as is.

35. Clause 44 Order of proceedings on motions

(a) Same issue under item 33 applies to paragraph (b).

(b) Please delete all the words after the word “motion” in paragraph (b).

(c) In paragraph (d) please delete the words “or, if there is more than one, one of them,” Did you interpret Regulation 10 to mean there are multiple seconders?

(d) Endnote 47 – Time limit suggested is supported, subclause (2) to be retained.

36. Clause 45 Member may require motion to be restated

Should the words “stated aloud again” be changed to “restated aloud”?

37. Clause 46 Amendments to motions

Is there a reason why “the council or the committee” is distinguished in paragraph (d)? This isn’t always the case throughout the local law? Is there any particular reason why council and committee are referred to separately in some clauses and not in others.

38. Clause 47 Right of reply

Rebutting may mean different things to different people. Please insert the words “and no new matter is to be introduced” to the end of subclause (3).

39. Clause 48 Term used: procedural motion

- (a) Is there a reason why “the council or the committee” is distinguished in paragraphs (a), (b) and (c)? See comment in item 37.
- (b) In paragraph (b) is reference to the Act necessary? Why make references to the Act and Regulations in the model?
- (c) Does paragraph (a) allow procedural motions to be deferred or referred back to a committee? There is also no provision to close a meeting, is this also covered under paragraph (a) as an adjournment?
- (d) It was suggested that we compare the City of South Perth’s Standing Orders clause 17 in relation to suspending motions and Standing Orders.

40. Clause 49 Application of this Part

Should this be at the beginning of the local law?

41. Clause 50 Moving procedural motions

Endnote 57 – Please delete subclause (1) as it is not applicable.

42. Clause 51 Dealing with procedural motions

Endnote 63 – Supported.

43. Clause 52 Withdrawing procedural motions

Please correct the spelling mistake. It appears the word “move” should be “mover”.

44. Clause 55 Motion to close meeting to public, effect of

Endnote 65 & 66 – We are going to be having other Regulations created which may deal with these issues.

45. Clause 57 Motion to disagree with presiding member, effect of

Is there anything in the model that allows the presiding member to make a decision that cannot be overruled or disagreed with by the council? We looked at clause 4 and 5. Should clause 22 be exempted from clause 57? It could cause mayhem if a Council can overrule a Presiding member on conduct issues. However what happens if a Presiding member is wrong. A Council may need to be able to adjudicate if the presiding member has it wrong. Is Part 5 to the exclusion of what is said in Part 8?

46. Clause 59 Motion that motion be put, effect of

Clause needs to be amended to be more explicit that you cannot move this motion until the right of reply has occurred.

47. Clause 60 Motion that member no longer be heard, effect of

This clause needs to be retained however it was discussed that this clause could be abused and used to cut people off that are not being offensive and are being relevant and whom have only spoken for less than 5 minutes. Need to check other options for wording this in guide to meetings text books.

48. Clause 61 Putting motions to the vote

The method used for voting needs to be more specific. (See clause 13.4 of City of South Perth's Standing Orders Local Law for examples) A provision needs to be included after subclause (b) that states something along the lines of, "That manner shall be a method that applies to all members and that clearly indicates their intention for or against the motion."

49. Clause 63 Distribution of minutes

Endnote 68 - Please delete as unnecessary as a notice of motion does not need to be given to correct minutes.

50. Clause 64 Correcting minutes

A notice of motion is not needed to correct minutes, so 'notice of motion' should be deleted. However the working group actually prefers the wording and content of clause 3.5 of the current Model Local Law.

Endnote 71 – The reason behind this subclause is you don't want to revisit a debate that is finished. It uses up council time arguing on minutes content.

51. Clause 65 When decision may be acted on

Subclause (b) needs to be amended to include the words "or change" after the word "revoke" as this is inline with Regulation 10 of the Local Government (Administration) Regulations and deleted subclause (c) entirely as you need to revoke a decision in order to change it.

Endnote 72 – Supported.

52. Clause 66 Authorised uses of the common seal

It needs to be noted that this Part will no longer be needed shortly as these provisions are included in the Local Government Amendment Bill going through Parliament at the moment. If any of these provisions are not included in the Amendment Bill then they will need to be included in Regulations.

53. Clause 67 Unauthorised use of common seal

We are not clear if this penalty is included in the Local Government Amendment Bill. If it is not going to be included in the Local Government Act then we will need to retain the penalty clause in here.

54. Miscellaneous

Do we need a repeal clause at the beginning of the local law? Can we repeal the old Standing Orders model?

DELEGATION NUMBER - 5

LEGISLATIVE POWER	- Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	- Local Laws
DELEGATE	- Chief Executive Officer

The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give Statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the Statewide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give Statewide public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give Statewide public notice stating intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give Statewide public notice as required under Section 3.16(5).

Adopted at a Council Meeting on 22 July 1999.

Reviewed at a Council Meeting on 26 October 2000.

Reviewed at a Council Meeting on 22 November 2001.

Reviewed at a Council Meeting on 22 September 2005.

Reviewed at a Council Meeting on 26 July 2007.

Reviewed at a Council Meeting on 27 November 2008.

The recording of the exercising of this power of delegation shall be kept on file ADM 5.

EXPLANATORY MEMORANDA DIRECTIONS – CHECKLIST

This document forms part of the Explanatory Memoranda Directions 2005

(Please tick the box in the relevant item to indicate that the procedure has been completed)

1. PROCEDURAL MATTERS THAT ARE PRE-REQUISITES TO THE VALID MAKING OF A LOCAL LAW

(Note: Regional local government to change terminology as applicable.)

1.1 Local laws made under the *Local Government Act 1995*

s. 3.12 Procedure for making local laws



Presiding person to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner (s. 3.12(2)).

Date of Council Meeting 23 November 2006.



Statewide public notice (s. 3.12(3)(a)).

1. Publication in newspaper, paper circulating generally throughout the State;

Name of newspaper West Australian.

Date of publication 10 February 2007.

2. Exhibited to public on notice boards at the local government's offices and library. (13 February 2007).



Copy of proposed local law and Statewide public notice sent to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)), (s 3.12(3)(b)). Sent 13/2/07.



Local public notice (s. 3.12(3a)).

1. Publication in newspaper, paper circulating generally throughout the District;

Name of newspaper¹ West Australian.

Date of publication 10 February 2007.

2. Exhibited to public on notice boards at the local government's offices and library.



Consideration of submissions, if any received (s. 3.12(4)).



Making of local law as proposed after the last day for submissions. (s. 3.12(4))².

¹ In some cases the West Australian or other Statewide newspaper is also the only local paper and as such publication in the West Australian or other Statewide newspaper will suffice as both local and Statewide publication.

² The local government must not make the local law before the minimum six-week consultation period has elapsed. The six-week period is calculated from the day after the date of publication of Statewide public notice. For method of calculation of minimum consultation period see DLGRD Circular 10-2003.



Absolute majority required to make local law that is not significantly different to that proposed (s. 3.12(4)).

Date of Council Meeting 26 April 2007.



Copy of local law after adoption by local government to be published in the *Government Gazette* (s. 3.12(5)).

Number and date of *Gazette* # 123, dated 12 June 2007.

Copy of gazetted local law given to Minister for Local Government and Regional Development and to another Minister if the other Minister administers the Act under which the local law is made eg Minister for Health in respect of Health local laws (s. 3.12(5)). Sent 19/6/07.



Local public notice after the local law has been published (s. 3.12(6)).

1. Publication in newspaper; paper circulating generally throughout the District

Name of newspaper Nannup Telecentre Telegraph

Date of publication 29 June 2007

2. Exhibited to the public on notice boards at the local government's offices and library.

s. 3.6 Places outside the District – Governor's approval



Governor's approval obtained prior to the making of the local law under s. 3.12(4) if any aspect of the local law is to apply beyond the boundaries of the local government's District.

Date approval published in the *Gazette* _____

1.2 Local Laws made under the *Health Act 1911*

s. 3.42 – Health local laws generally



Approval of Executive Director Public Health (or delegate) in respect to Health local laws obtained.

S 161 – Eating Houses



Declaration by Governor that the provisions of Division 3 of Part V shall apply to the District.

Date declaration published in the *Gazette* _____

Signature of Shire President

Cr Barbara Dunnet

Printed Name of Shire President

Signature of Chief Executive Officer

Mr Shane Collie

Printed Name of Chief Executive Officer