



Shire of Northam  
*Heritage, Commerce and Lifestyle*

## **SHIRE OF NORTHAM**

**MINUTES**

**ORDINARY COUNCIL MEETING**

**HELD ON**

**WEDNESDAY**

**17 FEBRUARY 2016**

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**Minutes of the Ordinary Meeting of Council held in the Council Chambers on  
WEDNESDAY, 17 February 2016 at 5:30 pm.**

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Northam. The Shire of Northam warns that anyone who has an application lodged with the Shire of Northam must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

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**1. OPENING AND WELCOME**

The Shire President, Cr S B Pollard declared the meeting open at 5.30pm.

**2. DECLARATION OF INTEREST**

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Final Adoption of Revised Local Planning Policy 5 - Use of Sea Containers and other Similar Storage Structures	13.2.2	Cr J E G Williams	Impartiality	She has permanent sea containers on one of her block.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr U Rumjantsev	Impartiality	Mark Wilding is known to him for many years (as a brigade members) non-social.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr T M Little	Impartiality	He has known one of the persons (owner) mentioned (Simon Wilding).
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr S B Pollard	Impartiality	Simon & Mark Wilding are known to him.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr C R Antonio	Impartiality	Applicants are known to him.

**3. ATTENDANCE**

**COUNCIL**

Councillors

S B Pollard  
T M Little  
D G Beresford  
J E Williams  
J Proud  
C L Davidson  
U Rumjantsev  
C R Antonio  
D A Hughes

Chief Executive Officer  
Executive Manager Engineering Services  
Executive Manager Development Services  
Executive Manager Community Services  
Executive Manager Corporate Services  
Executive Assistant – CEO  
Manager Planning Services  
Planning Officer

J B Whiteaker  
C D Kleynhans  
C B Hunt  
R Rayson  
C Young  
A C Maxwell  
K Nieuwoudt  
C Wynn

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**GALLERY**

Timothy Williams – Avon Valley Advocate  
Seven (7) members of the public.

**4. APOLOGIES**

Nil.

**5. LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr R W Tinetti has been granted leave of absence from 1 February 2016 to 31 March 2016 inclusive.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2634**

**Moved: Cr Williams**  
**Seconded: Cr Hughes**

**That Council grant Cr T M Little leave of absence from 24 February 2016 to 19 March 2016 inclusive.**

**CARRIED 9/0**

**7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**8. PUBLIC QUESTION TIME**

**Name:** John Dival.

**Agenda Item:** 13.2.4 - Request to Adopt for Final Approval Local Planning Policy No.19 'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'.

**Question:** What would be the process in the event of a dispute in relation to the interpretation of the Policy being proposed?

**Response:** The Executive Manager Development Services advised that most matters are resolved between the applicant and the Officer. The Policy deems the

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minimum requirements, if this cannot be met and resolved, the applicant can apply for a variation to the Policy which would result in Council making a determination. If an application was refused by Council the applicant has the opportunity for a right of appeal through the State Administrative Tribunal.

**Name:** Lindsay Wallis.

**Agenda Item:** 13.2.3 - Request to Adopt for Re-advertising Revised Version of Draft Local Planning Policy No. 18 – Heritage Precincts.

**Question:** I own a vacant block on the corner of Cody and Gordon Street, Northam. What design guidelines will be required when developing this land if this is identified as an area with significant heritage value?

**Response:** The Shire President advised that this can depend on the surrounding properties and whether they are deemed to have significant heritage value (e.g. a vacant block with a property each side that has been deemed to have significant heritage value).

The Executive Manager Development Services also advised that Section 5.4 of the Policy deals with new buildings. This section outlines that new building styles are encouraged.

**9. PUBLIC STATEMENT TIME**

Mr K Nieuwoudt departed the Council Chambers at 5.54pm and returned at 5.57pm.

**Name** Peter McGrath

**Agenda Item** 13.2.4 - Request to Adopt for Final Approval Local Planning Policy No.19 'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'.

**Statement Provided:** Mr McGrath Apologised for not attending last week's forum.

Under point 1 of the officer's response to submissions, Officers comment that personal opinion is not a valid point – the whole reason for putting a policy out to public comment is to get the public's personal point of view as opposed to just the planner's point of view. Cannot make comment on this policy without being subjective because the policy is subjective. There is a specific objective question here – are there real life examples of where these guidelines are needed & it is completely unanswered. It's an open invitation to justify the development of this policy & there obviously isn't an example of where this policy would have made a difference. This policy is a very poor solution desperately looking for a problem to fix.

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Points 2 through to 5 don't need any further comment you either agree or disagree with the officer's comments.

Point 6 Boundary fencing, Policy basically says boundary fence is to be "minimum" 5 strand ring lock. The fencing local law says fencing is to be 5 strand plain wire – how is this not contradictory?

7 & 8 driveways. Officer is correct there are no other controls over driveways and parking areas & there shouldn't be. This has no off-site impact & should be the decision of the land owner.

Point 9 Rural Numbering. Agree with the officer this is not a planning issue it is an administrative issue & has no place in a planning policy.

10, 11, 12 & 13 I will leave the comments stand.

Point 14 Please read my comments, they are not necessarily planning issues but they are important to consider when looking at the effects of this policy. How can criticising a planning policy about limiting the rights of a landowner to use their asset as they wish, without any justification, not be a relevant planning matter.

In general, where proposed policy states under the heading 4.1 Delegated Development Approval. The regulations require all works in the zones to have development approval. It doesn't state which regulation. I have been advised this refers to clauses contained in Schedule 1 – Model provisions for Local Planning Schemes. These "regulations" in Schedule 1 do not apply to the Shire of Northam until a new local planning scheme is developed or the existing one amended. At present you have to rely on the existing local planning scheme which does not require planning approval for a single dwelling.

The above is incorrect information - the regulation referred to is in schedule 2 which does apply to Northam Shire. This is an example of my comment that this policy adds to confusion of what can & can't be done. Your Shire officer is maintaining one thing by relying on state government provisions that don't apply to Northam Shire & the LPS, which does apply to Northam Shire says another.

Incorrect information

Rural Residential & Rural Small Holding do not have the same aims under the LPS and the 2 zonings should not be dealt with as though they are identical.

The point I make at the end of my submission about the budget implications is ignored. Before you decide on this matter you need an

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honest indication of how much officer's, landholder's and full council's time is going to be taken up with variances to this policy.

Policy should be developed and used to define discretionary powers of local government officers so that Shire officers and proponents have a clear idea of what is acceptable. This allows anyone who is thinking of investing in the Shire to have clear and early indications of what they will be able to do if they buy land in the Shire, as most policies of the Shire do. This document creates a whole lot of new discretionary powers for Shire officers and in doing so a whole lot of unknowns are introduced to the process of building a home in the Shire. A number of my comments are dismissed as not being a relevant planning consideration – I am commenting on very subjective planning issues. That aside a valid point that needs to be made is how much decision making power should reside with local government officers over people's property. Surely there are enough controls already without adding to the regulatory burden. If you keep going down the path of making applications more involved without justification how many people will decide not to invest in Northam Shire.

Mr K Nieuwoudt departed the Council Chambers at 6.12pm and returned at 6.14pm.

**Response:** The Executive Manager Development Services clarified that Schedule 1 does not apply, this relates to the model scheme text and only applies to new local planning schemes.

Schedule 2 applies to all local government Planning Schemes across the Western Australia. The reference made to Schedule 1 in the above statement is therefore not applicable in regards to this matter.

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

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**11. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**11.1 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2635**

**Moved: Cr Proud  
Seconded: Cr Davidson**

**That the minutes of the meeting held Wednesday, 20 January 2016 be confirmed as a true and correct record of that meeting.**

**CARRIED 9/0**

**11.2 RECEIPT OF NOTES OF THE COUNCIL FORUM MEETING**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2636**

**Moved: Cr Williams  
Seconded: Cr Little**

**That the notes of the Council Forum meeting held 10 February 2016 be received.**

**CARRIED 9/0**

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**SHIRE OF NORTHAM**

**NOTES**  
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**HELD**  
**WEDNESDAY**  
**17 FEBRUARY 2016**

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**Preface**

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council. The "Received" Notes are then signed off by the Presiding Person.

Please refer to the Ordinary Council meeting agenda and minutes for further information and details in relation to the matters and items discussed at the Forum meeting.

**Unconfirmed Notes**

These notes were approved for distribution on 12 February 2016



**JASON WHITEAKER**  
**CHIEF EXECUTIVE OFFICER**

**Received Notes**

These notes were received at an Ordinary Meeting of Council held on 17 February 2016.

Signed: .....

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*

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**Notes of the Forum Meeting of Council held in the Council Chambers on  
WEDNESDAY, 10 February 2016 at 5:30 pm.**

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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**1. OPENING AND WELCOME**

The Shire President, Cr S B Pollard declared the meeting open at 5.32pm.

**2. DECLARATION OF INTEREST**

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Final Adoption of Revised Local Planning Policy 5 - Use of Sea Containers and other Similar Storage Structures	13.2.2	Cr J E Williams	Impartiality	She has permanent sea containers on one of her block.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr U Rumjantsev	Impartiality	Mark Wilding is known to me for many years (as a brigade members) non-social.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr T M Little	Impartiality	I have known one of the persons (owner) mentioned (Simon Wilding).
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr S B Pollard	Impartiality	Simon & Mark Wilding are known to me.
Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook	13.2.5	Cr C R Antonio	Impartiality	Applicants are known to me.

**3. ATTENDANCE**

**COUNCIL**

Councillors

S B Pollard  
T M Little  
D G Beresford  
J E Williams  
J Proud  
C L Davidson  
U Rumjantsev  
C R Antonio  
D A Hughes

Chief Executive Officer  
Executive Manager Engineering Services  
Executive Manager Development Services  
Executive Manager Community Services  
Executive Manager Corporate Services  
Executive Assistant – CEO  
Manager Planning Services  
Planning Officer

J B Whiteaker  
C D Kleynhans  
C B Hunt  
R Rayson  
C Young  
A C Maxwell  
K Nieuwoudt  
C Wynn

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**GALLERY**

Five (5) members of the public.

**4. APOLOGIES**

Nil.

**5. LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr R W Tinetti has been granted leave of absence from 1 February 2016 to 31 March 2016 inclusive.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Advice was received from Cr T M Little applying for leave of absence from 24th February to 19th of March inclusive. This has been added to the agenda for the Ordinary Council meeting accordingly.

**7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**8. PUBLIC QUESTION TIME**

Derek Host – Northam

Question: We made a submission on August 24<sup>th</sup>, 2015 requesting advice and answers on 6 issues. A request for reply was followed up twice since, once in person and once by phone. We still have had no reply, can you explain why and are our questions ever going to be answered?

Response: The CEO advised the meeting that he had met with Mr Host prior to the Forum meeting and Mr Host had indicated he was very happy with the outcomes of that meeting. The CEO further outlined the process for responding to submissions and the CEO advised that the contents of submissions is generally not responded to until the matter has been addressed by the Council (after the Ordinary Council meeting).

Question: Notification of this meeting only arrived in the post yesterday afternoon. Is there a required notification period for such a meeting to inform interested parties more than 24 hours? Have all Gordon Street Residents been informed?

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Response: In regards to the notification period, the CEO advised of the process when preparing the agenda for Council meetings. In most cases, the agenda is not finalised until the Thursday or Friday prior to the Forum meeting which is held on the second Wednesday of the month. This only allows a few days for staff to prepare and post letters, with consideration needing to be given to the postage time/mail being received by the person. The Ordinary Council meeting is held on the following Wednesday (third of the month). The CEO advised that staff were looking at the internal process to ascertain if improvements were possible to allow for longer notification periods.

Question: Has the Council considered calling the residents of Gordon St together to explain the proposal and any associated implications?

Response: The CEO advised that he is happy for staff to arrange a forum with residents, this would be likely to occur in the early stages of the advertising process. It was advised that a consultation that was undertaken included direct mail out to residents and information sessions in the Northam Boulevard over several days during the previous advertising period.

It was further advised that this agenda item has been prepared to re-advertise the policy. All submissions that have been received to date will not be discarded. It was stated that staff cannot advise of the intention until Council has made the decision on how it wants deal with the policy.

The CEO advised that the staff have taken the comments on board in regards to the communication.

John Dival – Bakers Hill

Question:

1. Will the Council consider re-advertising this policy? This was advertised during the Christmas period and many people missed the opportunity to make a submission.
2. In addition, many people are not aware of what the policy is proposing as they have not yet built houses and therefore the policy does not apply to them.
3. Can clarification be provided around assessing the submissions, making reference to the comments which are detailed in the Officer's Response and Recommendation in the Schedule of Submissions? The submissions included a comment which stated 'not a valid consideration'.

Response:

1. The CEO stated that the Council genuinely want feedback when we put these policies out for advertising. However it would be a matter for

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Council to determine whether re-advertising the proposed Policy was warranted.

2. That is not an issue which can be resolved.
3. It was advised that the planning staff can only assess submissions based on technical/planning grounds, not on someone's personal opinion.

Alan Eades - Northam

Question: Who is responsible and what progress is being made in relation to the Avon Bridge? The temporary footpath has been in place for an extended period of time and it is not believed that the footpath and road meets Australian Standards.

Response: The CEO advised that Main Roads are responsible for the bridge and advice from main Roads is that work on the refurbishment will commence in 2016/17. In regards to the safety and compliance, the Shire is advised that both the footpath and bridge do comply with relevant Australian Standards.

**9. PUBLIC STATEMENT TIME**

Nil.

Two (2) members of the gallery departed the Council Chambers at 6.11pm.

**10. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

The Shire President advised that the order of business would be altered due to the interest in item 13.2.3. As a result this item will be brought forward.

Mr C Hunt departed the Council Chambers at 6.13pm and returned at 6.14pm.

**13.2.3 REQUEST TO ADOPT FOR READVERTISING REVISED VERSION OF DRAFT LOCAL PLANNING POLICY NO. 18 – HERITAGE PRECINCTS**

**Comment:**

- It was clarified that the first policy in the attachments is the original which has been advertised. The other documents are the revised version.
- Cr Proud requested clarification in regards to 'concave' and 'convex'. The CEO advised that this is clarified on page 17 of Appendix 1.
- Typo has been corrected on item 6 of the revised policy. This has been corrected to read 'Precinct 2 – Gordon Street Residential Heritage Precinct'.

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- It was advised that item 7 of the revised policy has been added. This outlines the accompanying material for applications for planning approval.
- Cr Beresford asked how staff will ensure that we are keeping consistent with the rest of the precinct. The CEO advised that this is clarified on page 6 of the revised policy.
- It was questioned whether this Policy will apply to State Government buildings. The CEO advised that the State Government is generally accommodating in regard to local governments requirements, although not required to comply. In addition, they will have their own processes for managing heritage buildings.

**Additional Staff Comments:**

The following has been added to the recommendation within the agenda;

5. *Invite affected land owners to attend a forum held by the Shire at a suitable time and date at the beginning of the second public advertising period.*

**11. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**11.1 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

There were no comments or request for changes to the minutes from the Ordinary Council meeting held on 20 January 2016.

**11.2 RECEIPT OF NOTES OF THE COUNCIL FORUM MEETING**

N/A.

One (1) member of the gallery departed the Council Chambers at 6.37pm.

**11.3 RECEIPT OF MINUTES OF THE SHIRE OF NORTHAM ART COLLECTION COMMITTEE**

There were no queries raised in relation to this item.

Ms C Wynn departed the Council Chambers at 6.39pm and returned at 6.41pm.

**11.4 ADOPTION OF THE RECOMMENDATIONS OF THE SHIRE OF NORTHAM ART COLLECTION COMMITTEE**

**Comment**

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- Cr Antonio questioned whether there are any conditions of sale on items when bequeathed? The Executive Manager Community Services advise that there are no conditions identified.
- Cr Beresford asked whether the conditions can outline that the borrower is required to keep the artwork in good condition. The CEO advised that this is generally covered in the Conditions of Loan.

**12. ANNOUNCEMENTS BY THE PRESIDING OFFICER WITHOUT DISCUSSION**

**12.1 PRESIDENTS REPORT – ORDINARY COUNCIL MEETING - WEDNESDAY 17 FEBRUARY 2016**

There were no queries raised in relation to this item.

**13 REPORTS OF OFFICERS**

**13.1 ADMINISTRATION**

Ms A Maxwell departed the Council Chambers at 6.04pm and returned at 6.05pm.

**13.1.1 RULES OF CONDUCT REVIEW**

**Comment:**

- Amendment required to response No.1 for M. Proposal 8.1 – improving processing times. This should read 'No they shouldn't be ranked'. This has been altered in the agenda.
- Cr Antonio asked what room does the Council have to move on this matter. The CEO advised that Council can decide whether to accept or reject the recommendations made by both the department and the Council staff. However in relation to the former reasoning must be detailed if council has any hopes of influencing the Governments position.
- The CEO advised that he will hold a workshop with the Council at 4.00pm prior to the Ordinary Council meeting on 17 February 2016 if Elected Members wished to attend to receive a more detailed briefing.

**13.2. DEVELOPMENT SERVICES**

**13.2.1 REQUEST TO ADOPT FOR ADVERTISING DRAFT LOCAL PLANNING POLICY NO.20 'ADVERTISING OF PLANNING PROPOSALS'**

**Comment:**

- It was questioned whether this policy will provide a better communication outcome. The CEO advised that this will as it will provides more clarity to

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the Council and public on how we will consult with regards to planning matters.

- It was questioned whether electronic emails can be utilised in addition to letters. The CEO advised that this can be included in the policy and the alterations have been highlighted in the agenda.

**13.2.2 FINAL ADOPTION OF REVISED LOCAL PLANNING POLICY 5 - USE OF SEA CONTAINERS AND OTHER SIMILAR STORAGE STRUCTURES**

**Comment:**

- Cr Williams requested whether the officer's comment in the schedule of submission can be amended to outline that it is on a temporary basis. The changes have been made in the agenda.
- It was requested whether the wording can be changed from 'property' to 'Certificate of Title' to provide more clarity. This has been adjusted and highlighted in the agenda.

**Additional Information:**

Cr Williams gave notice of intention to move the following alternative motion;

1. *In accordance with Part 2, Division 2, Clause 3(b)(i) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulation 2015, adopt the proposed amendments to Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures with the following modifications:*

*Part 5 Policy Measures - 5.2 Rural Residential and Rural Smallholding Zones - The Local Government may grant temporary development approval for a period of up to 12 months, or permanent approval, for the use of sea containers or similar storage containers on any land zoned 'Rural Residential' or 'Rural Smallholding' subject to the following conditions: (with conditions 5.2.1-5.2.5 to remain unchanged).*

2. *Publish a notice in the local newspaper advertising the final adoption of Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures in accordance with Part 2, Division 2, Clause 4(4) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

**13.2.3 REQUEST TO ADOPT FOR FINAL APPROVAL LOCAL PLANNING POLICY NO.19 'RESIDENTIAL DESIGN GUIDELINES FOR THE RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONES'**

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**Comment:**

- Cr Antonio sought clarification on the zones that this policy would apply to.
- Alteration to be made to the Officer's Response and Recommendation in the Schedule of Submissions as per comments raised during public questions time. Changed from 'not a valid consideration' to 'not a relevant planning consideration'.
- Correct reference from 'General Agriculture' in the schedule of submissions.
- Clarification was sought around the requirements of sea containers (e.g. opened from inside). It was advised that they are required to comply with the Building Code.
- It was questioned whether the policy can be supplied to organisations who provide sea containers (e.g. seacontainers.com.au). The Manager Planning Services advised that staff will notify these organisations of Council's requirements.

**13.2.4 SUBDIVISION OF LOT 151 (978) AND LOT 384 SPENCERS BROOK ROAD, SPENCERS BROOK**

**Comment:**

- Staff confirmed that since the original application, Council's Planning Strategy, as a result of amendments to the State Policy have changed. This means that there is limited scope for Council to approve and should this occur it would be approving against the Shire's endorsed Strategy.

Mr R Rayson departed the Council Chambers at 7.34pm and returned at 7.35pm.

The Shire President advised that there will be a 5 minute intermission at 7.35pm.

**13.2.5 SHIRE OF NORTHAM LOCAL BIODIVERSITY STRATEGY**

**Comment:**

- Cr Beresford questioned who the employee will answer to. The CEO advised that it will be a Shire of Northam employee.
- Cr Pollard questioned who bears the cost for implementation of this strategy. The CEO advised that this will be the Shire.

**13.2.6 KURINGAL VILLAGE REFURBISHMENT**

**Comment:**

- It was questioned how much rent is charge for these units. The CEO advised that this processed through the Department of Housing. This rent assists with the maintenance costs of the unit.

**13.3. CORPORATE SERVICES**

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**13.3.1 ACCOUNTS AND STATEMENTS OF ACCOUNTS – JANUARY 2016**

**Comment:**

- Clarification was sought on EFT21972, EFT22002, EFT22024, EFT22031 and EFT21940.
- Clarification was sought on the following payments which were taken on notice. There are detailed below;
  - EFT21911: This was listed for the Northam Pool, however upon investigation it has been supplied for the Wundowie Pool. This has been corrected in the agenda. The provider of this system is a registered business.
  - EFT21920: The footpath laid on the road verge had issues with drainage at a couple cross overs as stormwater would flow down the driveway to the resident's house. The footpath contractor re-laid these sections at their own cost and the Shire had replaced a few panels of concrete driveways to tie into these raised levels.

**13.3.2 FINANCIAL STATEMENTS TO 31 DECEMBER 2015**

**Comment:**

- Cr Antonio sought clarification around the YTD projections and the proposed date for the budget review. The CEO advised that this will be undertaken through the Audit Committee and proposed to be endorsed at the March 2016 Council meeting.

**13.4. COMMUNITY SERVICES**

Nil.

**13.5. ENGINEERING SERVICES**

Nil.

**14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14.1 BUDGET CONSIDERATION 2016/17 – FREE SKIP BIN SERVICE**

**Comment:**

- Cr Antonio sought clarification around the intent of this item. The CEO advised that this is to provide funding for access to 1 free bulk red skip bin each year to all properties in the Shire. Currently a communal bin is provided to properties outside of the Northam townsite.

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- It was questioned how much it currently costs the Shire for this services to be provided in the townsite. The CEO advised that there is a budget allocation of \$51,875.

**14.2 BUDGET CONSIDERATION 2016/17 – BAKERS HILL DRAINAGE STUDY**

**Comment:**

- The CEO advised that the Executive Manager Engineering Services is currently exploring possible solutions for this area. The CEO sought clarification/confirmation that this motion does not intend to stop this investigation. Council confirmed it was happy for staff to continue the investigations and planning that weres currently underway. Should a solution not be resolved this consideration can reinforce (and possibly provide funding) to further investigate a solution for this issue.

**15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**15.1. Elected Members**

Nil.

**15.2. Officers**

Nil.

**16. CONFIDENTIAL ITEMS**

Nil.

**17. DECLARATION OF CLOSURE**

There being no further business, the Shire President, Cr S B Pollard declared the meeting closed at 8.20pm.

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**11.3 RECEIPT OF MINUTES OF THE SHIRE OF NORTHAM ART COLLECTION COMMITTEE**

**RECOMMENDATION / COUNCIL DECISION**

**Minute: C.2637**

**Moved: Cr Proud**

**Seconded: Cr Davidson**

**That Council receives the minutes of the Art Collection Committee Meeting held on 28 January 2016.**

**CARRIED 9/0**

**11.4 ADOPTION OF THE RECOMMENDATIONS OF THE SHIRE OF NORTHAM ART COLLECTION COMMITTEE**

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2638**

**Moved: Cr Proud**

**Seconded: Cr Hughes**

**That Council;**

- 1. Adopt the Outward Loan/Transfer form with the following changes:-**
  - That the requirement for borrowers to cover the insurance of a piece be removed**
  - That it be outlined that the term of each loan will be considered on a case by case basis, and loans may extend to a maximum of six (6) months**
  - That it be outlined that applications from individuals will be considered on a case by case basis**
- 2. Endorse that the portrait of Sir James Mitchell by Rolf Harris not be sold, but instead retained in the collection.**
- 3. Restore the pieces by artist Rolf Harris into the collection for exhibition.**

**CARRIED 6/3**

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Shire of Northam  
*Heritage, Commerce and Lifestyle*

**SHIRE OF NORTHAM**

**MINUTES OF THE  
ART COLLECTION COMMITTEE MEETING  
HELD AT  
4:00 PM  
THURSDAY  
28 JANUARY 2016**

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**Minutes of the Shire of Northam Art Collection Committee meeting held in the  
Committee Room on THURSDAY, 28 January 2016 at 4:00 pm**

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Northam. The Shire of Northam warns that anyone who has an application lodged with the Shire of Northam must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

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**1. OPENING AND WELCOME**

Shire of Northam Executive Manager Community Services Ross Rayson declared the meeting open at 4.06pm.

**2. DECLARATION OF INTEREST**

Item Name	Item No.	Name	Type of Interest	Nature of Interest

**3. ATTENDANCE**

Councillor	Cr J Proud
Community Representatives	Mr TM Letch
	Ms T Hamilton
AVAS	Ms D Edwards
	Mr R Rayson
Shire of Northam	Miss V Jones

**4. APOLOGIES**

Councillor	Cr J Williams
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**5. ELECTION OF A PRESIDING MEMBER**

In accordance with section 5.12 of the Local Government Act 1995. The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1.

The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2.

Should the presiding member not be available or is unable or unwilling to perform the functions of presiding member, then the deputy presiding member, if any, may perform the functions of presiding member.

**OUTCOME**

Michael Letch was nominated by Cr John Proud who recognised his service to the Committee. Mr Letch accepted the nomination.

There were no further nominations.

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Mr Rayson declared Mr Letch elected as the Shire of Northam Art Collection Committee Presiding Member, and Mr Letch took the Chair.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**COMMITTEE DECISION**

**Minute No: Ar.062**

**Moved: Trish Hamilton**  
**Seconded: Davina Edwards**

**That the Minutes of the Art Collection Committee Meeting held on Thursday, 13 August 2015 be confirmed as a true and correct record of that meeting.**

**CARRIED 4/0**

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**7. AGENDA ITEMS**

**7.1 REVOLVING DISPLAY**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

This matter was discussed by those present, and discussions centred around the issue of insurance of the collection. Mr Letch informed the Committee that he has learned from discussions with the Shire's Chief Executive Officer, that the Collection is insured wherever it is displayed, on the provision that the insurance company is informed before it is displayed in somewhere other than a Council building.

Mr Rayson informed the Committee that 50 metres of hanging rail, along with hanging accessories has been purchased, and is currently at the Shire Administration building. Once this has been installed, appropriate pieces will be displayed by decision of the Committee. The intention is to begin placing pieces in the Shire Administration building and then progress through other Council owned premises, with more valuable pieces to be displayed in more secure locations.

Ms Edwards questioned whether it would be possible to have a permanent hanging system installed in the Northam Town Hall. The Committee replied that this has already been considered, and Ms Edwards asked if it would be possible for AVAS to raise money to have a system put in place. Mr Rayson responded that it could be considered if the Shire can have the appropriate discussions with AVAS.

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**7.2 CLEANING OF KATE O'CONNOR PAINTING**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

Mr Rayson informed the Committee that no feedback had been received on this matter. Mr Letch will provide names of appropriate contacts to undertake the work.

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**7.3 MANAGEMENT OF ART COLLECTION**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

Letters have been sent to the donors of the newly acquired pieces.

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**7.4 FORMAL RULES ON LENDING OF ARTWORKS**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

An outward loans form currently exists for this purpose. This form contains a number of Terms & Conditions on the back outlining the rules regarding the lending of artworks to applicants. It was decided that the following changes be made to the Terms and Conditions:-

- That the requirement for borrowers to cover the insurance of a piece be removed
- That it be outlined that the term of each loan will be considered on a case by case basis, and loans may extend to a maximum of six (6) months
- That it be outlined that applications from individuals will be considered on a case by case basis

**RECOMMENDATION**

Minute No: Ar.063

Moved: Cr John Proud

Seconded: Trish Hamilton

That Council adopt the Outward Loan/Transfer form with the following changes:-

- That the requirement for borrowers to cover the insurance of a piece be removed
- That it be outlined that the term of each loan will be considered on a case by case basis, and loans may extend to a maximum of six (6) months

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- That it be outlined that applications from individuals will be considered on a case by case basis

**CARRIED 4/0**

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**7.5 LOAN OF ARTWORK REQUEST**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

It has been requested that the portrait of Ken McIver be loaned to the Northam Heritage Centre.

It was resolved by the Committee that a letter should be written to the applicants asking for further details, such as desired loan period, along with an outward loans form.

It was requested that on the cover letter a paragraph also be included to ask for any further information about the piece known by the applicant to be submitted to the Shire of Northam for our records.

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**7.6 SALE OF ARTWORK REQUEST**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

It has been requested that Council consider the sale of the Rolf Harris portrait of Sir James Mitchell. The request comes from a relative of James Mitchell.

Mr Letch pointed out at the valuation undertaken approximately 5 years ago, the piece was worth approximately \$6,000. He put to the Committee the question of whether they advised that the piece be sold or retained in the collection.

Mr Rayson stated that as the piece was part of the Claude Hotchkin bequest, that we may not be able to sell it under the terms of the donation. Ms Edwards said that she has encountered this issue a number of times, and that she will endeavour to find an official ruling on the matter.

Cr Proud and Ms Hamilton expressed their views that they did not believe the piece should be sold. Ms Hamilton also added that the current collection is made up primarily of landscapes, and as such, the Committee should not dispose of portraits unless necessary.

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**RECOMMENDATION**

**Minute No: Ar.064**

**Moved: Michael Letch**

**Seconded: Cr John Proud**

**That Council endorse that the portrait of Sir James Mitchell by Rolf Harris not be sold, but instead retained in the collection**

**CARRIED 4/0**

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**7.7 PLACEMENT OF ARTWORK IN PROPOSED SHOPPING CENTRE**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

Mr Letch has put forward that a portion of the Shire's art collection be on public display in the proposed shopping centre once constructed. This matter is to be discussed by the Committee.

Ms Edwards suggested that it may be prudent to approach all potential developers with such a request. Mr Rayson agreed, explaining that it may be a good idea to consider implementing a percent for art policy for future developments.

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**7.8 WINNER OF NORTHAM ART PRIZE**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

The winner of the 2015 Northam Art Prize acquisition award was the piece "Outback Moses- Jack Charles" by Graham Smith. This piece is currently on display in the Northam Visitor Centre.

The piece was added to the Art Register and allocated a collection number (118). The information has been placed on the rear of the piece for record keeping.

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**8. OTHER BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE COMMITTEE**

**8.1 REINSTATEMENT OF ROLF HARRIS WORKS TO THE COLLECTION**

Name of Applicant:	Internal
Name of Owner:	Internal
File Ref:	2.1.3.2
Officer:	Ross Rayson
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple
Date:	28 January 2016

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

Provide appropriate services and facilities which recognise the importance of art & culture to the community

**OFFICER'S COMMENT**

It was discussed among the Committee that it has now been 12 months since the two pieces by Rolf Harris were put into storage. It was suggested that a recommendation be made to Council to consider reinstating them to the collection for display when appropriate.

**RECOMMENDATION**

**Minute No: Ar.065**

**Moved: Michael Letch**

**Seconded: Trish Hamilton**

**That Council consider restoring the pieces by artist Rolf Harris into the collection for exhibition**

**CARRIED 3/0**

It is noted that Davina Edwards abstained from the vote.

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**9. DATE AND TIME OF NEXT MEETING**

The next meeting of the Shire of Northam Art Collection Committee will be held on at 4pm on Thursday, 3<sup>rd</sup> March, 2016 in the Shire of Northam Council Chambers.

**10. CLOSURE OF MEETING**

There being no further business, the Presiding Officer declared the meeting closed at 5.09pm.

"I certify that the Minutes of the Art Collection Committee Meeting held on 28 January 2016 have been confirmed as a true and correct record."

\_\_\_\_\_ Presiding Officer

\_\_\_\_\_ Date

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**APPENDIX 1 – OUTWARD LOAN FORM**



**OUTWARD LOAN/TRANSFER FORM**

ARTWORK DATABASE NUMBER .....	ASSET NUMBER .....
ARTWORK TITLE AND ARTIST .....	
.....	
CONDITION OF ARTWORK (At time of loan) .....	
.....	
NAME OF BORROWER .....	
.....	
ADDRESS OF BORROWER .....	
.....	
LOAN PERIOD .....	
EXPECTED DATE OF RETURN .....	
REASON FOR BORROWING .....	
LOCATION OF ARTWORK WHILST ON LOAN .....	
VALUE OF ARTWORK .....	

Please note the following requirements as well as conditions listed overleaf:

MOVEMENT/DISPLAY NEEDS Including recommended requirements .....

PACKAGING/TRANSPORT NEEDS .....

CONSERVATION & MAINTENANCE .....

CATALOGUE & PUBLICITY (Form of Attribution) .....

Signature of Borrower ..... Date .....

(2 Copies of this form to be signed; 1 retained by borrower, 1 by Shire of Northam)

**OFFICE USE ONLY**

Date of Return ..... Received By .....

Condition on Return .....

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**Shire of Northam**

Conditions of Loan

1. The Shire of Northam requires 30 (thirty) days' notice for the borrowing of artwork(s)
2. No artwork will be lent unless the safety of the artwork is assured. Adequate security, environmental conditions and standards of care must be evident
3. The artworks are received by the borrower in good condition unless otherwise stated
4. The receipt of any agent of the borrower shall be regarded as the receipt of the borrower
5. The borrower shall not convey, transfer, assign, mortgage, pledge, lend or part with possession of the artwork(s)
6. The Shire of Northam shall be notified immediately of any loss, damage, or deterioration of the artwork(s)
7. All costs associated with the loan will be the responsibility of the borrower. These costs will include, but will not be limited to transport
8. No artwork shall be reproduced while on loan without the permission of the Shire of Northam
9. The borrower shall acknowledge the lender in any publication or whilst borrowed artworks are on display
10. Representatives of the Shire of Northam shall be permitted access to the borrower's premises at any time to examine the artwork(s)
11. The borrower may be required to return the artwork(s) at any time, but no later than the expiration of the loan
12. Any extensions of the original loan must be negotiated with the Shire of Northam
13. No artwork will be lent without the Shire of Northam's Outward Loan/Transfer Form
14. The borrower shall agree to the value of the artwork(s) taken on loan and this value will be included on the Outward Loan/Transfer Form (See overleaf). The valuation shall be that value as recorded in Council's Art Assets Register
15. Loan periods will be considered on a case by case basis. Loans may be granted for a maximum of six (6) months at a time
16. Applications from individuals will be considered on a case by case basis

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Our ref: 2.1.3.2/O36430

SE Wilding  
P O Box 415  
NORTHAM WA 6401

Dear Ms Wilding

**Letter Of Thanks**

I write in relation to your recent donation to the Shire of Northam's Art Collection. Please note that the piece was gratefully received, and has been added into our records. The Shire's Art Committee believe that it will add colour and variety to the collection.

Should you have any queries in relation to your donation, please contact Council's Visitor Centre Manager, Ms Victoria Jones on (08) 9622 2100.

Yours faithfully

**ROSS RAYSON**  
**EXECUTIVE MANAGER COMMUNITY SERVICES**

8 September 2015

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Shire of Northam

*Heritage, Commerce and Lifestyle*

Our ref: 2.1.3.2/O36430

RK Adams  
110 Burlong Road  
NORTHAM WA 6401

Dear Mr Adams

**Letter Of Thanks**

I write in relation to your recent donation to the Shire of Northam's Art Collection. Please note that the piece was gratefully received, and has been added into our records. The Shire's Art Committee believe that it will add colour and variety to the collection.

Should you have any queries in relation to your donation, please contact Council's Visitor Centre Manager, Ms Victoria Jones on (08) 9622 2100.

Yours faithfully



**ROSS RAYSON**  
**EXECUTIVE MANAGER COMMUNITY SERVICES**

8 September 2015

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**12. ANNOUNCEMENTS BY THE PRESIDING OFFICER WITHOUT DISCUSSION**

**12.1 PRESIDENTS REPORT – ORDINARY COUNCIL MEETING - WEDNESDAY 17 FEBRUARY 2016**

<b><u>Visitations and Consultations:</u></b>	
11/1/16	Meet with Shire of York President and Acting CEO
21/1/16	Northam Aboriginal and Environmental Interpretive Centre forum
26/1/16	Australia Day celebrations
3/2/16	Max Solutions “Work for the Dole” seminar
3/2/16	Radiowest fortnightly interview
5/2/16	Launch of ActiveSmart program
6/2/16	Dogs Day Out event
8/2/16	AROC meeting
9/2/16	Southern Inland Health Initiative (SIHI) evaluation meeting
11/2/16	Revamp Designs relaunch event
12/2/16	Roads Forum at El Caballo – Cr. Little attending
15/2/16	Swimming Pool options trip to Collie and Narrogin
17/2/16	Wheatbelt District Emergency Committee meeting
17/2/16	Radiowest fortnightly interview
<b><u>Upcoming Events:</u></b>	
19/2/16	WALGA Avon Midlands Country Zone meeting
19/2/16	Ballet in Beverley event
24/2/16	WALGA chairing a meeting webinar
24/2/16	Shire Councillor quarterly strategic meeting
1/3/16	Business “Clean Up Australia” day
3/3/16	Hot Air Ballooning World Record meeting
4/3/16	Schools “Clean Up Australia” day
6/3/16	National “Clean Up Australia” day
19-20/3/16	Relay for Life event
20/3/16	Black Dog motorcycle event

**Strategic matters**

**Drainage**

Once again summer storms have apparently overwhelmed area drainage systems, mainly in the Bakers Hill subdivisions areas. We will be looking at the present system and possible solutions at our February strategic meeting with a view to budget implications in 2016/17 and beyond.

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**13 REPORTS OF OFFICERS**

**13.1 ADMINISTRATION**

**13.1.1 RULES OF CONDUCT REVIEW**

Name of Applicant:	Department of Local Government & Communities
Name of Owner:	Department of Local Government & Communities
File Ref:	2.1.1.7
Officer:	Jason Whiteaker
Officer Interest:	N/A
Policy:	N/A
Voting:	Simple Majority
Date:	2 February 2016

**PURPOSE**

For Council to make a submission to the Department of Local Government and Communities on the Rules of Conduct Regulations review.

**BACKGROUND**

Submissions have been invited by the Department of Local Government and Communities (Department) on the observations and proposals put forward in a consultation paper (Attachment 1) relating to the Local government (Rules of Conduct) Regulations. The submissions received by the Department will assist the Government to decide which of the proposed changes are necessary or desirable. Comment has also invited on specific issues raised in initial consultation where balancing benefits and risks may be complex and broader consequences need to be considered. These issues are shown in blue boxes in the text of the discussion paper. Council staff have made no specific comments in relation to this section although would welcome input and feedback from elected members if there are areas of particular interest.

Submissions close on Friday, 4 March 2016, however an extension until March 16, 2016 has been granted to the Shire of Northam if required.

**STATUTORY IMPACTS**

The submission made by Council may influence the development of legislation.

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN / CORPORATE PLAN**

OBJECTIVE G1: Provide accountable and transparent leadership.

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**FINANCIAL IMPLICATIONS**

N/A

**OFFICER'S COMMENT**

**A. Proposal 7.2 – Regulation 3:**

1. Amend Regulation 3 by specifically linking the principles to the concept of “proper use of office”.
2. Add a principle: “act in accordance with council policies, codes and resolutions”.
3. Add a new sub regulation requiring the principles to be used to inform the preparation of a code of conduct prepared under section 5.103(1) of the Act.

Comment: Support
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**B. Proposal 7.3 – Regulation 4:**

1. Insert new Rules of Conduct to cover persistent, inappropriate, council and committee meeting conduct with significantly dysfunctional potential consequences such as disparagement and disruption (see section 7.9 for inclusions).
2. Delete regulation 4 which effectively duplicates local laws and potentially reduces the incentive to make effective use of local laws relating to meeting conduct.

Comment: Support
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**Supplementary Question (Proposal 7.3 – Regulation 4):**

1. Are there any risks in repealing Regulation 4?

Response:
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- |   |
|---|
| <ol style="list-style-type: none"><li>1. No significant risk of repealing regulation 4 as the proposed new regulation adequately deals with the issue of behaviour at Council meetings.</li></ol> |
|---|

**C. Proposal 7.4 – Regulation 6**

1. Include “parts of documents” in the definition of confidential document in sub regulation 6(1).
2. Amend sub regulation 6(2) to include personal information acquired in the person’s capacity as a council member, with the definition of personal information consistent with that used in existing Australian legislation.

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3. Amend sub regulation 6(2) to include professional legal advice, information that is subject to a confidentiality or non-disclosure agreement to which the local government is a party, and commercially sensitive information provided in confidence to the local government.
4. Amend sub regulation 6(3) to add a provision that allows personal information to be disclosed to the extent permitted by the informed consent of the person to whom the information relates, or a person nominated by them, or their legal guardian.

Comment: Support

**Supplementary Questions (Proposal 7.4 – Regulation 6)**

1. Is the above proposal relating to personal information sufficiently flexible to allow council members to assist their constituents while adequately protecting the privacy of individuals?
2. Should disclosure of other types of confidential information be prohibited?
3. Should resolutions made at closed meetings be explicitly excluded from the application of sub regulation 6(2)(b)?

Response:

1. Yes
2. No
3. Staff are of the view that resolution made at closed meetings should be explicitly excluded from the application of sub regulation 6(2) (b) as it appears to only provide a further level of complexity which could lead to confusion for elected members in the interpretation and application of this clause.

**Comment invited: deterring “leaking” of sensitive information to provoke controversy or gain political advantage**

It has been argued that a person who chooses to “leak” an email containing sensitive material, whether to the subject of the comments, other people, or the media, is as responsible for any detriment or controversy arising from wider distribution of the statements as the original author, who at least has the defence that the communication was intended for a restricted audience of trusted recipients.

Comment is invited on the merits of prohibiting a council member from copying or forwarding, other than to a disciplinary or investigatory agency as evidence of misconduct, any non-public correspondence received in confidence from another council member, unless with the permission of the author. An essential element would be that it was done with intent to gain an advantage for themselves or another person, or to cause a detriment to another person or the local government. (Note that this point refers to disclosure of information, rather than improper use of that information).

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**D. Proposal 7.5 – Regulation 7**

1. Amend regulation 7 to clearly define “improper use of office” in the context of the interpretation currently used by the SAT and the Panel, with reference to the local governments code of conduct and regulation 3 principles of behaviour.
2. Amend sub-regulation 7(1) to clarify that it applies only when the action is taken with the primary intent and belief that it will result in gaining an advantage or causing detriment.
3. In addition to the current exemptions, specify that sub-regulation 7(1) does not apply to:
  - a. advantage or detriment that is trivial, negligible or hypothetical; or
  - b. conduct of council members at council or committee meetings; or
  - c. a matter to which another Rule of Conduct in the Regulations applies; or
  - d. a remark, comment, statement or implication if:
    - i. it was clearly expressed as the council member’s personal opinion rather than as a statement of fact, and that opinion was based on factual material and related to a matter of public interest; or
    - ii. the circumstances were such that no harm attributable to the conduct was likely to be sustained.

Comment: Support

**Supplementary Question (Proposal 7.5 – Regulation 7):**

1. These changes will make Regulation 7 less of a “catch-all” for matters relating to personal disputes and trivial matters. Is there a need to focus this regulation on any specific issues related to improper use of office?

Response:

1. No not specifically

**E. Proposal 7.6 – Regulation 8:**

1. Define the term “resource” in Regulation 8 to cover tangible and intangible assets, services and other means of supporting the functions of the local government, and that are owned or paid for by the local government from public money, but excluding intangible concepts without monetary value (such as an address or title).
2. Define the term “use” to include both consumption and deriving a benefit not associated with consumption, including misrepresenting local government support for the purpose.
3. Clarify the term “any other purpose” in sub-regulation 8(2)(b) to refer to any purpose other than fulfilling the legal obligations and duties of the council member’s office.

Comment: Support

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**Supplementary Questions (Proposal 7.6 – Regulation 8):**

1. Are these definitions of “resources” and “use” sufficiently comprehensive and unambiguous?
2. Should authorisation be restricted to purposes that contribute to performing the functions of the council and local government as set out in the Act?
3. Is it necessary to explicitly exempt the use of publicly available local government resources where the council member’s use occurs under the same conditions as any other person?

**Response:**

1. It appears as though the definitions of resource and use are sufficient;
2. Yes authorisation should be restricted per supplementary question 2;
3. Yes it would appear prudent, for the sake of clarity, to explicitly exempt the use of publically available local government resources.

**F. Proposal 7.7 – Regulation 9:**

1. Define “administration” in Regulation 9 to mean the functions of the CEO as described in section 5.41 of the Act, CEO delegations under section 5.42 of the Act, the executive functions of local government as described in Part 3 Division 3 of the Act, and other functions specifically reserved to the CEO under the Act or any other written law.
2. Define “task” to exclude the transmittal of non-confidential information provided by the CEO, and to exclude the expression of an opinion, comment, objective or intent.
3. Extend the exemption in sub-regulation 9(2) to apply to tasks related to the legislated and undelegated functions of the council, in addition to tasks done as part of deliberations at a council or committee meeting.
4. Develop and publish an advisory standard to assist council members in determining the boundaries of their roles and the level of reporting that they may expect

**Comment: Support**

**Supplementary Questions (Proposal 7.7 – Regulation 9):**

1. Is the proposed definition of “administration” sufficiently clear about where council members should not take an active and uninvited role?
2. Should authorisation be by both the council and the CEO, rather than either, or should it be initiated by the CEO?

**Response:**

1. Staff are of the view that the definition of administration is as clear as can be expected.

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2. It is also considered prudent, from the perspective of staff, to require the authorisation for the involvement in administration to be initiated by the CEO.

**G. Proposal 7.8 – Regulation 10**

1. Amend sub-regulation 10(1) by:
  - a. In sub-regulation 10(1)(a), replacing “to do or not to do anything” with a reference to taking action related to local government functions such as enforcement of local laws, implementation of approved policies and procedures, or varying of decisions, priorities or resource allocation.
  - b. Providing for the CEO to authorise a limited exemption to sub regulation 10(1)(a), at the CEO’s discretion, for individual council members for specified operational purposes.
  - c. Adding a prohibition against behaving in an abusive or threatening manner towards any local government employee, including the CEO (the exemption for meetings is not to apply to this rule).
  - d. Adding a prohibition against making repeated or unreasonable demands for information or assistance from a local government employee to an extent that impairs the employee’s capacity to complete their designated work responsibilities.
  - e. Adding a prohibition against attempting to influence the performance appraisal or dismissal of a CEO other than through an authorised process consistent with legal requirements and procedural fairness.
  - f. Adding a prohibition against personally chastising or reprimanding any local government employee for matters related to the administration of the local government.
2. For the purposes of sub-regulation 10(2) and other regulations where the term is used, “council or committee meeting” should be defined as a formally constituted meeting of the council or a committee established under section 5.8 of the Act. Informal meetings such as site meetings or information forums would not be included in the exemption.
3. Amend sub-regulation 10(3) by:
  - a. Replacing the condition “members of the public are present” with a condition specifying that the sub-regulation applies if any person other than council members and the CEO is present, or if the meeting or event is being broadcast, or if an audio or video record is being made of the meeting or event and that record will be publicly available.
  - b. Clarifying that the term “attending” covers the periods immediately before and after the meeting or event and during any period in which proceedings are suspended.
  - c. In sub-regulations 10(3)(a) and 10(3)(b), extending the protection to former local government employees for a period of 6 months after separation from the local government.
  - d. In sub-regulation 10(3)(a), replacing the current reference to “statement...is incompetent or dishonest” with a reference to disparaging or impugning the character of a local government employee or former local government

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employee. This to be defined as stating or implying deficiency in the person's honesty, integrity, competence, diligence, impartiality or loyalty; or imputing dishonest or unethical motives to them in the performance of their duties.

- e. In sub-regulation 10(3)(b), replacing the term "offensive or objectionable expression" with "abusive or offensive language", defined as inflammatory words likely to incite ridicule or contempt and which would offend a reasonable adult applying contemporary community standards.
4. In sub-regulation 10(4), extend the exemption to statements made to an authority responsible for regulating the conduct of public officers and to statements made under oath or affirmation to a body authorised by Parliament to conduct an inquiry or during judicial proceedings.

Comment: Partial Support

Not supportive of part '1a'. Staff are of the view that 1b would cover the instances such as interaction between presiding members and certain staff. The view of staff is that the adjustments being suggested to this section of the regulations will only serve to increase the level of potential ambiguity, which is counteractive to the general intent of the overall regulation amendments.

**Supplementary Questions (Proposal 7.8 – Regulation 10)**

1. Do the proposals listed above address to a practical extent the types of conduct relating to local government employees that may cause disruption to the orderly operation of the local government and impair its efficiency and effectiveness?
2. Are any of the proposals likely to be impractical or negatively affect the efficient and effective operations of the local government?
3. Is there a more appropriate definition for "unreasonable demands" in the proposed amendment to sub-regulation 10(1)?
4. Should the condition about meeting attendees in proposal 7.8 3(a) above include an official record taker in addition to council members and the CEO?
5. Are any other explicit definitions or exemptions needed to prevent ambiguity?

Response:

1. Yes, although in the context of not supporting 1a
2. No
3. No
4. Yes, it may be prudent
5. No

**H. Proposal 7.9 – New Regulation (Public statements)**

1. Insert a new regulation that:
2. Requires a council member to notify the CEO in writing of any comments or written material that the council member provides to a representative of the

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mass or local media concerning the performance or administration of the local government, the actions or performance of local government employees, or a council decision.

3. Requires the CEO to maintain a register of media contact in which details of such notices are kept, and to make this register available for public inspection.
4. This regulation would not apply to anything that a council member does as a part of the deliberations at a council or committee meeting, or to any authorised communication by or on behalf of the mayor or president in their official capacity.

Comment: Support, with extension into social media. Staff consider it is critical that accountability exists across the entire organisation, including elected members, for comments made through media outlets, including the use of social media

**Supplementary Questions (Proposal 7.9 – Regulation on public statements):**

1. Will the proposed regulation provide a practical mechanism for council members to take responsibility for their public statements without fettering their right to make them?
2. Is there a need to more closely define the circumstances requiring notification?
3. Should the requirement for notification be extended to social media, blogs, e-newsletters, etc.?
4. What is a reasonable time limit for notification given the likely immediacy of the consequences of the conduct?
5. What could be the disadvantages for council members or local governments if such notification is required?
6. Should this regulation apply all the time or only during campaign periods?

**Response**

1. Yes
2. No
3. Yes
4. Immediately (1 hour)
5. May be time consuming and complex from an administration perspective. From an elected member perspective it may appear to be overly prescriptive and considered unnecessarily onerous.
6. All the time

**I Proposal 7.10 – New regulation (Interactions with council members)**

Insert a new regulation that:

1. Prohibits a council member from behaving in an abusive or threatening manner towards any other council member or the CEO.
2. Prohibits a council member from stating or implying that a council decision or decision process was incompetent, dishonest, corrupt, negligent or unlawful (but does not prohibit expressing disagreement with a decision).

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3. Prohibits a council member, when attending a council or committee meeting or other organised event, and if any person other than council members, the CEO and an official record taker is present, or if the meeting or event is being broadcast, or if an audio or video record is being made of the meeting or event and that record will be publicly available, from:
  - a. Disparaging or impugning the character of any council member (to be defined as stating or implying deficiency in the person's honesty, integrity, competence, diligence, impartiality or loyalty), or imputing dishonest or unethical motives to them in the performance of their duties.
  - b. Using abusive or offensive language to, or in reference to, any council member (to be defined as inflammatory words likely to incite ridicule or contempt or which would offend a reasonable adult applying contemporary community standards).
4. Requires a council member, when attending a council meeting or committee meeting, to:
  - a. Comply with a direction given by the presiding member at that meeting; and
  - b. Cease any conduct that has been ruled out of order by the presiding member, unless the majority of council members who are present vote to dissent from the presiding member's ruling.
5. Sub-regulation (2) is not to prevent a council member from reporting suspected dishonest, corrupt, negligent or unlawful council decisions or processes to a regulatory agency with responsibility for overseeing any aspect of the performance of local governments or the conduct of public officials.
6. This regulation is not to prevent a council member from making a statement under oath in a hearing conducted by Parliament, before a judicial body or as otherwise required by law.

Comment: Support

**Supplementary Questions (Proposal 7.10 – Regulation on interaction with council members):**

1. If Regulation 4 is repealed, and Regulation 7 no longer applies to conduct in council and committee meetings, will the proposals above adequately capture the key provisions in local laws related to conduct of council members in meetings?
2. Is there a need for rules of conduct in relation to any other interactions between council members that may impair the integrity, performance or reputation of local governments?

Comment:

1. Yes
2. No

**J. Proposal 7.11 – Regulation 11**

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1. Amend sub-regulation 11(1) to clearly restrict the definition of interest to one that could or could reasonably be expected to adversely affect impartiality of the person having the interest, deleting the “inclusions”.
2. Include examples of significant impartiality interests in an advisory standard rather than in the regulation.
3. Define “matter to be discussed” to mean substantive matters to be determined by council and exclude administrative matters where the effect is limited to the council itself.
4. Amend sub-regulation 11(3) to add a provision that Regulation 11 does not apply to trivial, negligible or non-current interests.
5. Add a sub-regulation permitting a disclosing member to elect to leave the meeting while the council discusses and makes a decision on the matter, but if the member elects not to leave the meeting, the council member must vote as required by under section 5.21(2) of the Act.
6. Add a sub-regulation providing for council members to register, at their discretion, enduring interests that may be perceived as affecting their impartiality.
  - a. Enduring interests may include, but are not limited to, familial relationships, employment or board membership, membership of associations, election commitments and public statements of position on specific matters.
  - b. The CEO is to maintain a register of enduring interests that is available for public inspection.
  - c. Council members may request the CEO to make amendments to their recorded enduring interests as necessary.
  - d. Sub-regulation 11(2) would not apply to interests that are recorded in the register of enduring interests.

Comment: Partial Support.

Staff do not support proposed additional regulation J.5 providing discretion around leaving a meeting once an interest has been disclosed. Staff are of the view, for the sake of clarity that the requirement to leave or remain in chambers should not be a decision of the elected member, rather it should be clearly regulated. The fact that impartiality interests are not, by their nature, considered to be sufficient to ‘require’ an elected member to leave chambers, should therefore require elected members to fulfil their duties and vote on matters and not have the option of leaving the room and not voting.

J6 is also not support as it appears to be an additional layer of requirement which is not considered necessary and does not represent to add any significant additional value.

**Supplementary Questions (Proposal 7.11 – Regulation 11):**

1. Would a register of enduring interests provide adequate transparency?

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2. Should Regulation 11 provide for the situation where a council member wishes to contribute to the discussion but feels that they may be unable to vote impartially and wishes to leave the meeting before the vote?
3. Should council members be required to disclose, prior to discussion on a matter concerning an activity involving a local government discretion (as defined in Regulation 12), whether they have been in communication with the person seeking the local government authorisation or commercial dealing? This would not include merely receiving unsolicited correspondence and promotional material.

Response: Per above comment

1. Not in isolation
2. No, should be relatively clear, either have an interest which precludes from entire process or impartiality interest exists only, consequently able to contribute and vote.
3. Yes, this would contribute to the transparency of council decision making.

**K. Proposal 7.12 – Regulation 12**

1. Insert a new definition of “nominal gift” in Regulation 12(1), to include the following:
  - a) occasional hospitality of a modest nature received in the course of performing the role of council member, such as:
  - b) meetings to discuss official business concerning the local government,
  - c) information sharing and professional development events (such as forums, seminars or workshops),
  - d) an event at which the council member has been invited to speak or present,
  - e) social events organised by the council, a government body or a community group;
  - f) attendance at a function as an invited representative of the local government or council; or
  - g) single small promotional items of no commercial value; or
  - h) modest, “one-off” expressions of gratitude or appreciation such as confectionery, flowers or single bottles of moderately priced alcohol.
2. In sub regulation 12(1), exclude nominal gifts from the definitions of “notifiable gift” and “prohibited gift”.
3. In sub regulation 12(2), add “financial or other contribution to travel” to the things that a council member must not accept from a person undertaking, seeking to undertake or likely to be intending to undertake an activity involving a local government discretion.
4. Insert a new sub regulation to provide for the situation of council members who have accepted a gift in the belief that the giver was not undertaking, seeking to undertake or intending to undertake an activity involving local

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government discretion, and who become aware within six months of accepting the gift that their assumption was inaccurate. Council members would be required to rescind their acceptance (if the gift had not yet been received) or return (if practical) a prohibited gift or to notify the CEO of a notifiable gift or a non-returnable prohibited gift, as soon as practicable.

5. Provide for the CEO, at the request of a council member, to record declined or returned gifts.
6. Insert a new sub regulation to clarify that this regulation does not apply to ceremonial gifts received by a council member on behalf of the council. A ceremonial gift is an item presented to the local government as a mark of respect, commemoration or appreciation, usually from another government entity or an organisation, and ownership is held by the local government.
7. Clarify that when a gift is presented to the council, and that gift or part of the gift is then provided to a council member for their personal benefit, it is to be treated as though the council member had accepted the gift directly from the giver. If the gift meets the definition of a notifiable gift, then Regulation 12(3) applies.

Comment: Support.

**Supplementary Questions (Proposal 7.12 – Regulation 12):**

1. Is there a need to amend or clarify the “10 day rule” and the date from which it should be calculated? If so, what would be a practical provision?
2. Is there a need to address the issue of a donor seeking to influence a council member by making a gift or donation to a person, group, organisation or cause in which the council member has a significant interest? If so, how should this be managed?

Response:

1. No
2. No

**L. Proposal 7.14 – improving understanding**

1. The Panel, with the assistance of the Department, is advised to publish advisory standards to assist in the interpretation of the Rules of Conduct and describe the types of conduct that would or would not be found to be a minor breach by way of examples drawn from Panel determinations.
2. Training materials for Complaints Officers need to be developed under the auspices of the Local Government Governance Roundtable (Department, Local Government Managers Association and WA Local Government Association), and offered to all local governments through existing training providers and products.

Comment: Support

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**M. Proposal 8.1 – improving processing times**

1. Provide mechanisms to help prospective complainants determine whether they have valid grounds for alleging a contravention resulting in a minor breach and guidance on describing a contravention.
2. Replace the current complaint form with a more structured version that requests the specific information needed to demonstrate the essential elements of a contravention for each regulation, and to advise the outcome of any dispute resolution processes undertaken. There is potential to regulate information requirements under section 5.107(2)(d) of the Act.
3. Provide guidance material to complaints officers.
4. Develop guidance for local governments concerning treatment of complaints that are not made in accordance with the Act.
5. Establish and enforce timeframes for receipt of responses of parties to information requests.
6. Introduce a prioritisation system for complaints received by the Panel, based on the significance of the potential consequences for local government, the extent to which the conduct indicates deliberate intent rather than poor judgement, and whether there has been a pattern of inappropriate behaviour and complaints made against that council member
7. Further simplify and streamline Panel reports on findings and decisions, consistent with the needs of the audience.

Comment: Support

**Supplementary Questions (Proposal 8.1):**

1. How should complaints of minor breach be ranked so that matters significant to the good operation of the local government are prioritised over inconsequential matters?
2. What information do complainants, council members and Complaints Officers require in Panel reports on findings of whether a minor breach has occurred and decisions about the sanction to be applied?

Response

1. No they shouldn't be ranked
2. Unsure

**N. Proposal 8.2 – Improving efficiency**

1. In the longer term, consider amending the Act to align the handling of minor breach complaints with the current serious breach complaint process to create a single pathway for receipt of breach complaints.
2. Under this model, complaints of minor breach would initially be sent by complaints officers to the CEO of the Department, who, on the advice of the

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Department, would decide whether to make an allegation of minor breach to the Standards Panel.

Comment: Support

**Supplementary Question (Proposal 8.2):**

1. Would a single centralised pathway for receiving both minor and serious complaints result in any risks for local government that would need to be managed?

Response

1. No

**O. Proposal 8.3 – Improving transparency**

1. Publish standards panel procedures, practices and basis for making decisions, setting out or providing for:
  - a) The main objectives of the Panel: resolve complaints quickly, fairly, with as little formality and technicality as practicable and to minimise costs;
  - b) The ways in which the Panel will ensure procedural fairness, including timeframes for responses to requests for information;
  - c) The way in which the Panel will have regard to the general interests of local government in WA, and the matters it will take into account;
  - d) Criteria used to prioritise complaints;
  - e) The Panel's privacy policy;
  - f) The nature and weight of the evidence that the Panel requires from complainants to determine the standard of proof as required by section 5.106 of the Act;
  - g) How the Panel will treat frivolous, vexatious and trivial complaints;
  - h) Key regulatory terms and how the Panel interprets them in making its findings; and
  - i) Circumstances under which hearings will be held, and processes for requesting a hearing.

Comment: Support

**Supplementary Questions (Proposal 8.3):**

1. Should the Panel's practices and procedures be regulated under Schedule 5.1 of the Act, such as a simplified version of Part 4, Divisions 1 and 2 of the State Administrative Tribunal Act 2004, or is it sufficient to publish these on the website as an information document?
2. Should local governments and parties to a complaint be able to track the progress of a complaint to provide more certainty about timelines and manage expectations?

Response

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- |  |
|--|
| 1. Sufficient to publish on website as information |
| 2. Yes   |

**P. Proposal 8.4 – Improving effectiveness:**

1. Provide discretion for the local government to decide how to publish a **public** censure notice or public apology ordered by the Panel, within the parameters of reasonable public exposure and audience reach.
2. In future, consider amending the Act to provide the Panel with a greater range of actions following a finding that a minor breach was committed, including an option to impose no sanction.
3. The Standards Panel specifically make reference in its reports to how it has given regard to the interests of local government in its deliberations on minor breach allegations.

Comment: Support
------------------

**Supplementary Questions (Proposal 8.4):**

1. Should the local government be permitted to recoup the cost of implementing a sanction from the council member on whom the sanction was imposed?
2. What matters should be taken into account by the Standards Panel in having regard to the general interests of local government when deliberating on minor breach complaints?

Response
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- |  |
|--|
| 1. Yes   |
| 2. Matters regards the interests of the local government including reputation of the local government and the local government industry, impact on the ability of the local government to function efficiently and effectively |

**Q. Proposal 8.5 – Improving educational value**

1. A simple on-line searchable database of anonymised summaries of findings should be established, demonstrating common complaints, formatted as “frequently asked questions” or case studies, and keep it updated as new issues arise for use in training.
2. Establish a process to identify implications arising from Panel or SAT determinations of minor breach complaints involving common local government practices, and ensure that local government is alerted to those implications.

Comment: Support
------------------

**R. Proposal 9.2 – Mediation**

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1. All local governments with access to professional mediation services are encouraged to offer mediation opportunities to people contemplating a complaint under the minor breach framework.
2. Amend the complaint form to require complainants to advise what action they have taken to resolve their concerns, and the outcome of that action, or alternatively to explain why they have not made use of alternative resolution processes.

Comment: Support

**Supplementary Questions (Proposal 9.2):**

1. Do local governments find mediation processes involving council members useful for matters other than minor breach complaints?
2. What are the implications of diverting some prospective minor breach complainants to alternative resolution processes?
3. Would there be benefits in having a centralised pool of suitably qualified mediators selected through a competitive merit process and remunerated at a standard rate, possibly managed through bodies such as WALGA or regional councils?

Response

1. No comment
2. Could provide positive outcomes in the context of having matters dealt with 'internally' and provide an opportunity to a conciliatory approach
3. Yes

**S. Proposal 10.1 Amendments for future consideration - time limit for minor breach complaints:**

Amend sections 5.107(4) and 5.109(2) to reduce the time limit for complaints to be made from two years to three months after the alleged breach, with provision for extension at the Department CEO's discretion.

Amend s.5.108(3) to reduce the time limit to 12 months, to recognise that it may not be clear that the breach is minor rather than serious until an investigation has been undertaken.

Comment: Support

**Supplementary Question (Proposal 10.1):**

1. Should the time limit for submitting a complaint of minor breach be three or six months?
2. On what basis should an extension of the time limit be granted?

Response:

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- |  |
|--|
| 1. 3 months  |
| 2. Only extenuating personal circumstances, such as ill health |

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2639**

**Moved: Cr Proud**  
**Seconded: Cr Rumjantsev**

**That Council;**

- 1. Makes the following submission in relation to the proposed amendments to the Local Government (Rules of conduct) regulation;**
  - A. Proposal 7.2 – Regulation 3 Support**
  - B. Proposal 7.3 – Regulation 4 Support**
  - C. Proposal 7.4 – Regulation 6 Support**
  - D. Proposal 7.5 – Regulation 7 Support**
  - E. Proposal 7.6 – Regulation 8 Support**
  - F. Proposal 7.7 – Regulation 9 Support**
  - G. Proposal 7.8 – Regulation 10 Not Support 1A, Support remainder**
  - H. Proposal 7.9 – New Regulation Support, extending to social media**
  - I. Proposal 7.10 – New regulation Support**
  - J. Proposal 7.11 – Regulation 11 Not Support 5 or 6, Support remainder**
  - K. Proposal 7.12 – Regulation 12 Support**
  - L. Proposal 7.14 – improving understanding Support**
  - M. Proposal 8.1 – improving processing times Support**
  - N. Proposal 8.2 – Improving efficiency Support**
  - O. Proposal 8.3 – Improving transparency Support**
  - P. Proposal 8.4 – Improving effectiveness Support**
  - Q. Proposal 8.5 – Improving educational value Support**
  - R. Proposal 9.2 – Mediation Support**
  - S. Proposal 10.1 Amendments for future consideration - time limit for minor breach complaints Support**
- 2. Provides the responses to the ‘supplementary questions’;**
  - B. Proposal 7.3 – Regulation 4**
    - 1. No significant risk of repealing regulation 4 as the proposed new regulation adequately deals with the issue of behaviour at Council meetings.**

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**C. Proposal 7.4 – Regulation 6**

1. Yes
2. No
3. Resolution made at closed meetings should be explicitly excluded from the application of sub regulation 6(2) (b) as it appears to only provide a further level of complexity which could lead to confusion for elected members in the interpretation and application of this clause.

**D. Proposal 7.5 – Regulation 7**

1. No not specifically

**E. Proposal 7.6 – Regulation 8**

1. It appears as though the definitions of resource and use are sufficient;
2. Yes authorisation should be restricted per supplementary question 2;
3. Yes it would appear prudent, for the sake of clarity, to explicitly exempt the use of publically available local government resources.

**F. Proposal 7.7 – Regulation 9**

1. Staff are of the view that the definition of administration is as clear as can be expected.
2. It is also considered prudent, from the perspective of staff, to require the authorisation for the involvement in administration to be initiated by the CEO.

**G. Proposal 7.8 – Regulation 10**

1. Yes, although in the context of not supporting 1a of the proposed legislative change
2. No
3. No
4. Yes, it may be prudent
5. No

**H. Proposal 7.9 – New Regulation**

1. Yes
2. No
3. Yes
4. Immediately (1 hour)
5. May be time consuming and complex from an administration perspective. From an elected member perspective it may appear to be overly prescriptive and considered unnecessarily onerous.
6. All the time

**I. Proposal 7.10 – New regulation**

1. Yes
2. No

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**J. Proposal 7.11 – Regulation 11**

1. Not in isolation
2. No, should be relatively clear, either have an interest which precludes from entire process or impartiality interest exists only, consequently able to contribute and vote.
3. Yes, this would contribute to the transparency of council decision making.

**K. Proposal 7.12 – Regulation 12**

1. No
2. No

**M. Proposal 8.1 – improving processing times**

1. No they shouldn't be ranked
2. Unsure

**N. Proposal 8.2 – Improving efficiency**

1. No

**O. Proposal 8.3 – Improving transparency**

1. Sufficient to publish on website as information
2. Yes

**P. Proposal 8.4 – Improving effectiveness**

1. Yes
2. Matters regards the interests of the local government including reputation of the local government and the local government industry, impact on the ability of the local government to function efficiently and effectively

**R. Proposal 9.2 – Mediation**

1. No comment
2. Could provide positive outcomes in the context of having matters dealt with 'internally' and provide an opportunity to a conciliatory approach
3. Yes

**S. Proposal 10.1 Amendments for future consideration - time limit for minor breach complaints**

1. 3 months
2. Only extenuating personal circumstances, such as ill health

**CARRIED 9/0**

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**ATTACHMENT**



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



## **Consultation Paper**

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**A Review of the Local Government  
(Rules of Conduct) Regulations 2007  
and Minor Breach Disciplinary Framework**

November 2015



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## Consultation on Proposed Changes to Local Government Minor Breach System

Submissions are invited on the observations and proposals put forward in this paper to assist the Government to decide which of the proposed changes are necessary or desirable. Comment is also invited on specific issues raised in initial consultation where balancing benefits and risks may be complex and broader consequences need to be considered. These issues are shown in blue boxes in the text.

Public consultation is an important part of transparent decision making. Submissions will be published on the Department of Local Government and Communities website. A person making a submission may request that their identity or parts of their submission be treated as confidential. The submission must clearly identify the information that is the subject of the claim for confidentiality and a non-confidential version of the submission must be provided.

Submissions close on Friday 4 March 2016, and should be sent to [legislation@dlgc.wa.gov.au](mailto:legislation@dlgc.wa.gov.au)

### For more information, please contact:

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## 1. Executive Summary

Since 2007, the *Local Government Act 1995* (the Act) has provided for a disciplinary framework to deal with minor, recurrent and serious breaches of conduct by individual council members. This review considers only the minor breach element. The minor breach system is separate to and different from the minor and serious misconduct reporting framework that operates under the *Corruption, Crime and Misconduct Act 2003* (CCM Act).

The minor breach system is intended to provide a mechanism to deter inappropriate conduct by individual council members that may lead to council dysfunction, loss of trust between council and administration, impairment of the local government's integrity and operational performance, and consequent reduction in public confidence. The minor breach system complements local government codes of conduct with enforceable standards for specified conduct focused on governance and integrity.

The foundation of the minor breach system is the *Local Government (Rules of Conduct) Regulations 2007* (regulations), enforced through the complaints process set out in Part 5 Division 9 of the Act which provides for the reporting of contraventions of the regulations to the Local Government Standards Panel (the Panel) appointed by the Minister.

The minor breach system is strongly supported in principle by the local government sector, but there is some dissatisfaction among those who have had dealings with it that it is not meeting the sector's pre-commencement expectation. This expectation was that it would be quick, transparent, informal and non-technical, and focused on the general interests of local government. The issues being raised in 2015 are very similar to the issues raised during the previous review by the Standards Panel Review Committee in 2011: specifically the length of the process, a perceived lack of transparency, and a sense that the focus is on legal process rather than addressing the effects of council member conduct on local government.

It is important to recognise that the minor breach system is based on regulatory contravention, unlike minor misconduct under the CCM Act or the code-of-conduct-based misconduct management systems in other jurisdictions. These are generally focused on types of conduct (abuse of power/position, breach of trust, dishonesty, bias) rather than the breaking of prescriptive rules governing specified activities.

It is not feasible for a rule-based disciplinary model, such as the Western Australian minor breach system, to capture all dysfunctional conduct or exclude all minor lapses that might result in vexatious complaints. More flexible outcome-based misconduct management models may have greater focus on the impact, intent and context of the conduct. However, the investigation and evidentiary interrogation required is considerably more resource intensive than the WA minor breach system, which uses a challenge-response approach usually determined solely on the documents provided.

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Given the support of the local government sector for the current minor breach system, and lack of support for locally-driven disciplinary systems, this document assumes that the existing minor breach system will continue.

The purpose of this review was therefore to examine the local government sector's concerns with the current minor breach system, identify the likely causes of that concern and consider whether the Rules of Conduct regulations and current complaints processes can be reformed to improve operational efficiency and effectiveness.

The initial stage of this review undertook targeted consultation with the local government sector, particularly local governments with significant experience with the minor breach process and individual stakeholders who had expressed specific concerns. It also involved a technical analysis of the issues, the regulations, past complaints and determinations, and consideration of models in use in other jurisdictions to develop options for reform. This next stage widens the consultation process.

In addition to reiterating the process issues raised in the 2011 review about timeframes, transparency and technical focus, the sector has raised concern about the extent to which the Panel's decisions align with the policy objective to deter dysfunctional conduct. Some local governments are concerned that the impact that a persistently disruptive council member can have on a local government is given insufficient weight in decisions, and that the process is not communicating a clear, effective message about reasonable standards of conduct.

Specific reported concerns and perceptions in 2015 include:

- The length of the complaints process and lack of a complaints tracking mechanism exacerbates tensions and uncertainty within councils, contrary to the intended role of the process as a "circuit-breaker".
- There is need to better balance the intent of the regulations, the rights of the accused council members, and the interests of local government. Some findings have been seen as overly tolerant of serious wrong-doing and others as overly punitive of inconsequential behaviour which would have been quickly forgotten but for the complaint.
- The sanctions available to the Panel are seen as having little deterrent effect, especially since the local government rather than the council member bears the associated financial cost of sanctions such as training or public censure notices.
- The system is not seen to be addressing certain conduct with serious disruptive and dysfunctional consequences for local government: specifically bullying and harassment of councillors and employees, and use of the media to publicly disparage local government functions and local government employees to gain personal or political advantage.
- There is poor understanding of the regulations or what constitutes a minor breach, and the existing training and guidance material does not specifically

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focus on interpreting the Rules of Conduct or explain acceptable and unacceptable behaviour by example.

The processing time for complaints has improved significantly since 2012, although there are opportunities for further efficiencies, largely related to reducing system congestion caused by unsound, trivial and vexatious complaints, and prioritising matters with significant implications for the functioning of the local government over those with negligible operational consequences.

Given that the minor breach system is a contravention-based model, it is inevitable that determinations of whether a minor breach occurred will rely more on technical interpretations of the written law than on considering the context and consequences of the conduct. Better defining the regulations to embed the intent within them, and publishing the Panel's positions and policies on interpretation, may improve alignment between the system's intent and its implementation.

The Panel does have a legislated obligation to have regard to the general interests of local government in the State, which influences its decisions on how to deal with a minor breach once found. Documentation of the factors that the Panel must take into account when considering local government interests, and specific reference to those matters in Panel reports may link outcomes more clearly with the purpose of the minor breach system.

In practice, most local governments and most council members have little or no contact with the minor breach system. Between the commencement of the system in late 2007 and August 2015, 68 per cent of the total minor breach allegations (343 allegations out of 507 in total) have been generated from just twelve local governments involving complaints against 74 council members. Eighty local governments have not used the system at all.

A high number of complaints from a particular local government generally correlates with overt tension either centred on an individual or on the relationship between two factions. Departure of one of the parties usually results in the complaint frequency rapidly subsiding.

Despite the intent of the minor breach system, most allegations of minor breach received since 2007 appear to have arisen from personal disputes rather than being reports of significant matters of misconduct affecting local government integrity and good governance. Approximately forty percent of allegations of minor breach related to conduct with potential to cause serious operational consequences, although about one-fifth of these concern conduct that is currently not captured by the regulations. Of the sixty percent of allegations that related to inconsequential behaviour, about half complained about conduct which is not actually prohibited by the cited regulation and therefore cannot be a contravention (unsound complaints).

**Amendments are currently before Parliament to allow the Panel to refuse to consider frivolous, vexatious and misconceived complaints and those without substance, and to allow withdrawal of complaints.** If enacted, this reform is expected to reduce the

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number of inconsequential and unsound complaints considered by the Panel. However, the assessment of these will still require publicly-funded resources. Preferably, unsound and low value complaints should not reach the Panel at all.

This directions paper sets out findings and proposed regulatory and process amendments to address opportunities that have been identified for improved efficiency and effectiveness in the system. Acknowledging the general and specific concerns summarised above, the proposals put forward are based on the following principles:

1. The minor breach system should be driven by the policy objective: early intervention to address inappropriate behaviour by individual council members which may otherwise impair local government integrity and performance, bring local government into disrepute, or escalate to serious council dysfunction.
2. To the extent possible, the Rules of Conduct should capture significant dysfunctional, disruptive or deceptive conduct (unless dealt with in other legislation) which poses an organisational risk to local government.
3. A finding of minor breach is an over-reaction to trivial and inconsequential behaviour, which is better dealt with in other ways.
4. Clearly worded and well-defined regulations should unambiguously specify required and proscribed conduct, with no overlap or duplication between regulations.
5. Standards Panel processes, practice and reporting should be simple, quick, transparent, and as informal and practical as feasible while being consistent with procedural fairness and legal requirements.
6. Council members and prospective complainants should have access to guidance about types of behaviour that do or do not constitute a minor breach for each regulation, clear requirements for a complaint of minor breach, and information about the way in which the Standards Panel conducts its business.
7. Alternatives to the use of the complaints system need to be encouraged.
8. Where regulatory prohibition of specific types of dysfunctional conduct is not feasible, training, coaching, enforcement of local codes of conduct and peer feedback will be necessary to bring about attitudinal change.

Three key problems were identified:

1. The current regulations do not adequately address some significantly dysfunctional conduct that harms local government performance;
2. A very high proportion of unsound, unsupported and trivial complaints that increase system congestion and cost, and impose unnecessary stress on council members, and

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3. Relatively poor understanding of the system and low penetration of "lessons learned" from the Panel's determinations.

The proposed directions encompass four key elements:

1. Amending the regulations to improve clarity and alignment with policy intent;
2. Improving guidance material and complaint documentation;
3. Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes; and
4. Codifying Standards Panel procedures and practice and simplifying reporting.

Where issues raised can only be fully addressed through legislative change, amendments to the Local Government Act have been suggested for the Government's consideration in order to reduce red tape, increase responsiveness and improve the effectiveness of outcomes.

#### Proposed regulatory changes

**Regulation 3** (general principles to guide behaviour – not a Rule of Conduct) Add a principle concerning compliance with local government codes and policies. Link Regulation 3 to codes of conduct required under s.103(1) of the Act and the proper use of office.

**Regulation 4** (contravention of local laws relating to conduct at meetings) Delete regulation 4 and capture seriously dysfunctional meeting conduct in a new regulation.

**Regulation 6** (use of information) Include personal information, information subject to a confidentiality or non-disclosure agreement, legal advice, and commercially sensitive information. Extend application to include confidential parts of otherwise non-confidential documents. Make resolutions that are made in closed meetings explicitly exempt from the regulation.

**Regulation 7** (improper use of office to secure personal advantage or disadvantage others) Define key terms to make intent more explicit and focus on matters of integrity, honesty and impartiality; exclude conduct that is the subject of other regulations or local laws and where it is unlikely that significant harm would be sustained as a result of the conduct.

**Regulation 8** (misuse of local government resources) Clarify by defining key terms.

**Regulation 9** (prohibits involvement in administration) Clarify by defining key terms.

**Regulation 10** (relations with local government employees) Define and amend key terms to clarify intent and conditions of application. Add provisions related to CEO employment, threatening or abusive behaviour, unreasonable demands, chastisement of employees and protection of former local government employees. Recognise

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technological advances through which the public may have access to livestreamed meeting proceedings and audio/video records.

**Regulation 11** (disclosure of interest) Define key terms to clarify meaning – remove or clarify anomalies with Act provisions on interest disclosure; address lobbying by proponents; provide for enduring interest register.

**Regulation 12** (gifts) Add definition of “nominal gift” and exempt these from notifiable gifts. Prohibit acceptance of travel contributions from person seeking or intending to undertake an activity involving a local government discretion, and provide for situations where council member accepted a gift unaware that the giver was such a person. Include provisions to cover gifts to council made available to councillors and ceremonial gifts<sup>1</sup>. (Note that there are broader issues around appropriate gift value thresholds, consistency of legislative requirements, and gifts from entities likely to benefit from a local government discretion exercised in favour of a separate entity.)

#### Proposed new regulations

1. Interactions between council members (replaces Regulation 4): Prohibit disparagement, adverse reflection and abusive language during council and committee meetings and public events. Prohibit threatening or abusive behaviour. Requirement to comply with directions of presiding member (except if dissent motion passed).
2. Notification of public statements: Require council members who make comments to the media about the local government administration or council decisions to notify the CEO, who will record the notice in a media contact register available for public inspection.

Concern has been expressed that the Rules of Conduct regulations provide only limited protection to local government employees from public disparagement by council members in the mainstream and social media. The current prohibition in Regulation 10(3) is limited to council/committee meetings/organised events attended by members of the public, and 60 per cent of complaints received about derogatory or offensive comments did not meet these regulatory pre-requisites. Civil defamation action is not available to local governments and tends to be cost prohibitive for most people.

Regulatory options to address this issue were investigated. However, the implied freedom of political communication under the Commonwealth Constitution as well as implementation considerations, make such an approach impractical. The requirement to notify the CEO of comments made to the media has been suggested to improve accountability, but in general non-regulatory measures are likely to be a more practical approach.

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<sup>1</sup> NB: The Local Government Governance Roundtable has initiated a separate review into legislative provisions relating to receipt of gifts. These proposals will contribute to that work.

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Regular re-assessment of the regulations in light of the types of complaints received and monitoring of behavioural standards will ensure the Rules of Conduct remain relevant to the needs of local government.

#### Policy, education and process improvements

1. Encourage local governments to offer alternative resolution options to prospective complainants, and further encourage this through complaint documents.
2. Provide greater guidance on how the Rules of Conduct are applied, the intent of the minor breach system and the complaints process to inform complainants, and establish a training program for Complaints Officers.
3. Amend the complaints form to specify the information to be provided in support of allegations of contraventions resulting in a minor breach (this could potentially be regulated under section 5.107(2)(d) of the Act).
4. Take a stricter approach to complaints that are not in accordance with the requirements of the Act, and enforce timeframes for responses to the Department's requests for information on behalf of the Panel.
5. Introduce a mechanism to prioritise complaints that relate to conduct posing the greatest potential risk of impairing the local government's efficient and effective performance, working environment or its public reputation.
6. Ensure that local governments are promptly informed of policy and risk implications arising from the Panel's determination of a complaint or interpretation of the regulations.
7. Include a module on the interpretation of the Rules of Conduct in council member induction and professional development training.
8. Include in council member training, information about the impact of member conduct on organisational risks, particularly conduct associated with negative publicity, damaging working relationships or affecting workplace health and safety.
9. Where inappropriate conduct has occurred but is found not to be a minor breach, clearly advise the respondent that the conduct is not condoned.
10. (Longer term) If the State is to retain the current centralised complaints system, then consider an on-line, centralised, automated "self-serve" complaint lodgement system similar to that used by the State Administrative Tribunal to improve efficiency, reduce red tape, automate compliance checking and notifications, and facilitate complaint tracking.

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#### Potential Act amendments (for future consideration by Government)

1. Reduce the time limit for submitting a complaint from two years after the incident to three months, with provision for an extension up to 12 months to be granted in exceptional circumstances.
2. Align the minor breach process more closely with the serious breach process by providing for complaints of minor breach to be sent to the Departmental CEO, who will decide whether to make an allegation to the Standards Panel that a council member committed a minor breach. This will permit the Departmental CEO to exclude unsound, frivolous, vexatious, trivial and inconsequential complaints, request that dispute resolution processes be engaged before action is taken, and ensure that contraventions are appropriately described and supported before being sent to the Panel.
3. Increase the range of actions available to the Panel after it has found that a minor breach has occurred, including actions appropriate to a technical breach with negligible consequences for the local government, and stronger sanctions for minor breaches involving deliberate conduct with significant consequences for the local government.

#### Longer term measures to enhance standards of conduct

This document assumes that the current rule-based minor breach system will continue, and focuses on improving the efficiency and effectiveness of that system. In the longer term, consideration could be given to a disciplinary framework that is less prescriptive and more outcome-based. Such a scheme would require council members to refrain from conduct likely to impair the integrity, operational performance or reputation of the local government, and hold them accountable should they fail to do so. The focus would be on demonstrable abuse of position, breach of trust, dishonesty and bias. However, examples and training to assist council members to make those judgements would take the place of regulatory prohibitions relating to specific actions.

Minor breaches as defined through the Rules of Conduct do not cover all forms of minor misconduct. It is not practical for a prescriptive rule-based system to do so. Following recent amendments to the CCM Act, there is no longer an agency with statutory responsibility for dealing with elected members who engage in minor misconduct which does not contravene a specific regulation or legislative provision. If this gap needs to be addressed, there would be advantages in a single misconduct management system for elected members, subject to resolving responsibility, resource and other implementation considerations.

Local governments have a duty to safeguard employees' wellbeing and support those with health conditions. A similarly supportive environment for elected council members, including access to counselling, may better address dysfunctional conduct arising from stress or mental health disorders than an inherently adversarial reporting and penalty system.

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## 2. Introduction

### 2.1. Background

The *Local Government (Official Conduct) Amendment Act 2007* amended the *Local Government Act 1995* (the Act) to provide a framework to deal with minor, recurrent and serious breaches by individual council members. A minor breach is a contravention of a Rule of Conduct or a specified local law prescribed in the *Local Government (Rules of Conduct) Regulations 2007* (the regulations). The minor breach system comprises the regulations, the Local Government Standards Panel (the Panel) appointed by the Minister, and the complaints process set out in Part 5 Division 9 of the Act.

There are significant differences between this system and the management of serious and minor misconduct under the *Corruption, Crime and Misconduct Act 2003* (CCM Act). "Misconduct" under the CCM Act refers to conduct that is corrupt, criminal, intentionally dishonest, lacking integrity, breaches the public trust and which indicates unfitness for office. Minor misconduct is thus defined in terms of intent and consequences rather than contravention of specific legislation. Following recent amendments, there is no longer a State agency with statutory responsibility for dealing with minor misconduct by elected council members (Figure 1).

Elected Council Members	Local Government Employees
<b>Serious misconduct</b> – intentional corruption and serious criminal behaviour <b>Corruption and Crime Commission</b>	
<b>Serious breaches</b> – offences under Local Government Act or other laws where being a councillor is a key element (including electoral offences) – <b>CEO of DLGC/State Administrative Tribunal</b>	<b>Minor misconduct</b> – conduct contrary to honest and impartial performance, breach of trust, misuse of information, AND is an offence that is grounds for termination of employment – <b>Public Sector Commissioner</b>
<b>Minor breaches</b> – contravention of the Local Government (Rules of Conduct) Regulations – <b>Local Government Standards Panel</b>	<b>Disciplinary matters</b> that are not grounds for termination of employment – <b>Employer (Local Government)</b>
<b>Disciplinary matters</b> that are not minor breaches – <b>Local Government</b>	
<b>Code of Conduct</b> contraventions – <b>Local Government</b>	<b>Code of Conduct</b> contraventions – <b>Employer (Local Government)</b>
<b>Grievances and disputes</b> – <b>Local Government</b>	<b>Grievances and disputes</b> – <b>Employer (Local Government)</b>

**Figure 1. Integrity protection framework for local government.** Serious and minor misconduct are covered by the *Corruption, Crime and Misconduct Act 2003*. Serious and minor breaches are covered by the *Local Government Act 1995*.

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The minor breach system previously supplemented the management of minor misconduct under the CCM Act. It aimed to regulate specified types of conduct by individual council members likely to impair the integrity, efficiency and effectiveness of the local government or bring the local government into disrepute, but which were not otherwise dealt with under the Act or other legislation. Conduct classified as a minor breach is more narrowly defined and generally less serious than minor misconduct as defined by the CCM Act. However, if not checked, it may cause deterioration in the working environment and act as a catalyst for more serious local government dysfunction eventually requiring State intervention.

The minor breach system was intended to provide a quick, informal and non-technical mechanism to discourage target conduct by imposing sanctions on council members found to have committed a minor breach by "breaking the rules of conduct". The Panel may require the member to undertake mandatory training or impose the sanctions of a public censure and/or a public apology. The Panel's decisions are reviewable by the State Administrative Tribunal (SAT). Any further minor breach by a council member already found to have committed two minor breaches may be referred by the Panel to the Departmental CEO who may refer it to the SAT as an allegation of recurrent breach. The SAT has the power to impose more significant sanctions including suspension or disqualification.

There is generally strong support for the minor breach system, but there is a persistent perception, in those parts of the local government sector that have dealings with it, that neither the process nor the outcomes are meeting the expectations that stakeholders had of the system at commencement.

## 2.2. Previous review

The Standards Panel Review Committee established in 2010 by the then Minister for Local Government engaged in extensive stakeholder consultation, finding significant concern "about the efficiency of the Panel, and, as a result of the way local government members use the Panel and the Panel's own processes, concerns over its effectiveness". The Review Committee reported to Government in 2011, forming two central conclusions:

"...the current disciplinary framework of a single State-wide Panel, supported by the Department:

- Provides for an independent and informal mechanism to resolve minor inappropriate conduct allegations promptly, that is valued and supported by industry bodies, is a relatively less expensive model to operate from the perspective of local governments, and provides for sitting members who are knowledgeable in local government matters; and

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- That it has not been implemented in the way that was originally intended (for reasons unknown), particularly in relation to utilising mediation and/or conciliation services as a preliminary step.”

The Review Committee made 43 recommendations to address anomalies in the Regulations, simplify and streamline processes, provide for greater local management of minor inappropriate conduct, provide for greater transparency, improve public information, standardise policies and terminology, and establish mechanisms to monitor and continuously improve the system.

### 2.3. Current situation

Many of the Review Committee's administrative recommendations have been, or are in the process of being, implemented by the Department. The time taken to deal with complaints has been reduced and the Panel has been focusing on clearing the backlog. Legislative amendments are currently before Parliament which will permit the withdrawal of complaints and grant the Panel the power to refuse to deal with complaints that are frivolous, vexatious, misconceived or lacking in substance. These amendments, if approved, will assist in reducing the Panel's workload, discouraging trivial and mischievous complaints and allowing priority to be given to substantive complaints.

However, the local government sector continues to express similar concerns about the efficiency and effectiveness of the minor breach system as were raised with the Review Committee in 2011. The minor breach mechanism continues to be seen to be as too slow, insufficiently transparent and legalistic.

Following discussions at the Local Government Governance Roundtable<sup>2</sup>, the Department has undertaken another review. This has been focused on whether the regulations could be amended to address unintended consequences that hinder the effectiveness of the system in achieving its objectives, and whether other non-legislative mechanisms might be available to streamline the process.

The scope of this review is restricted to the part of the disciplinary framework that deals with minor breaches, defined as a contravention of a rule of conduct prescribed under section 5.104(1) of the Act or a local law specified in the regulations.

In this report, the type of dysfunctional conduct that is the target of the minor breach system will be referred to as inappropriate, dysfunctional or target conduct, to avoid confusion with “minor misconduct” which is dealt with under the *Corruption, Crime and Misconduct Act 2003* (CCM Act).

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<sup>2</sup> The Local Government Governance Roundtable comprises representatives of the WA Local Government Association, the Local Government Managers Association and the Department of local Government and Communities who meet regularly to discuss governance issues of concern to the sector.

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### 3. Methodology

The Standards Panel Review Committee consulted widely in 2010 and 2011. Initial targeted consultation undertaken at the commencement of the current review revealed that the issues were largely unchanged from 2011.

Key additional concerns raised in preliminary consultation included:

- Some types of dysfunctional conduct are not effectively covered by the regulations. Instances of these types of conduct are believed to be becoming more prevalent as a result of such conduct being found not to constitute a minor breach and not attracting any sanctions.
- Technical legal interpretations of the regulations are permitting some councillors to escape a finding of minor breach despite clearly inappropriate conduct, while penalising other council members for trivial or inconsequential conduct.

Given these preliminary findings, this review has not replicated the broad-scale consultation undertaken in 2011.

An analysis was undertaken of 507 allegations of minor breach (contained in 298 separate complaints) made between November 2007 and August 2015, of which 455 have been determined by the Standards Panel and the findings notified to participants.

Informed by targeted consultation with local government peak bodies, CEOs and some presiding members, and the analysis of previous complaints, proposals have been developed to improve the efficiency and effectiveness of the minor breach system.

Some of these are aimed at reducing the high proportion of minor breach allegations that are unsound, are not in accordance with the requirements of the Act, or involve conduct with no significant consequences for local government integrity, performance or reputation. A substantial element of this report describes proposed amendment of the regulations to address problems arising from lack of coverage of seriously dysfunctional conduct and from apparent ambiguity, duplication, and misalignment between the letter of the law and its intent.

There are limitations to the extent of reform to the existing system that can be undertaken without amendments to the Act, some of which were also identified by the Standards Panel Review Committee. These have been identified for future consideration by the Government.

Comment is invited on each of the proposals shown in boxes in the relevant sections, and on the supplementary questions where included.

The initial consultation raised a number of issues and suggestions that have broader policy or practical implications. Specific proposals have not been made on these matters, which appear in blue boxes, but comment is invited to determine whether the potential benefits of the options are likely to outweigh the risks.

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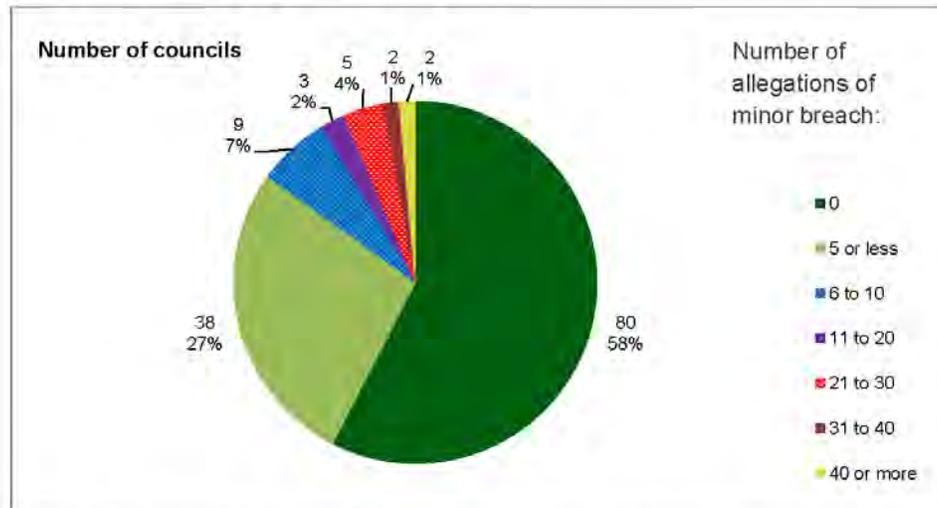
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Following consideration of stakeholder comments, advice will be finalised for the consideration of the Minister for Local Government, and subject to his approval, regulatory amendments and process changes will be implemented.

## 4. Analysis of Complaints Received

### 4.1. Use of minor breach system

Most allegations of minor breach have been received from relatively few local governments, with 343 (68%) of all the allegations received between November 2007 and August 2015 coming from 12 local governments, involving 71 complainants and 74 council members. Five were local governments in regional areas and seven were metropolitan. Twenty-three council members in these local governments both made complaints and were the subject of complaints.



**Figure 2. Distribution of allegations of minor breach across local governments.**

There is no obvious commonality between local governments with high numbers of minor breach complaints. In most cases the majority of complaints were received over a one to two year period, and appeared to correlate with overt tension either within a local government or between one or more members of the council and a section of the local community. A spike in complaints frequently involves one or two particularly active complainants and one or two councillors who are the focus of their attention. The departure of one of the parties (e.g. a council member ceases to hold office or a complainant leaves the area) usually sees a rapid reduction in the number of complaints.

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Council members have made most use of the minor breach complaints system, followed by members of the public (fewer individual complainants but more allegations per complainant) and complaints officers/CEOs.

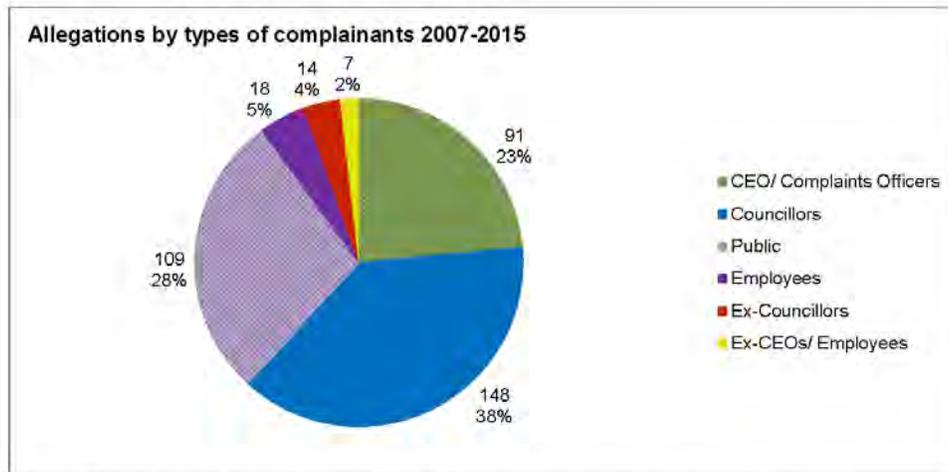


Figure 3. Distribution of allegations of minor breach across classes of complainants.

#### 4.2. Processing times

There is a perception in the sector that the minor breach complaints process takes too long. The lengthy period of uncertainty between the lodgement of a complaint and notification of the Standards Panel's findings is considered to exacerbate tensions within local government rather than the system acting as a circuit-breaker as intended.

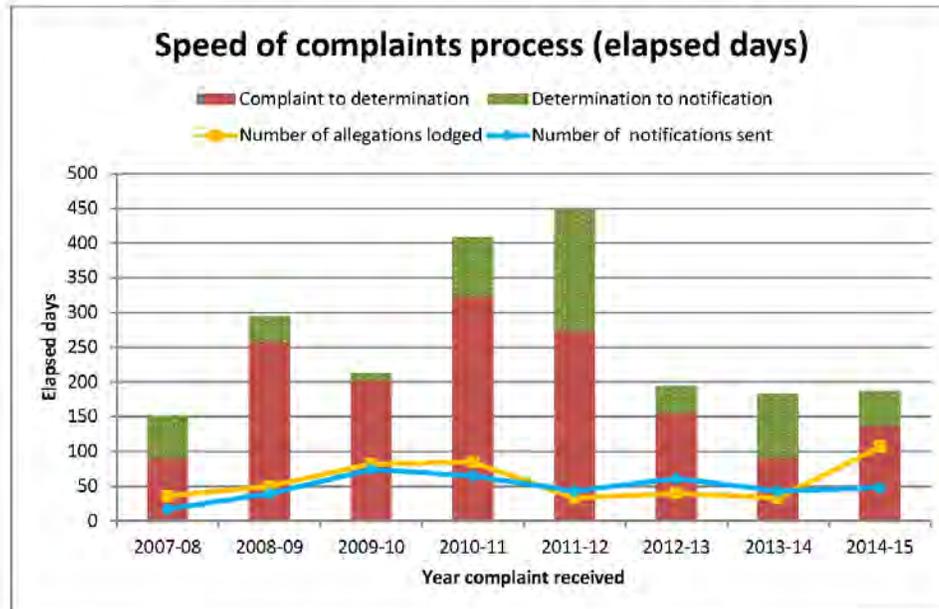
In 2010/11 and 2011/12, timeframes were very long, with the average time from complaint to notification exceeding 400 days and some complaints taking more than two years. However, as Figure 4 shows, the streamlining of processes introduced after the 2011 review started to have a significant impact almost immediately, with the average time from complaint to notification in 2014/15 being 187 days (range 134 to 272 days).

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**Figure 4. Complaint processing time trends from date of complaint to notification of findings.**

However, it should also be noted that the number of determinations per year has tended to be relatively stable in recent years, while the number of allegations received may vary significantly.

The Panel generally meets monthly, and typically deals with three or four complaints per meeting depending on complexity, although some complaints may contain two or more allegations. The chart in Figure 4 shows that the number of minor breach allegations rose sharply in 2014/15, with more than twice as many received as determined. Most of the increase occurred in the first six months of 2015, and a further 31 allegations were made between July and October 2015.

The number of minor breach complaints is used by the Department as a risk indicator for local governments to assist it to allocate resources where most needed, but the intervention may not have an immediate influence on the number of complaints.

While the Department has some flexibility to reallocate resources to meet increasing demand for processing complaints and preparing advice, the capacity of the Panel itself is less elastic, relying as it does on very few individuals with other full-time responsibilities in senior roles.

In addition, current practice is that the legal member of the Panel writes all the findings and decision reports. There is an inherent risk when a single individual is responsible for a major component of a process, and a significant increase in workload will impose substantial pressure on the legal member.

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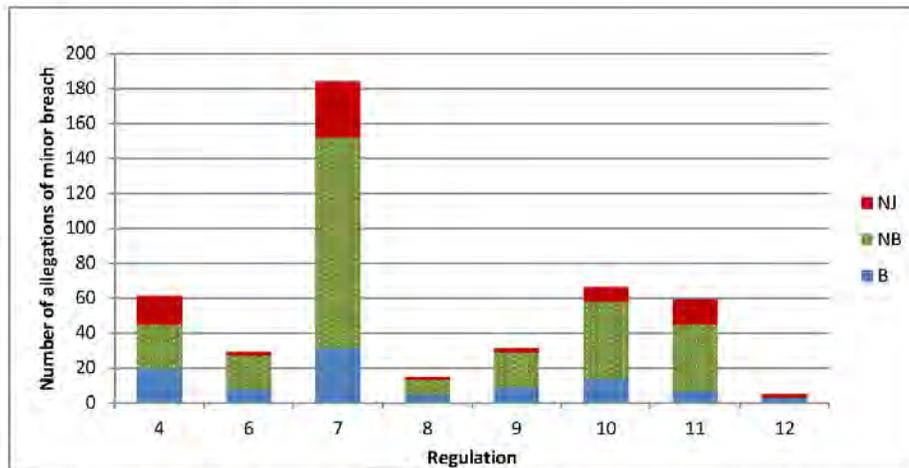
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Complaints received by the Panel are broadly handled in order of receipt and availability of supporting information. Particularly when the rate of receipt of complaints exceeds the rate at which they can be finalised, this can lead to resources being expended on trivial matters at the expense of matters with major impacts on, or implications for, local governments.

As at 31 August 2015, 39 allegations received in 2014/15 were yet to be determined or notified. Unless external factors lead to a reduction in the volume of complaints, then intervention to manage demand is needed to avoid timeframes lengthening during 2015/16. A mechanism to give high value complaints priority over inconsequential matters is needed to manage the risk that delays in dealing with more serious issues may have significant impacts on the affected local governments.

#### 4.3. Outcomes

An analysis of 455 allegations of minor breach made and finalised in the period November 2007- August 2015 revealed that 61% resulted in a finding of no breach and 22% resulted in a finding of breach. In 17% of cases, the Panel found that it did not have jurisdiction (Figure 5).



**Figure 5. Findings of the Standards Panel relating to 450 allegations determined in the period 2007-2015, by regulation number. NJ = no jurisdiction; NB = no breach; B = breach**

Council members found to have committed a minor breach sought review of the Panel's decision from the SAT in 18 cases covering 24 allegations. The SAT affirmed both the Panel's finding and sanction order for 11 allegations, affirmed the finding but varied the sanction order for eight allegations, and set aside the Panel's finding of breach for five allegations. The right of review (section 5.125 of the Act) is restricted to the Panel's decision to dismiss a complaint or make an order. This decision is only made by the Panel following its finding that a breach was committed, so a complainant has no right to apply to SAT to review a finding of "no breach".

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In the majority of cases where the Panel had no jurisdiction, the council member accused of the minor breach had ceased to hold office before the complaint was finalised. The remainder found not to be within jurisdiction were primarily complaints that did not relate to a minor breach (e.g. complaints about contravention of local codes of conduct or serious breach matters).

Analysis of the complaints and findings revealed that a significant number of findings of "no breach" were made because the complainant alleged that a council member contravened a regulation when the regulation did not in fact prohibit the reported conduct or did not apply to the circumstances in which it occurred. Almost forty percent of allegations of minor breach made since 2007 fall into this category.

Many complainants do not appear to have a good understanding of the limited application of the regulations, and there is little non-technical guidance available to help them confirm whether an allegation of contravention is credible. This is essential because:

1. Section 5.107(1) is a conditional right – only a person who has reason to believe that a council member has committed a minor breach may make a minor breach complaint;
2. There are only two ways in which a council member can commit a contravention resulting in a minor breach:
  - a) Do something that is expressly prohibited by a rule of conduct regulation or a specified local law; or
  - b) Fail to do something that is expressly required by a rule of conduct regulation or a specified local law
3. If the cited regulation is not applicable to the conduct, then it is not possible for the conduct to have contravened that regulation, so:
  - a) an allegation of a contravention resulting in a minor breach must be false;
  - b) details of a valid contravention cannot be provided as required by section 5.107(2)(c) of the Act; and
  - c) there is no valid reason for a person to believe that the council member committed a minor breach, as required by section 5.107(1), and no justification for making a complaint.

If the complaint is not (and cannot be) made in accordance with section 5.107(2), then section 5.107(3) concerning the processing of the complaint and referral to the Panel does not apply. However, complaints that have not been made in accordance with the Act ("unsound complaints") continue to be sent to the Panel, possibly because the complaints officer has not been trained to determine whether the regulation applies to the alleged conduct, or because they are unsure of their right to refuse to accept a complaint that is not made in accordance with the Act.

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In other cases where the Panel has found that no minor breach occurred, the complainant has failed to provide adequate details to prove that the essential elements of the alleged contravention exist. For example, 34% of the minor breach allegations examined related to Regulation 7(1)(b). An essential element of this regulation is that the council member acted with the specific intent of causing detriment to a person and belief that such detriment would occur as a result. If a legitimate and equally (or more) plausible alternative explanation for the conduct exists, then the essential element of intent cannot be proven to the required standard.

The prevalence of unsound complaints and inadequately supported allegations causes unproductive congestion in the complaints system and strains the resources of the Standards Panel, contributing to pressure on the timeframes for dealing with complaints. More guidance for complainants is needed about the conduct to which the regulations apply and the information that they need to provide to support a valid allegation of contravention.

The prevalence of complaints about inconsequential conduct that has a negligible effect on the local government's performance or reputation is another source of system congestion. In contrast to the reporting of misconduct under the CCM Act, reporting a minor breach is not a paramount duty for a principal officer. Even if the pre-requisites and essential elements of a contravention are met, if the conduct is trivial and the actual or likely impact on the local government is insignificant, there may be little or no net public benefit associated with making a minor breach complaint. More efficient and effective ways may be available to handle the matter.

Even using a very inclusive definition, less than 40% of all the allegations of minor breach received by the Panel have related to conduct that could reasonably be considered to pose an appreciable risk to local government integrity, performance (including long term working relationships) or reputation.

This proportion declines to less than 12% of the allegations of minor breach made by members of the public (including ex-councillors). Among this group of complainants, about half of all allegations of minor breach relate to perceived insults or personal disputes between the council member and the complainant, with a significant number having the characteristics of vexatious or frivolous complaints.

#### **4.4. System utilisation and effectiveness in targeting dysfunctional conduct**

A few individual participants dominate the use of the system. Thirteen council members have each had ten or more allegations of minor breach made against them, collectively accounting for 38% of all allegations received. Four of these councillors were the subject of 59 complaints comprising 75 separate allegations. Of these allegations, 61 (81%) related to target conduct (conduct that appeared to negatively affect local government integrity, performance or reputation). However, the other nine

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councillors in this group collectively attracted 53 complaints comprising 117 allegations of which only ten involved target conduct, with the other 107 allegations relating either to conduct to which the regulations did not apply and/or to conduct with no appreciable impact on the integrity, performance or reputation of the local government.

Over 25% of all minor breach allegations (130 out of a total of 507) were submitted by just eight complainants against 18 council members. In some local governments council members notified of a minor breach complaint against them by a fellow council member submitted their own minor breach complaint against the complainant shortly thereafter. Had the complaints system not been so readily accessible, it is likely that many of these incidents would have been resolved locally or settled down over time.

The process of submitting a complaint is free and intentionally simple, which appears to have inadvertently provided an opportunity for a few people to use it as a tool of harassment in pursuit of personal or political objectives. There appears to be a misapprehension among some people that a minor breach complaint is equivalent to a service or process complaint.

Such people use the minor breach system to protest against conduct to which they have taken personal exception or against a councillor they dislike. This behaviour fails to respect the seriousness of accusing a person of breaking a rule that has the force of law. Such personally-motivated behaviour is encountered in most complaints systems, which need to be designed to minimise the public resources consumed by it.

Complaints driven by a sense of personal offence would be more productively addressed through an alternative dispute resolution mechanism.

Some local governments do offer independent mediation to prospective complainants, but once a complaint has been made in accordance with section 5.107(2) of the Act, the complaints officer has no option but to send it to the Panel.

After this point the process is inflexible: the Panel does not have the option of referring the matter to mediation but must determine whether the council member has contravened the regulation as alleged. By contrast, in Victoria an application to deal with alleged misconduct of this nature may be dismissed if insufficient reasons are given to explain why the matter has not been resolved by internal dispute resolution processes.

#### 4.5. Costs

No fee is charged to complainants, and council members found to have committed a breach are not required to reimburse the local government, which must also pay any costs associated with a sanction order requiring training or public censure.

Local governments are charged a fee by the Department for the processing of minor breach complaints. The fee is related to the time spent by Panel members on the

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complaint, but only the time of the privately employed Panel member is charged and none of the cost of State-employed officers is recovered.

The average fee per complaint paid by local governments in 2014/15 was about \$1,000 (with an average of 1.6 allegations per complaint), but the real cost to the public is likely to be several times this amount, including the State and local government administrative component. This does not include intangible costs such as reduced local government productivity or distress to participants.

Processing complaints that are unsound, unsupported by adequate evidence, or which relate to conduct with no significant consequences for local government, is currently incurring a significant net public cost.

Amendments to the Act currently before Parliament will, if approved, permit the Panel to refuse to consider frivolous, vexatious and misconceived complaints and those lacking in substance. However, this assessment will still require resources, and it would be preferable that such complaints are not lodged at all. The amendments to the Act will also allow complainants to withdraw complaints, an option that is not currently available.

#### **Comment invited: Price signals to deter improper, unsound and trivial complaints**

An effective mechanism for managing demand is to apply a price signal – whether monetary or in terms of effort expended for reward obtained.

The SAT charges a non-refundable application lodgement fee of \$411. It has been suggested that people wishing to make minor breach complaints under section 5.107 could be charged an application fee for each allegation to discourage complaints made for improper purposes. Is there a risk that this would also discourage complaints about serious matters?

Note that full cost recovery for the complaints process would not be feasible, and that the collection and processing of the charge would incur an administrative cost. The benefit would lie in the influence on complainant behaviour and increased productivity through a reduction in low value complaints.

Alternatively, would there be benefit in requiring complainants to make their complaints as statutory declarations, to make it clear that accusing a council member of committing a minor breach should not be undertaken lightly and require them to make additional effort to do so?

Complaints initiated by Complaints Officers under section 5.109 would be exempted.

The analysis of the allegations received to date suggest that the users of the minor breach system need to be better informed, a stricter approach needs to be taken to unsound and unsupported complaints, and more serious complaints need to be prioritised to maximise the value for money provided by the minor breach system.

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## 5. Matters Raised in Preliminary Consultation

Concerns were expressed primarily about the length of time taken to process complaints, the lack of transparency of the process and the Panel's perceived approach to making its determinations.

The following general concerns and perceptions were expressed:

1. The length of the complaints process may exacerbate tensions and uncertainty within councils, contrary to the intended role of the process as a "circuit-breaker", with the eventual finding sometimes reigniting tension about an issue that had been resolved in the intervening period.
2. There is no complaints tracking process, and no advice is provided about a given complaint's place in the "queue" or the likely timeframe in which a decision can be expected, which makes it difficult for the local government to decide how to deal consistently with repeated occurrences of the conduct.
3. There is some frustration about outcomes that have been seen as having resulted in the perpetuation of inappropriate conduct seriously affecting the local government or alternatively that have penalised council members for trivial and commonplace conduct and exacerbated harassment by vexatious complainants. Specific examples include:
  - a. Apparent over-estimation of the gravity of a finding of minor breach and consequent perceived over-weighting of a respondent's denial compared with opposing evidence of deliberate conduct that contravened the regulation.
  - b. Regulatory terms do not clearly reflect the policy intent, which has resulted in interpretations that in some instances unnecessarily capture trivial, commonplace conduct with negligible consequences, and in other instances exempt deliberate inappropriate behaviour that causes wilful or reckless harm to the interests of the local government.
  - c. The current system does not provide for adequate weight to be given to:
    - i. the effect of the dysfunctional conduct on the affected local government;
    - ii. history of unsuccessful action taken at a local level to address escalating patterns of dysfunctional behaviour in persistently disruptive council members;
    - iii. the amount of harm that can be done by a persistently disruptive council member in a relatively short time (in reference to the practice of not counting a breach towards a recurrent breach unless it post-

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dates notification of the previous breach - a particular problem when processing times are long).

- iv. the context of complaints or the motivation, intent and behaviour patterns of complainants;
4. There is a tendency for a "no breach" finding to be interpreted as the Panel deeming the dysfunctional conduct acceptable, with no incentive for the council member to desist. Council members who have behaved inappropriately need to be advised that their conduct is unacceptable by expected standards, even if the Panel has found that no technical contravention occurred.
  5. The range of sanctions available to the Panel needs to be broadened to allow for graduated penalties to suit the severity of the conduct and its consequences, and to reflect the context of the conduct.
    - a. The most serious sanctions available to the Panel are public censure notices and public apologies, to which the community is believed to pay little attention and which some media-savvy council members have used to generate publicity to their advantage. The local government bears the financial cost of publishing censure notices, which are seen as having little deterrent effect on unrepentant council members.
    - b. There is no power for the Panel (or the SAT) to choose not to apply a sanction in cases where neither dismissing the complaint nor a sanction is appropriate.
  6. It has been pointed out that in most civil law matters where one person takes action against the conduct of another person, either party may seek review, but there is no provision in the Act to apply to the SAT for a review of a finding that a breach has not occurred. Minor breach complaints are in effect an accusation that a person has contravened a specific regulation and the review rights of the parties more closely resemble those in a prosecution scenario than a civil law dispute.
  7. There is no current training and guidance material that specifically focuses on interpreting the Rules of Conduct or explains by example what is unacceptable behaviour.
  8. There is little public information available to help stakeholders understand how the Panel operates or how it comes to its conclusions, or to inform all local governments of the implications of Panel findings for their operations and council members.

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## 6. Clarity and Scope of Regulations

It is important to acknowledge that unlike minor misconduct under the CCM Act, which is defined in terms of intent and consequences; a minor breach is only committed if a council member contravenes a specific rule of conduct or local law prescribed in the regulations. A complaint of minor breach explicitly accuses a council member of having done something prohibited (or having not done something required) by a particular regulation.

The Panel is a quasi-judicial disciplinary body charged with looking at the evidence provided and deciding, on balance, whether the allegation is proven. It has no power to investigate, call witnesses or compel information, and it has limited discretion other than in its interpretation of regulatory terms and the weight of evidence it requires to draw a reasonable and definite inference that a breach occurred. Its statutory role is to determine whether a minor breach has been committed, not to address the problems that caused the conduct that led to the complaint or problems caused by that conduct.

In such circumstances, it is probably inevitable that the Panel's determinations will rely more on technical interpretations of the written law than on weighing alternatives, considering policy objectives or determining competing public interests.

This may be an inherent limitation of the regulatory contravention model, for which contributing factors and actual consequences are secondary considerations in determining whether the contravention occurred, although they may be considered in determining penalties. The Panel has a duty to have regard to the interests of local government (clause 8(6), Schedule 5.1 of the Act), which it primarily exercises in making a decision on the application of sanctions. If it is important that these matters be considered by the Panel in determining whether a rule of conduct was broken, the

Regulations will need to make explicit provision for the Panel to do so.

The current regulations appear to:

- contain terms that are not defined for the purposes of the regulations;
- overlap in their application (especially regulations 4, 7 and 10);
- be overly prescriptive in some cases;
- be insufficiently precise about the proscribed conduct in other cases;
- not address some dysfunctional conduct with potential to cause significant harm;
- be inadequately differentiated from Act provisions in other matters; and
- make no provision for considering the materiality of the consequences of the conduct.

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These characteristics are likely to have contributed to the perception that the minor breach system does not align well with its policy objectives.

#### Identifying a contravention

Subsections 5.107(1) and (2)(c) of the Act refer to “the breach” and “the contravention”, which are interpreted as requiring the complainant to identify the specific regulation that has allegedly been contravened by the conduct. The complainant is currently required to tick a box on the complaint form to select the relevant regulation. Under section 5.110(2), the Panel may only consider the breach specified in the complaint referred to it and may not amend the complaint<sup>3</sup>.

Complainants can usually clearly describe the conduct which they believe is inappropriate and the consequences as they perceive them. They are often less clear about how (or whether) the regulations relate to the conduct or what constitutes a contravention. Such confusion is evident even in some complaints initiated by local government complaints officers. As a result, complainants may cite an inapplicable regulation in their complaint, leading to the perverse outcome of the Panel finding that no breach occurred even if the alleged conduct contravened a different regulation.

Alternatively, some complainants tick multiple boxes if they are unsure which (if any) regulation applies, regardless of whether the regulations selected apply to either the conduct or the circumstances in which it occurred. This obliges the Panel to make a finding about each alleged breach. Both scenarios detract from the efficiency and effectiveness of the process.

The minor breach system is a regulatory contravention model with a high degree of prescription and a binary choice for the regulator: a rule was broken or it was not, based on the balance of probability. Intent may be relevant to the decision, depending on the regulation concerned, but the actual consequences of the conduct are not. While the disciplinary mechanism was intended to be a quick, informal and “common-sense” approach to determine whether a breach is more likely than not, the Panel has no power to conduct investigations or to compel or challenge information.

In order for the Panel to operate effectively under these conditions, the Rules of Conduct need, as far as practicable, to:

1. explicitly capture significantly inappropriate conduct with potential to cause local government dysfunction;
2. clearly differentiate between the types of conduct covered by each rule without overlap or duplication;
3. exclude from the application of the regulations commonplace and inconsequential conduct, situationally appropriate conduct, and conduct that contravenes other legislation;

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<sup>3</sup> Confirmed in *Re v Local Government Standards Panel* [2015] WASC 51 by Corboy, J.

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4. be easily understood and provide certainty of meaning to council members, local government employees and the public, and
5. achieve a practical balance between certainty in legal compliance and discretion to consider consequence and context.

The local government sector has expressed concern that council members are not currently subject to any disciplinary action through the minor breach system for the following potentially damaging conduct:

1. bullying and harassment (of employees and other council members);
2. disparaging comments about employees, council members and council decisions in the mainstream media, on social media and private websites and at (non-council) public forums;
3. disparaging comments about former employees who have recently left the local government's employ, which may significantly affect their future employment prospects;
4. disclosure of confidential material not captured by the narrow definition in the regulations; and
5. participating in discussion and decision making on matters in which they have serious impartiality interests to the benefit of those interests.

At the same time, it is important to the sector that the disciplinary system is not misused to harass and intimidate council members who have a responsibility to act in the public interest, which is occasionally going to conflict with somebody's private interests. A decision made properly and responsibly may not be popular. There is concern that the regulations may not adequately safeguard council members against victimisation or intimidation by complainants making improper use of the complaints system or against the actions of serial complainants.

## 7. Regulations - Specific Proposals

### 7.1. Reform principle for regulatory amendment

The underlying principle used in developing the proposed regulatory amendments is alignment with the policy intent of the minor breach system. On this basis, minor breaches would only apply to the types of conduct likely to impair the integrity or efficient and effective performance of local government, or bring it into disrepute, by causing or increasing the risk of:

- real or reasonably perceived lack of impartiality in decision-making;

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- disruption or unnecessary delay to council business;
- internal division or damage to working relationships;
- loss of trust between the council and local government staff;
- compromising the efficient operations of local government;
- loss of public confidence in local government integrity or competence;
- financial loss or diversion of public resources.

Council member behaviour that is less than exemplary, but does not pose such a risk, does not justify the public cost of being dealt with by the Panel, and should be dealt with at the local level. Conduct that displeases another individual but is otherwise inconsequential should not be referred to the Panel but dealt with in more appropriate ways.

This review has taken the position that the system should not be used as a tool of harassment or retaliation, or for the purpose of intimidating or influencing council members in the legitimate performance of their duties, or to unreasonably restrict freedom of political expression.

In order to improve clarity, remove duplication, effectively capture all target conduct and mitigate the risk of misuse of the minor breach system, it is broadly proposed to make the following regulatory changes:

- As far as practicable ensure that the wording of each regulation accurately reflects the policy intent, clearly defines the conduct and circumstances covered, and minimises the scope for complaints about matters of no consequence to the public interest.
- Insert explicit definitions of all significant terms used in the Regulations, so that the Panel will not need to interpret them by reference. Where a regulatory definition is impractical, the definitions that the Panel will use should be public.
- Rationalise the regulations to minimise duplication and overlapping application.
- Amend or insert regulations, where feasible, to cover conduct not currently addressed but which has the potential to result in significant council dysfunction or loss of public confidence.
- Make use of advisory standards and policies to provide more extensive guidance as to the intended use of the regulations.

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#### 7.2. Regulation 3 - General principles of behaviour

Regulation 3 is not a Rule of Conduct, and failure to observe it does not result in a minor breach, but it does not explicitly indicate how it is intended to be implemented. Most council codes of conduct prepared under section 5.103 of the Act broadly reflect the principles, although codes have the status of policies and are not enforceable for elected members. Previous attempts to give codes of conduct the status of local laws have been unsuccessful.

The Standards Panel uses the principles in Regulation 3 as a guide when determining whether "improper use of office" has occurred when considering an alleged breach of Regulation 7. It is proposed to make these links explicit in the regulation, and include an expectation of council member compliance with council codes and policies.

#### Proposal 7.2 – Regulation 3:

1. Amend Regulation 3 by specifically linking the principles to the concept of "proper use of office".
2. Add a principle: "act in accordance with council policies, codes and resolutions"
3. Add a new subregulation requiring the principles to be used to inform the preparation of a code of conduct prepared under section 5.103(1) of the Act.

#### 7.3. Regulation 4 - Contravention of certain local laws

Section 5.105(1)(b) of the Act provides for the contravention of a local law to be specified as a minor breach under the Regulations. Regulation 4 currently specifies that contravention (by a council member) of a local law "relating to conduct of people at council or committee meetings" is a minor breach. In practice, this generally refers to a council's **Standing Orders or Meeting Procedures** local law or the equivalent, although not all local governments have such an instrument.

If a council member persistently disrupts council or committee meetings, rejects the authority of the presiding member, attacks the credibility of other council members, employees or the council's decision-making process, and undermines good working relationships, then impairment of the operations of the council and the performance of the local government is a likely result. This in turn potentially brings the local government into disrepute and reduces public confidence in it.

It is therefore appropriate for such conduct to be addressed by the Rules of Conduct, whether or not it is also addressed under the relevant local law. Regulation 10(3) already does this in part with reference to comments about local government employees. This duplication has often led to confusion about whether a complaint about such conduct should be considered under Regulation 4 or Regulation 10(3). In a number of cases, Regulation 7 has also been invoked.

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Local laws relating to meetings vary widely around the State, and in addition to the conduct described above, usually cover matters such as simple courtesies, the rules of debate and the roles of certain council members, with some going into extensive detail. These are not matters that the State intended to deal with through the minor breach process and it is not efficient to deal with them at State level several months after the meeting occurred. Regulation 4 has been problematic for the Panel in considering complaints as it must first examine the particular local law and determine whether the provisions alleged to have been contravened are within its jurisdiction as "conduct" envisaged by Regulation 4.

Regulation 4 permits a complaint of minor breach to be made against a council member who contravenes a local law relating to conduct at a council or committee meeting, regardless of whether the transgression has already been dealt with under the local law at the time of the incident. If the presiding member responded promptly at the meeting, and directed withdrawal of the offending comment, an apology and cessation of the offending conduct, there is no public benefit in also finding a minor breach for the same incident but the Panel has little discretion to do otherwise if it receives a complaint.

If significant dysfunctional meeting conduct were to be specifically addressed in the Regulations, there would be no value in retaining Regulation 4. The deletion of Regulation 4 would remove current duplication with other regulations and the unfairness of double penalties. Discourtesy and procedural matters covered by Standing Orders do not merit State attention, and can be appropriately dealt with under local laws as the council deems fit.

#### **Proposal 7.3 – Regulation 4:**

1. Insert new Rules of Conduct to cover persistent, inappropriate, council and committee meeting conduct with significantly dysfunctional potential consequences such as disparagement and disruption (see section 7.9 for inclusions).
2. Delete regulation 4 which effectively duplicates local laws and potentially reduces the incentive to make effective use of local laws relating to meeting conduct.

#### **Supplementary Question (Proposal 7.3 – Regulation 4):**

1. Are there any risks in repealing Regulation 4?

#### **7.4. Regulation 6 - Unauthorised disclosure of information**

The improper use of confidential information by council members to gain advantage or cause detriment is prohibited by section 5.93 of the Act and section 83 of the *Criminal*

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*Code.* Improper use of information is a serious breach, rather than a minor breach, and may be serious misconduct.

Regulation 6 exists in recognition that irresponsible disclosure of confidential information can potentially result in significant financial, legal and reputational damage to a local government even if neither advantage nor detriment was intended. Regulation 6 prohibits disclosure by a council member of confidential information acquired at a closed meeting or obtained from a council document marked as confidential by the CEO. Previous Panel decisions have limited these definitions by interpreting them to exclude confidential parts of otherwise non-confidential documents (such as agendas) and resolutions made in closed meetings. Regulation 6 does not cover other types of information.

#### **Confidential reports in agendas**

For administrative convenience, some local governments may distribute a single agenda to council members including reports on both non-confidential and confidential items, but publish the agenda with the confidential reports excised. The Panel has previously interpreted the definition of "confidential document" in Regulation 6(1) to include only a document marked in its entirety as confidential by the CEO. This has implications for local governments relying on Regulation 6(1) to protect confidential reports relating to agenda items, and it is proposed to clarify Regulation 6 to explicitly allow parts of documents to be marked by the CEO as confidential.

#### **Personal information**

Since the Regulations came into effect in 2007, community expectations about protection of personal information have increased. The release of personal information to unauthorised people may have serious consequences for the person to whom it refers and for others. Personal information or opinion about an identified individual, or an individual who is reasonably identifiable, includes official correspondence between an individual and the local government concerning that individual's affairs, debts owed by an individual to the local government and private information provided in confidence by employees and job applicants. The accuracy of the information is irrelevant to confidentiality requirements. Personal information, however obtained by a council member, should not be disclosed to a third party without the permission of the individual concerned, their legal guardian, or as provided for by law.

#### **Legal advice**

Advice provided by a legal practitioner to a local government may be relied upon in commercial negotiations or in legal proceedings. Untimely disclosure of that advice may significantly weaken the local government's position. Legal advice is protected from disclosure in most circumstances while it remains the subject of legal professional privilege. However, that privilege may be lost if the advice is not kept confidential.

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#### Contractual obligations of confidentiality

Council members are bound by applicable confidentiality agreements and non-disclosure agreements whether these have been entered into by them as individuals or by the local government as an entity. Disclosure of information that the local government has contracted to keep confidential may expose the local government to litigation.

#### Commercially sensitive information

Council members may have access to information and intellectual property with significant commercial value. Careless or improper disclosure may cause financial or legal detriment to commercial entities and potentially result in breaches of corporate law obligations, particularly for listed companies. This in turn may expose the local government to litigation or other liabilities.

#### Resolutions made at closed meetings

Section 5.95(4) requires the record of a decision made at a closed meeting to be available for inspection as part of confirmed minutes, but neither the Act nor the associated regulations specify immediate disclosure when the meeting is re-opened. Most local governments deal with the matter in their *Standing Orders or Meeting Procedures* local laws, but the approach varies from full disclosure immediately to disclosure after the need for confidentiality has passed (limited by the requirement for the resolution to be in the confirmed minutes).

WALGA and the Department advise local governments to read out the resolution immediately. In order to protect confidentiality when premature disclosure would be detrimental, local governments taking this approach usually word such resolutions in a way that ensures no significant information is actually revealed, although this seems to negate the value of the revelation. Some local governments that do not automatically and immediately read out resolutions made in closed meetings may have relied on confidentiality requirements rather than coded resolutions to manage the risk of premature disclosure.

In interpreting Regulation 6, the Panel has taken the position that a resolution made at a closed meeting should be considered in the public domain immediately the closed meeting ends, whether or not the local law requires that it be read out. This raises uncertainty about the interpretation of the relationship between subsections 5.94(n), 5.95(3)(a) and 5.95(4)(a) of the Act, and the validity of various local laws provisions. Clarity is needed for the purposes of subregulation 6(2)(b) and information risk management practices in local governments.

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#### Proposal 7.4 – Regulation 6

1. Include "parts of documents" in the definition of confidential document in subregulation 6(1).
2. Amend subregulation 6(2) to include personal information acquired in the person's capacity as a council member, with the definition of personal information consistent with that used in existing Australian legislation.
3. Amend subregulation 6(2) to include professional legal advice, information that is subject to a confidentiality or non-disclosure agreement to which the local government is a party, and commercially sensitive information provided in confidence to the local government.
4. Amend subregulation 6(3) to add a provision that allows personal information to be disclosed to the extent permitted by the informed consent of the person to whom the information relates, or a person nominated by them, or their legal guardian.

#### Supplementary Questions (Proposal 7.4 – Regulation 6)

1. Is the above proposal relating to personal information sufficiently flexible to allow council members to assist their constituents while adequately protecting the privacy of individuals?
2. Should disclosure of other types of confidential information be prohibited?
3. Should resolutions made at closed meetings be explicitly excluded from the application of subregulation 6(2)(b)?

#### "Private" correspondence

Several minor breach complaints (often submitted as alleged contraventions of Regulation 7) have related to council members who have sent emails with sensitive content to trusted correspondents, which a recipient has then chosen to distribute more widely without the author's knowledge or permission.

In dealing with disclosure of "unofficial" confidential information, a balance needs to be struck between ensuring that:

- council members are able to feel safe in exchanging views freely and frankly between themselves and with the CEO on council matters;
- council members are able to seek confidential advice on sensitive issues without their concerns being made public;
- council members are held accountable for statements they make to others, and

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- genuine “whistle-blowing” about matters of public interest is not inadvertently disallowed.

Despite the detriment that can be caused when a council member breaches the trust of a colleague, it is recommended that regulation 6 not be expanded to include correspondence sent between council members. However, council member training should include the importance of discretion in both sending and receiving correspondence about sensitive matters, of maintaining trust between council members, and of clearly marking correspondence that is confidential and not to be copied or forwarded.

As a matter of respect and courtesy, this also applies to correspondence sent by external parties when it is marked as confidential. If the council member believes that disclosure is genuinely in the public interest, the author should be notified before disclosure.

#### **Accidental disclosure**

While not explicitly stated, Regulation 6 has been interpreted as referring to deliberate disclosure. It has been suggested that disclosure as a result of a council member failing to securely store confidential information should also be a minor breach. While council members should behave responsibly to keep confidential information secure, the minor breach process is targeted at inappropriate conduct arising from deliberate action. It seems unreasonable to extend it to deal with carelessness or lack of technical training. Secure storage of confidential information by council members is considered to be better dealt with through training, technology, or through restricting access other than under circumstances where information security can be effectively managed.

#### **Comment invited: deterring “leaking” of sensitive information to provoke controversy or gain political advantage**

It has been argued that a person who chooses to “leak” an email containing sensitive material, whether to the subject of the comments, other people, or the media, is as responsible for any detriment or controversy arising from wider distribution of the statements as the original author, who at least has the defence that the communication was intended for a restricted audience of trusted recipients.

Comment is invited on the merits of prohibiting a council member from copying or forwarding, other than to a disciplinary or investigatory agency as evidence of misconduct, any non-public correspondence received in confidence from another council member, unless with the permission of the author. An essential element would be that it was done with intent to gain an advantage for themselves or another person, or to cause a detriment to another person or the local government. (Note that this point refers to disclosure of information, rather than improper use of that information).

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#### 7.5. Regulation 7 - Securing personal advantage or disadvantaging others

Regulation 7 is cited in more complaints than any other regulation, accounting for 42% of all allegations received by the Panel – more than the next three most frequently cited regulations (Regulations 4, 10 and 11) combined.

Regulation 7 specifically excludes conduct that would contravene the Criminal Code section 83 (corrupt behaviour to gain a benefit or cause detriment) or section 5.93 of the Act (improper use of information to gain a benefit or cause a detriment). It does not specifically exclude conduct that would contravene the Criminal Code Chapter XXXV (criminal defamation) or conduct against which civil action could be taken under the *Defamation Act 2005*, and neither does it exclude conduct that contravenes another Rule of Conduct. Regulation 7 is frequently cited in complaints that make multiple allegations about the same conduct and complaints of a personal dispute nature.

A significant number of Regulation 7 complaints received by the Panel relate to comments made by council members during debate in council meetings. The SAT has previously found<sup>4</sup> that Regulation 7(1) applies to conduct at council meetings despite that conduct being covered by local laws and partially covered by Regulation 10(3), partly basing this interpretation on the absence of a specific exemption in Regulation 7. There is therefore an overlap between Regulations 4, 7 and 10(3) in application to conduct at council meetings.

Regulation 7 is the least well-defined of the Rules of Conduct. The terms “improper use of office”, “advantage” and “detriment” are not defined in the regulation or in other legislation, a deficiency on which SAT judges have commented on several occasions.

In considering Regulation 7 complaints, the Panel and the SAT have come to rely on the interpretations set out in 2010 by Judge Pritchard, then Deputy President of the SAT, in reviewing a Panel decision against two council members<sup>5</sup>. In considering whether to find that the condition of “improper use of office” was met, Judge Pritchard listed five elements of impropriety, based on a variety of legal references. Judge Pritchard’s interpretation may be summarised as applying the following criteria in determining an improper use of office:

1. Breaches the standards of conduct expected of a council member by reasonable, informed observers;
2. Includes abuse of power or exceeding authority;
3. Does not depend on the member being conscious of, or intending, the improper use of their office;

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<sup>4</sup> Treby and Local Government Standards Panel [2010] WASAT 81 (DR238 and 289 of 2009).

<sup>5</sup> Treby and Local Government Standards Panel [2010] WASAT 81 (DR 238 and 289 of 2009).

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4. Is relevant to the member's knowledge of the extent of their power and their purpose in exercising it; and
5. Can be found to have occurred even if the council member genuinely believed they were acting in the interests of the local government (i.e. undertaking their role as set out in section 2.10(a) of the Act).

The Panel considers a further criterion in finding whether a council member made improper use of their office: "that the conduct was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty"<sup>6</sup> which recognises that "improper use of office" is dependent on context and is a charge that should not be made lightly.

The last essential element of Regulation 7(1) is satisfied only if the council member acts with the intent and belief that the result of their actions would be the claimed advantage or detriment and that such was their purpose or aim.

A number of the Panel's findings of "no breach" have rested on lack of sufficient evidence to support a finding that the council member more likely than not acted with the intent and belief that their action would result in the advantage or detriment, regardless of whether any actual advantage or detriment occurred. If there is a legitimate, plausible alternative explanation for the conduct, the essential element of "intent and belief" is unlikely to be proven to the required standard.

The most frequently alleged contravention of Regulation 7 concerns a comment or remark to which the complainant has taken offence and which they allege has either caused them detriment because unspecified people "may think less of them" or that has gained a reputational advantage for the council member, or both.

While there are exceptions, few of these incidents could reasonably be considered by an impartial observer to affect the integrity, performance or reputation of the local government. Viewed objectively, the circumstances are usually such that the complainant is very unlikely to sustain significant or lasting harm attributable to the conduct, but Regulation 7(1) provides a tool for retaliation.

The *Defamation Act 2005* contains numerous safeguards to prevent overly sensitive individuals from unreasonably fettering other people's freedom of expression, but

Regulation 7 contains no checks and balances of this nature.

In addition, the Panel has applied a wide interpretation of "detriment" encompassing any kind of "loss" with no clear threshold of materiality or probability. These factors appear to have encouraged allegations of Regulation 7 contravention relating to comments for which the council member would have had a legitimate defence had the complainant brought civil proceedings for defamation.

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<sup>6</sup> Hipkins and Local Government Standards Panel [2014] WASAT 48 at [9], quoting O'Bryan J in *Robbins v Harness Racing Board* [1984] VR 641 at [646].

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An additional danger in allowing Regulation 7 to be used as a substitute for defamation law is that a finding of breach involves a finding that the council member has improperly used their office in undertaking their core role of engaging in debate at council meetings or communicating on council business. Within the Australian democratic system, elected members have traditionally been free to express controversial opinions and to challenge the positions of opponents, even robustly, although in the cause of orderly and productive meetings, a case may be made for restricting invective, vilification and the impugning of character.

The imprecision of Regulation 7 in its current form is open to misuse by individuals seeking to hinder council members in performing the responsibilities conferred on them by section 2.10 of the Act and the role expected of them by their constituents. Regulation 7 complaints may also be used by parties seeking to influence an outcome to their advantage through harassment and intimidation of an individual council member in an attempt to restrict the member's freedom of expression during public debate.

A new regulation is proposed later in this report to address interactions between council members, which would include seriously disparaging and abusive statements and other dysfunctional conduct at council and committee meetings.

That proposed new regulation and amendments to Regulation 10 to strengthen protections for local government employees will provide an opportunity to refocus Regulation 7 on non-trivial inappropriate conduct with implications for the ethical, honest and impartial performance of a council member's role, similar to the matters covered within the meaning of minor misconduct under the CCM Act.

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#### Proposal 7.5 – Regulation 7

1. Amend regulation 7 to clearly define “improper use of office” in the context of the interpretation currently used by the SAT and the Panel (as summarised above), with reference to the local government’s code of conduct and regulation 3 principles of behaviour.
2. Amend sub-regulation 7(1) to clarify that it applies only when the action is taken with the primary intent and belief that it will result in gaining an advantage or causing detriment.
3. In addition to the current exemptions, specify that sub-regulation 7(1) does not apply to:
  - a. advantage or detriment that is trivial, negligible or hypothetical; or
  - b. conduct of council members at council or committee meetings; or
  - c. a matter to which another Rule of Conduct in the Regulations applies; or
  - d. a remark, comment, statement or implication if:
    - i. it was clearly expressed as the council member’s personal opinion rather than as a statement of fact, and that opinion was based on factual material and related to a matter of public interest; or
    - ii. the circumstances were such that no harm attributable to the conduct was likely to be sustained.

#### Supplementary Question (Proposal 7.5 – Regulation 7):

1. These changes will make Regulation 7 less of a “catch-all” for matters relating to personal disputes and trivial matters. Is there a need to focus this regulation on any specific issues related to improper use of office?

#### 7.6. Regulation 8 - Misuse of local government resources

Regulation 8 does not clearly define what constitutes a local government resource for the purposes of the regulation, or even what constitutes “use” in the regulatory context. The Panel and the SAT have resorted to generic dictionary definitions which are very broad and of limited relevance in achieving the policy intent of the regulation.

Local government resources consist of the tangible assets of the local government such as money, property, plant and equipment, stationery and other consumables; and intangible assets paid for by the local government including staff time, intellectual property, licences, and third party utilities and services.

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The common factor is that these resources are owned by or have been paid for by the local government on behalf of the community in general, whether or not the council member's use deprives the local government of use, access or revenue. The relevance is less clear when extended to intangible concepts like the "position of councillor", reputation, public events or images, as occasionally claimed.

The term "any other purpose" in sub-regulation 8(2)(b) is also overly broad. The key point is that public resources should be used for the public benefit. Council members have a right to use the public resources that are necessary for them to carry out their duties, and to use publicly available resources under the same conditions of access that apply to everyone else. Any other use of resources to which a council member has privileged access by reason of holding office must be both transparent and accountable, and must not mislead observers into wrongly assuming official local government support for the purpose. Clear definitions would provide more certainty and discourage misguided and trivial complaints.

It has been suggested that the exemption for authorised use offers insufficient protection as it does not restrict the uses that can be authorised by the council, but it is unclear whether this is a significant issue for local government.

#### **Proposal 7.6 – Regulation 8:**

1. Define the term "resource" in Regulation 8 to cover tangible and intangible assets, services and other means of supporting the functions of the local government, and that are owned or paid for by the local government from public money, but excluding intangible concepts without monetary value (such as an address or title).
2. Define the term "use" to include both consumption and deriving a benefit not associated with consumption, including misrepresenting local government support for the purpose.
3. Clarify the term "any other purpose" in sub-regulation 8(2)(b) to refer to any purpose other than fulfilling the legal obligations and duties of the council member's office.

#### **Supplementary Questions (Proposal 7.6 – Regulation 8):**

1. Are these definitions of "resources" and "use" sufficiently comprehensive and unambiguous?
2. Should authorisation be restricted to purposes that contribute to performing the functions of the council and local government as set out in the Act?
3. Is it necessary to explicitly exempt the use of publicly available local government resources where the council member's use occurs under the same conditions as any other person?

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#### 7.7. Regulation 9 - Prohibition against involvement in administration

Clear separation of the roles of the council and of the administration is fundamental to the *Local Government Act* but remains a cause of friction. Blurring of these lines of separation diminishes accountability, increases risk and reduces efficiency. The intrusion of council members into operational matters and disputes about end-of-line responsibility are common themes in inquiries into dysfunctional local governments.

Since 2007, the Panel has received 35 allegations (<7%) of minor breach for contravention of Regulation 9, but only four were made by CEOs, which suggests that matters of this type are generally handled professionally and in-house by CEOs. Members of the public (including ex-councillors) made 15 allegations (none of which related to significant conduct), council members made 13 allegations and employees/ex-employees made three (of which two later sought to withdraw the complaint).

The Act makes the council responsible for the performance of the local government but simultaneously limits its autonomy by directly allocating very broad powers and responsibilities to the CEO. These are supplemented by whatever level of delegation the council approves. However, as the Corruption and Crime Commission found<sup>7</sup>, this does not absolve the council from its obligation to scrutinise the CEO's actions and to ensure proper accountability and risk management concerning public assets, as part of being responsible for local government performance.

The challenge is in determining the point at which scrutiny and due diligence becomes interference. The variations in the size and capacity of local government organisations, and in the nature of the working relationships between the CEO and the presiding member, mean that the boundary between strategic oversight and operational activities may vary between local governments and over time in the same local government. The regulation is not intended to hamper effective and mutually agreed local arrangements.

However, the proportion of trivial complaints received from complainants external to local government operations suggests that the regulation needs to be clarified, if only to specify what it does not cover and preclude allegations based on misunderstanding.

For the purposes of the regulation, it is proposed to define "administration" in terms of the legislated functions reserved to the CEO and the management of his or her legislated or delegated responsibilities.

The complexity of the interaction between the council and the local government operational arm, and recent concerns raised about accountability and risk management, suggest there may be merit in developing an advisory standard.

This would explain how to differentiate between strategic and operational matters, when specific authorisation should be considered for efficient operations (for example

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<sup>7</sup> Corruption and Crime Commission (WA) (2015) Report on Misconduct Risk in Local Government Procurement.

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to facilitate the provision of administrative assistance to a presiding member), and suggests the level of reporting that council members may legitimately expect to enable them to comply effectively with their fiduciary obligations.

#### **Proposal 7.7 – Regulation 9:**

1. Define “administration” in Regulation 9 to mean the functions of the CEO as described in section 5.41 of the Act, CEO delegations under section 5.42 of the Act, the executive functions of local government as described in Part 3 Division 3 of the Act, and other functions specifically reserved to the CEO under the Act or any other written law.
2. Define “task” to exclude the transmittal of non-confidential information provided by the CEO, and to exclude the expression of an opinion, comment, objective or intent.
3. Extend the exemption in sub-regulation 9(2) to apply to tasks related to the legislated and undelegated functions of the council, in addition to tasks done as part of deliberations at a council or committee meeting.
4. Develop and publish an advisory standard to assist council members in determining the boundaries of their roles and the level of reporting that they may expect

#### **Supplementary Questions (Proposal 7.7 – Regulation 9):**

1. Is the proposed definition of “administration” sufficiently clear about where council members should not take an active and uninvited role?
2. Should authorisation be by both the council and the CEO, rather than either, or should it be initiated by the CEO?

### **7.8. Regulation 10 - Relations with local government employees**

Mutual trust and respect between council members and local government employees, based on realistic expectations and a professional working relationship, is essential to a high performing local government and the retention of skilled and experienced employees. Regulation 10 addresses the asymmetry of power that exists between council members and local government employees.

Regulation 10 focuses on achieving a balanced and productive relationship between the council members and the employees through whom they achieve their objectives for the local government, recognising that sometimes there may be conflicting objectives or priorities. The proposals in this section are based on a set of

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assumptions about what is or is not reasonable council member behaviour, and comment is invited on whether these assumptions are realistic and appropriate.

It is considered reasonable for council members to:

- seek assurance from the CEO that the local government is performing satisfactorily against appropriate agreed criteria, and specify the information needed to provide that assurance;
- expect to be kept informed about matters that affect the local government's performance, financial position, corporate risk profile and reputation;
- raise, with the CEO through council process, matters concerning the allocation of resources to local government priorities;
- request timely, accurate, relevant advice on matters requiring a council decision;
- rationally and respectfully challenge the accuracy or appropriateness of employees' advice, decisions, reports or actions, for which employees should expect to be held accountable;
- respectfully raise and discuss concerns about the operational performance of the local government, which may sometimes reflect on the performance of individual employees;
- express any concerns or criticism respectfully and constructively through established channels.

It is considered unreasonable for council members to:

- seek excessively frequent or detailed operational reporting irrelevant to strategic decision-making or to council's legal governance and fiduciary responsibilities;
- demand that employees undertake extensive research or retrieval of records that are accessible by the member themselves or for a purpose other than the council member's legislated duties;
- seek to influence the enforcement of local laws, implementation of policies, allocation of resources, prioritisation of work or other operational decisions through directly communicating with operational level employees;
- conduct discussions or make comments that reflect negatively on employees in the presence of their co-workers or in a public forum;
- impugn an employee's character or impute dishonest motives to them rather than objectively critique the outcome or activity;
- make assumptions, theorise or allege wrong-doing without knowing all the facts, or use a single incident to attack an employee's credibility;
- be disrespectful or abusive towards, or seek to humiliate or hurt an employee;
- seek favourable public attention by disparaging local government employees in the community.

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Regulation 10 is cited in about 14% of minor breach complaints, but a high proportion (more than 60%) of these allegations are found not to be a breach, frequently because the conduct complained about occurred outside the narrowly defined set of circumstances to which Regulation 10 applies, and therefore the conduct was not prohibited by the regulation. Such a finding should not be misinterpreted as the Panel's endorsement of the conduct as being acceptable or appropriate.

Regulation 10 is perceived by some local government managers as dealing inadequately with certain types of inappropriate conduct and misuse of power by council members in relation to local government employees, either because of the restricted application of existing provisions or because the conduct is not addressed at all. The specific reported shortcomings of Regulation 10 are dealt with below.

#### **7.8.1 Narrow conditions of application do not reflect intent**

The current provisions of Regulation 10 narrowly limit the application of some provisions, allowing for seriously dysfunctional conduct to occur without technically being in breach, but in other cases inadvertently proscribe conduct associated with normal working relationships. Particular issues related to the sub-regulations are:

##### **Sub-regulation 10(1)(a) - direction**

This sub-regulation is intended to prohibit a council member making wrongful use of their position to interfere with enforcement of local laws, implementation of policies, or to vary operational decisions, priorities and resource allocation. Imprecision of key terms ("anything") has allowed allegations of minor breach to be made about normal professional interactions that contribute to local government outcomes (e.g. between a presiding member and an employee assigned to provide them with administrative assistance, or members responding to invitations from officers for comment on documents).

##### **Sub-regulation 10(1)(b) – influence through threats and promises**

This prohibition has been interpreted to apply only to threats made in relation to a future specific action, and not to extend to retaliatory or generic threats intended to generally intimidate an employee or generic promises intended to elicit favourable consideration of a member's future requests. It does not appear to apply to a perceived threat by a council member to punish an employee for a completed action, or to harassment through non-specific threatening behaviour, regardless of the distress such conduct may cause.

##### **Sub-regulation 10(3)(a) – accusations of incompetence or dishonesty**

This sub-regulation refers only to dishonesty and incompetence, not to other types of disparagement that impugn the character of employees (e.g. accusations of negligence, bias or laziness).

Application is restricted to council and committee meetings and other organised events where members of the public are actually present (interpreted not to include local

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government employees). This does not recognise the effects on staff morale, trust, and working relationships of witnessing a colleague or manager being treated disrespectfully by a council member.

The sub-regulation does not provide for the "virtual" presence of members of the public through communications technology (e.g. live-streaming), nor for the potential for the accusations to be witnessed after the event through publicly accessible recordings.

This sub-regulation also does not require council members to refrain from denigrating employees in the mainstream or social media, on public websites, or in newsletters or written correspondence sent to multiple recipients including members of the public.

There are potential consequences for the local government of council members expressing overt disrespect for employees. These include: loss of trust and staff morale, reduced productivity, occupational safety and health risks (including workers' compensation liability), difficulty in attracting and retaining talented staff, loss of public confidence in the local government, and the diversion of resources from productive work to manage the negative publicity.

While the Act provides that only the mayor or president speaks on behalf of the local government, it does not explicitly prohibit council members from making public statements on their own behalf. Some local government stakeholders expressed a desire for regulatory change to protect local government employees from defamation by council members in broader public forums, including mainstream and social media, publicly accessible blogs, newsletters and other publications.

However, the implied freedom of political communication under the Commonwealth Constitution as well as implementation considerations make regulating this conduct problematic, and deterring such behaviour through non-regulatory measures is a more feasible approach. One alternative option for holding council members accountable for their public statements is explored and offered for comment in subsection 7.9, below.

#### **Regulation 10(3)(b) – offensive or objectionable expressions**

As with sub-regulation 10(3)(a), application is restricted to council and committee meetings and other organised events where members of the public are present, and similar concerns have been expressed about the regulation not capturing offensive references in social media and other public forums.

The application of this sub-regulation is open to broad interpretation. The usual intent when the word "offensive" is used in legislation concerning freedom of speech is to prohibit the use of inflammatory language<sup>8</sup> directed against a person. The focus is on the disrespectful way in which a view is expressed rather than on the view itself. The

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<sup>8</sup> Inflammatory language may involve invective, abuse, expletives, vilification or derogatory epithets with negative discriminatory overtones (racial, sexual, cultural, or relating to physical or mental characteristics) directed against the character, personal attributes, values, background or motives of a person. It is interpreted in the context of a reasonable adult's understanding of contemporary community standards, but generally the term is not applied to childish taunts or non-emotive factual descriptions.

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intent appears to be the deterrence of behaviour that impedes communication by causing emotion to overcome rational thinking. In extreme cases this may lead to physical altercation but in the current context it is more likely to disrupt the rational consideration of local government matters.

Minor breach complaints have alleged contraventions of Regulation 10(3)(b) for comments ranging from insensitive or distasteful to mildly critical to clearly abusive. Regulation 10(3)(b) is also cited in complaints about disparaging statements that could not be captured by the term "incompetent or dishonest" in sub-regulation 10(1)(a). Almost all of these allegations have been made on the basis of the underlying connotation of the alleged remark rather than its actual expression, which effectively treats this sub-regulation as an extension of sub-regulation 10(1)(a).

The Panel and SAT have not challenged this use of the sub-regulation, but have then needed to debate and explain at some length how they decided whether what was said was an "offensive or objectionable expression", with extensive reference to dictionary definitions of the individual words used. However, in everyday interactions, it is rarely necessary for most people to consult a dictionary to decide whether an expression is offensive or objectionable.

#### Response to concerns

Amendments are proposed to change, clarify or define terms to ensure the words of the regulation align with the intent, and include appropriate exemptions. This is intended to ensure that severely dysfunctional conduct is prohibited without compromising the practical and efficient operations of local government and to remove restrictions on regulatory application that act against the intent.

#### 7.8.2 Inadequate protection against bullying or harassing behaviour

Bullying and harassment are serious issues with significant occupational health and safety implications where they occur. The Commonwealth *Fair Work Act 2009* defines elected council members as "workers" for the purposes of the legislation, with the responsibilities and obligations consistent with that status in regard to preventing bullying. However, many local governments in Western Australia are not subject to the *Fair Work Act*. The *WA Occupational Safety and Health Act 1984* is based on the use of employment contracts for implementation. It does not provide a mechanism to deal with elected local council members who are not defined as either employers or employees.

The actions of a small minority of council members who are disrespectful or abusive towards local government employees potentially place local government CEOs in a dilemma. CEOs are expected under the *Occupational Safety and Health Act* to provide a safe workplace for the employees under their care, but may have limited real power to prevent bullying of those employees by representatives of the CEO's own employer.

Employees who are repeatedly bullied or harassed may suffer distress to the extent that both their wellbeing and their productivity are compromised. The effects extend to

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other parts of the workplace and work culture, and overall organisational performance may suffer. Bullying-related staff resignations reflect poorly on a local government, reducing its competitiveness in attracting and retaining high quality staff.

#### Response to concerns

Workplace bullying allegations are emotionally charged, rarely straightforward and require the power to investigate and the capacity to query evidence. The Standards Panel has neither the power nor the resources to undertake such work. There is no current intention to amend the *Occupational Safety and Health Act 1984* to address the unclear status of elected council members, and no enforcement mechanisms in local codes of conduct.

To suggest that bullying or harassment is equivalent to a "minor breach" unacceptably trivialises a serious issue, but the Rules of Conduct are currently the only readily available enforceable mechanism to deter conduct by council members that could be perceived as bullying or harassment.

It is proposed to introduce new sub-regulations in Regulation 10 prohibiting abusive or threatening behaviour by council members, and prohibiting council members from making repeated and unreasonable demands of local government employees. While this is certainly not an ideal solution, this amendment may reduce the incidence of distress caused by conduct that is thoughtless and insensitive rather than intentionally malicious. A stronger State response to the issue would require substantial policy development and legislative change to either the *Local Government Act* or the *Occupational Safety and Health Act*, which is beyond the scope of this review.

It must be acknowledged that vexatious bullying complaints are themselves a form of abuse with the capacity to cause reputational and psychological harm to those unfairly accused. If this proposal is adopted, this risk will need to be managed by local government CEOs in relation to complaints against council members with the same diligence with which it is managed in relation to complaints against local government employees.

#### 7.8.3 Council members directly reprimanding employees

The CEO, through the management structure, is responsible to the council for the performance of the organisation and its staff. A council member's criticism of an activity for which an employee is responsible may have an exaggerated impact on an employee, particularly a junior employee, because of the perceived power of the member to affect their employment and reputation. The consequences include distress to the employee, undermining the manager's relationship with the employee, and eroding the work environment. Feedback from council members on services or performance of local government functions, or on any employee's performance, should be directed through the CEO.

#### Response to concerns

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A new sub-regulation is proposed for Regulation 10 to prohibit council members from personally chastising or reprimanding an employee for a perceived deficiency in a local government service or the employee's performance.

#### **7.8.4 Covert conduct to disadvantage CEO**

The appointment, performance appraisal and dismissal of the CEO is a council responsibility. However, there is an inherent conflict created by the CEO's responsibilities to ensure good governance at the council level, effectively requiring CEOs to "police" the behaviour of the people who will assess their performance and determine their employment conditions and tenure. This contrasts with the situation at State level where the Public Sector Commissioner ensures some separation between agency CEO employment arrangements and elected members.

The local government CEO's governance responsibilities may occasionally lead to a difference of opinion between the CEO and individual council members about the boundaries between the strategic and operational functions of the local government, the power of the council to direct the local government in certain matters, and the extent to which councillors are constrained by legislation from acting as they think best. This may result in ill-feeling by the council member, which occasionally manifests in overt disrespect, publicly or privately undermining the CEO's reputation, open threats to "get rid of" the CEO, and colluding with others in attempts to bring about the premature termination of the CEO's employment outside legitimate disciplinary processes.

Regardless of the council member's stated justification, this conduct is highly damaging to the local government. It can erode trust between the council and the CEO, affect local government performance and reputation as a fair employer, and lead to operational dysfunction, but the rules of conduct do not specifically address this issue.

#### **Response to concerns**

It is the council's role to recruit, select, manage the performance of, and if necessary dismiss the CEO, but it is essential that these processes be transparent, impartial, fair and lawful.

A new sub-regulation is proposed for Regulation 10 to prohibit a council member seeking to influence the performance appraisal or dismissal of a CEO other than through an authorised process consistent with legal requirements and natural justice.

In the longer term, it may be desirable for the Government to minimise the potential for this kind of conflict by considering a more independent process for appointing CEOs and managing any termination action, while retaining the day to day accountability arrangements between the council and the CEO. A variation of the model currently used for State Government agency CEO employment might be appropriate.

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#### 7.8.5 No protection for former local government employees

Local government employees, particularly CEOs and senior managers, sometimes have little choice but to resign as a result of a breakdown in their working relationship with council members. These individuals should not have their future career prospects unfairly blighted by derogatory comments made by council members upon their departure. Ex-employees are particularly vulnerable, because they have limited access to forums where they can refute untrue or unfair allegations, and may have signed an agreement as part of their separation arrangement which prohibits them from making comment on the circumstances that led to their departure.

#### Response to concerns

Amendments are proposed to Regulation 10 to extend the protection of local government employees from reputational detriment to former local government employees who have separated from the local government in the previous six months.

#### Proposal 7.8 – Regulation 10

1. Amend sub-regulation 10(1) by:
  - a. In sub-regulation 10(1)(a), replacing “to do or not to do anything” with a reference to taking action related to local government functions such as enforcement of local laws, implementation of approved policies and procedures, or varying of decisions, priorities or resource allocation.
  - b. Providing for the CEO to authorise a limited exemption to subregulation 10(1)(a), at the CEO’s discretion, for individual council members for specified operational purposes.
  - c. Adding a prohibition against behaving in an abusive or threatening manner towards any local government employee, including the CEO (the exemption for meetings is not to apply to this rule).
  - d. Adding a prohibition against making repeated or unreasonable demands for information or assistance from a local government employee to an extent that impairs the employee’s capacity to complete their designated work responsibilities.
  - e. Adding a prohibition against attempting to influence the performance appraisal or dismissal of a CEO other than through an authorised process consistent with legal requirements and procedural fairness.
  - f. Adding a prohibition against personally chastising or reprimanding any local government employee for matters related to the administration of the local government.
2. For the purposes of sub-regulation 10(2) and other regulations where the term is used, “council or committee meeting” should be defined as a formally constituted meeting of the council or a committee established under section 5.8 of the Act. Informal meetings such as site meetings or information forums would not be included in the exemption.
3. Amend sub-regulation 10(3) by:

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- a. Replacing the condition "members of the public are present" with a condition specifying that the sub-regulation applies if any person other than council members and the CEO is present, or if the meeting or event is being broadcast, or if an audio or video record is being made of the meeting or event and that record will be publicly available.
  - b. Clarifying that the term "attending" covers the periods immediately before and after the meeting or event and during any period in which proceedings are suspended.
  - c. In sub-regulations 10(3)(a) and 10(3)(b), extending the protection to former local government employees for a period of 6 months after separation from the local government.
  - d. In sub-regulation 10(3)(a), replacing the current reference to "statement... is incompetent or dishonest" with a reference to disparaging or impugning the character of a local government employee or former local government employee. This to be defined as stating or implying deficiency in the person's honesty, integrity, competence, diligence, impartiality or loyalty; or imputing dishonest or unethical motives to them in the performance of their duties.
  - e. In sub-regulation 10(3)(b), replacing the term "offensive or objectionable expression" with "abusive or offensive language", defined as inflammatory words likely to incite ridicule or contempt and which would offend a reasonable adult applying contemporary community standards.
4. In sub-regulation 10(4), extend the exemption to statements made to an authority responsible for regulating the conduct of public officers and to statements made under oath or affirmation to a body authorised by Parliament to conduct an inquiry or during judicial proceedings.

**Supplementary Questions (Proposal 7.8 – Regulation 10)**

1. Do the proposals listed above address to a practical extent the types of conduct relating to local government employees that may cause disruption to the orderly operation of the local government and impair its efficiency and effectiveness?
2. Are any of the proposals likely to be impractical or negatively affect the efficient and effective operations of the local government?
3. Is there a more appropriate definition for "unreasonable demands" in the proposed amendment to sub-regulation 10(1)?
4. Should the condition about meeting attendees in proposal 7.8 3(a) above include an official record taker in addition to council members and the CEO?
5. Are any other explicit definitions or exemptions needed to prevent ambiguity?

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#### 7.9. New regulation - Public statements

Provided they do not claim to be speaking on behalf of the council or the local government, council members' rights to publicly air their views about local government functions and employees or about council decisions should not be fettered by Rules of Conduct regulations.

Negative published comments and lack of council solidarity potentially cause dissension and detriment to the local government's performance and reputation, and result in employee resources being diverted from productive activities to managing that risk. Council members who are concerned that council decisions or local government operations do not serve the public interest should in the first instance attempt to resolve these concerns with the mayor/president and/or the CEO. However, if they feel they must make a public statement, council members must be prepared to openly take responsibility for what they say. This is particularly important for attributed views and comments published in the mass and local media, although other forms of mass communication, such as on social media or in e-newsletters, also have potential to cause harm and should be used judiciously.

It has been suggested that greater accountability could be achieved by a requirement for council members to notify their local government of comments that they make to the media in their capacity as council members.

This would not interfere with a council member's right to express personal opinions, but would improve transparency in local government. It would also ensure accurate record-keeping and facilitate risk management by the local government, and provide some protection for councillors who are misquoted. This proposal would enable a local government to:

- maintain a record of public statements made by council members about the local government;
- more effectively manage its response to the publication (including preparing for any subsequent media interest and managing any staff impacts); and
- provide assistance to a council member in seeking a retraction should the council member be misquoted, misinterpreted or have comments wrongfully attributed to them.

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**Proposal 7.9 – New Regulation (Public statements)**

1. Insert a new regulation that:
2. Requires a council member to notify the CEO in writing of any comments or written material that the council member provides to a representative of the mass or local media concerning the performance or administration of the local government, the actions or performance of local government employees, or a council decision.
3. Requires the CEO to maintain a register of media contact in which details of such notices are kept, and to make this register available for public inspection.
4. This regulation would not apply to anything that a council member does as a part of the deliberations at a council or committee meeting, or to any authorised communication by or on behalf of the mayor or president in their official capacity.

**Supplementary Questions (Proposal 7.9 – Regulation on public statements):**

1. Will the proposed regulation provide a practical mechanism for council members to take responsibility for their public statements without fettering their right to make them?
2. Is there a need to more closely define the circumstances requiring notification?
3. Should the requirement for notification be extended to social media, blogs, e-newsletters, etc.?
4. What is a reasonable time limit for notification given the likely immediacy of the consequences of the conduct?
5. What could be the disadvantages for council members or local governments if such notification is required?
6. Should this regulation apply all the time or only during campaign periods?

**7.10. New regulation - Interactions with council members**

Proposal 7.3 suggests deleting Regulation 4, which has proven to be problematic in terms of coverage, consistency and duplication. However, some common provisions in local laws relating to conduct at meetings are appropriate for inclusion in consistent, State-wide standards of conduct that council members are expected to meet in relation to fellow council members.

The provisions of the proposed new regulation have been drawn primarily from existing local laws, but have been limited to conduct that is considered to be significantly

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disruptive, likely to impair the effective performance of the local government or likely to bring the council and local government into disrepute and undermine public confidence.

This proposed regulation is not intended to stifle robust debate, including rebuttal of the opinions and arguments of opponents, but to ensure that such debate is conducted in a respectful, orderly, constructive and reasonable manner and is focused on issues and facts.

**Proposal 7.10 – New regulation (Interactions with council members)**

Insert a new regulation that:

1. Prohibits a council member from behaving in an abusive or threatening manner towards any other council member or the CEO.
2. Prohibits a council member from stating or implying that a council decision or decision process was incompetent, dishonest, corrupt, negligent or unlawful (but does not prohibit expressing disagreement with a decision).
3. Prohibits a council member, when attending a council or committee meeting or other organised event, and if any person other than council members, the CEO and an official record taker is present, or if the meeting or event is being broadcast, or if an audio or video record is being made of the meeting or event and that record will be publicly available, from:
  - a. Disparaging or impugning the character of any council member (to be defined as stating or implying deficiency in the person's honesty, integrity, competence, diligence, impartiality or loyalty), or imputing dishonest or unethical motives to them in the performance of their duties.
  - b. Using abusive or offensive language to, or in reference to, any council member (to be defined as inflammatory words likely to incite ridicule or contempt or which would offend a reasonable adult applying contemporary community standards).
4. Requires a council member, when attending a council meeting or committee meeting, to:
  - a. Comply with a direction given by the presiding member at that meeting; and
  - b. Cease any conduct that has been ruled out of order by the presiding member,

unless the majority of council members who are present vote to dissent from the presiding member's ruling.

5. Sub-regulation (2) is not to prevent a council member from reporting suspected dishonest, corrupt, negligent or unlawful council decisions or processes to a regulatory agency with responsibility for overseeing any aspect of the performance of local governments or the conduct of public officials.

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6. This regulation is not to prevent a council member from making a statement under oath in a hearing conducted by Parliament, before a judicial body or as otherwise required by law.

#### Supplementary Questions (Proposal 7.10 – Regulation on interaction with council members):

1. If Regulation 4 is repealed, and Regulation 7 no longer applies to conduct in council and committee meetings, will the proposals above adequately capture the key provisions in local laws related to conduct of council members in meetings?
2. Is there a need for rules of conduct in relation to any other interactions between council members that may impair the integrity, performance or reputation of local governments?

#### 7.11. Regulation 11 - Disclosure of interest

There appears to be some confusion<sup>9</sup> about the intent and scope of Regulation 11, which specifically excludes financial interests and proximity interests, disclosure of which is provided for by Part 5 Division 6 of the Act. Further clarification has been requested on the kinds of impartiality interest that should be declared.

This confusion arises in part because disclosure of an impartiality interest has no practical consequences for the outcome of the matter being deliberated, in that the disclosing council member is not required to be absent for either the discussion or the vote, and under section 5.21(2) of the Act is required to vote if present. A disclosing member who participates in the deliberations may declare that they will act impartially, but realistically there is no way to confirm that they do so.

Regulation 11 complainants frequently appear to have interpreted the examples in the definition (kinship, friendship or membership of an association) as an alternative definition rather than a clarification of the primary condition (that the interest could, or could reasonably be perceived to, adversely affect the impartiality of the person having it). This has led to allegations of non-disclosure of very tenuous and insignificant connections unlikely to bias the judgement of any reasonable person. Regulation 11 is silent on the interests of closely associated persons and it is unclear whether these should be disclosed.

The extent of significant practical public benefit achieved by Regulation 11 in its current form may be debatable:

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<sup>9</sup> Even the Panel has expressed "great difficulty in arriving at a considered view as to what circumstances regulation 11 is intended to address" (Standards Panel Findings SP 36 of 2008 – unpublished).

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- The interests most likely to adversely affect a person's impartiality are those associated with beliefs, values, ideology, passion for a cause or election commitments, yet these interests are not required to be disclosed under Regulation 11. The rationale is that most council members are elected on a particular platform, set of promises or firmly stated beliefs, and it is to be expected that these will affect the way in which they consider related matters. If there is no requirement to disclose interests almost certain to affect impartiality, then the value of disclosure of lesser impartiality interests seems questionable.
- Fear of contravening Regulation 11 has led to some council members assuming a very broad interpretation of "impartiality interest", with anecdotes about councillors disclosing their membership of council committees, former patronage of closed businesses and their own retirement function. Recording these kinds of interests is little more than red tape with no real benefit.
- Formal disclosure is not the only source of information about interests, particularly regarding "enduring" interests such as employment, association membership or familial relationships. Impartiality interests may also be known from previous statements or be public knowledge, and a number of allegations of minor breach have concerned interests that are so widely known as to be unremarkable, or that had been previously disclosed on other matters, but the council member had neglected to disclose the interest on a particular occasion. A more efficient approach to enduring interests would be to have a permanent (on-line) register to eliminate the need for multiple disclosures of the same interests. Associating the interest with a relevant matter could then be automated and managed as an administrative function.
- Most allegations of contravention of Regulation 11 involve interests that are so trivial (sometimes even hypothetical) that no reasonable person would believe that they prevented the council member from acting impartially. Allegations of minor breach have even been made for alleged non-disclosure concerning administrative agenda items with no consequences external to the council's own processes. The regulation in its current form is vulnerable to frivolous complaints because it does not require justification for a complainant's claimed perception that the interest affects impartiality, and does not consider materiality.
- The benefit associated with processing a minor breach complaint about non-disclosure of an impartiality interest after the event appears negligible. Since disclosure would not have restricted the councillor from contributing to the discussion or the decision, the non-disclosure is unlikely to have adversely affected the quality or outcome of council decisions and the public cost of processing a complaint is difficult to justify.

Transparency is improved by disclosure of a close association with a community organisation likely to receive a significant direct benefit (such as a grant, lease or authorisation of an activity) from the council's decision, although if the council member still participates in the decision, the benefit is more academic than practical. One

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intangible benefit of disclosure of impartiality interests may be more productive debate as a result of better mutual understanding, but this is difficult to measure.

Assuming that there is general local government support to retain a rule of conduct requiring disclosure of impartiality interests, the following proposals focus on attempting to reduce red tape and focusing the rule on significant interests.

There has also been some public debate about whether council members should disclose whether they have been lobbied by or held discussions with persons seeking local government authorisation of an activity involving local government discretion. Such disclosure would also improve transparency.

#### **Proposal 7.11 – Regulation 11**

1. Amend sub-regulation 11(1) to clearly restrict the definition of interest to one that could or could reasonably be expected to adversely affect impartiality of the person having the interest, deleting the “inclusions”.
2. Include examples of significant impartiality interests in an advisory standard rather than in the regulation.
3. Define “matter to be discussed” to mean substantive matters to be determined by council and exclude administrative matters where the effect is limited to the council itself.
4. Amend sub-regulation 11(3) to add a provision that Regulation 11 does not apply to trivial, negligible or non-current interests.
5. Add a sub-regulation permitting a disclosing member to elect to leave the meeting while the council discusses and makes a decision on the matter, but if the member elects not to leave the meeting, the council member must vote as required by under section 5.21(2) of the Act.
6. Add a sub-regulation providing for council members to register, at their discretion, enduring interests that may be perceived as affecting their impartiality.
  - a. Enduring interests may include, but are not limited to, familial relationships, employment or board membership, membership of associations, election commitments and public statements of position on specific matters.
  - b. The CEO is to maintain a register of enduring interests that is available for public inspection.
  - c. Council members may request the CEO to make amendments to their recorded enduring interests as necessary.
  - d. Sub-regulation 11(2) would not apply to interests that are recorded in the register of enduring interests.

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#### Supplementary Questions (Proposal 7.11 – Regulation 11):

1. Would a register of enduring interests provide adequate transparency?
2. Should Regulation 11 provide for the situation where a council member wishes to contribute to the discussion but feels that they may be unable to vote impartially and wishes to leave the meeting before the vote?
3. Should council members be required to disclose, prior to discussion on a matter concerning an activity involving a local government discretion (as defined in Regulation 12), whether they have been in communication with the person seeking the local government authorisation or commercial dealing? This would not include merely receiving unsolicited correspondence and promotional material.

#### Comment invited – impartiality interests and participation in discussion and decision making

In focusing solely on the disclosure of impartiality interests without the declaration having any practical effect, Regulation 11 is perceived to provide inadequate protection against decision making conduct that is not impartial. This is a controversial issue.

One option to strengthen this protection would be to align the management of impartiality interests and financial interests, permitting councils to make the decision about whether the impartiality interest is so trivial that it is unlikely to affect the council member's impartiality, and to resolve that the member either should or should not participate in the discussion and decision. This would require amendment to the Act to provide an exemption to section 5.21(2) and provide for the council to have the power to make such a resolution.

There are two potential disadvantages to this approach:

- Particularly in smaller communities, a majority of the council members may share the same impartiality interest, and if they are prevented from participating in discussion and decision making, the council may fail to achieve a quorum.
- It seems contrary to a democratic system to prevent a council member from debating and voting on a matter about which they are not impartial if they have been elected to the council on the basis of that stated position.

Another option is to specify a clear materiality threshold for the kinds of significant impartiality interests that must be disclosed, but leave it to council members' discretion whether to disclose more trivial non-financial, non-proximity interests.

How can the community be assured that non-financial, non-proximity interests do not affect the perceived integrity of the council's decision, while not restricting participation

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on matters where a council member's interest is unlikely to bias their decision? Should a strong personal opinion, previous public statements or ideological position on a matter be clearly declared as an impartiality interest prior to debate?

#### 7.12. Regulation 12 - Gifts<sup>10</sup>

Relatively few complaints have been received concerning alleged breaches of Regulation 12, but there are anecdotal reports of some confusion among council members about the scope, application and practicality of the regulation, and its consistency with other legislation covering receipt of gifts.

The CCC recently released an investigation report<sup>11</sup> which highlighted a potential ambiguity in the regulatory requirements, particularly when an entity closely associated with the donor, but not the donor themselves, is seeking or likely to be seeking local government approval of an activity or some other benefit within the local government's power to grant.

In the public's perception, a council member's impartiality may be questioned if they accept a gift from a party that will benefit from a local government's discretionary approval, even if it is not the entity seeking that approval. However, a council member may not always be aware that a relationship exists between the donor and an applicant for approval, particularly if a commercial relationship between them is contemplated but not yet in place or if no application from the third party has yet been received.

The CCC's report also illustrated some potential complexity in acceptance and disclosure mechanisms for donation packages that include both a contribution to travel (excluded from the definition of a gift for the purposes of Regulation 12) and non-travel components (which may be notifiable or prohibited gifts). This has resulted in proposed amendments to the Act that are currently being considered by Parliament (as at November 2015). For the purposes of Regulation 12, if accepting a gift from a particular person is prohibited, then logically a contribution to travel from the same person should also be prohibited.

Regulation 12 has a notifiable gift value range of \$50-\$300 and a prohibited gift threshold of \$300. By comparison, Regulation 30B of the *Local Government (Elections) Regulations 1997* has a disclosure threshold of \$200 for electoral gifts; the *Local Government (Administration) Regulations 1996* prescribes an annual return (section 5.82 of the Act) gift disclosure threshold of \$200 (Regulation 25) and also requires that codes of conduct mirror Regulation 12 including value thresholds (Regulation 34B).

The Local Government Operational Guidelines No. 12 refer to nominal gifts, but these are not recognised in the regulations. Rationally, a council member's decision in a

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<sup>10</sup> NB: The Local Government Governance Roundtable has initiated a separate review into legislative provisions relating to receipt of gifts. These proposals will be coordinated with that work.

<sup>11</sup> Corruption and Crime Commission - [Report on an Investigation into Acceptance and Disclosure of Gifts and Travel Contributions by the Lord Mayor of the City of Perth](#) (5 October 2015).

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significant matter is unlikely to be swayed by the receipt of a nominal gift (e.g. flowers, confectionery, bottle of wine) offered as a token of appreciation. It is proposed to define token or nominal gifts which do not need to be included in the cumulative value of notifiable or prohibited gifts. This will reduce the administrative burden of monitoring these small items, the donation of which poses minimal risk to local government integrity.

It is unclear from the definition as to when hospitality should be classified as a gift. Some council members have reportedly become reluctant to accept invitations to community events, particularly when the community group may have hired a council property or sought some other kind of authorisation for the event. They are unsure whether the associated hospitality may be construed as a gift. This is rarely the intention of the inviting organisation, which in many cases hopes to achieve additional status and publicity by the presence of one or more council members at their event. It is an important part of a council member's role to support local community groups. Discouragement of community participation is not an intended outcome of this regulation.

Some council members, particularly mayors/presidents, may be presented with a ceremonial gift with the intent of it being a gift to the council or to the community. The regulation does not explicitly limit its application to gifts received for personal benefit and complaints have been received alleging a contravention of Regulation 12 relating to such gifts.

Other concerns have been reported relating to:

- the threshold gift values being perceived as impractically low, and no provision to readily adjust the threshold gift values to keep pace with the values of common gifts such as meals and tickets for entertainment or sporting events;
- the difficulty of establishing a value for some gifts, particularly when the gift is not readily purchasable (e.g. an art work or private event) so independent valuation is unreliable, or the amount paid by the giver is commercially confidential;
- the practicality of the 10 day rule, and clarification about whether the 10 days commences from the actual receipt of the gift or the (sometimes provisional) indication that the member will accept the gift. In the case of events, several weeks may elapse between the issuing of the invitation and the event itself, and the member's attendance may not be confirmed until shortly before the event.
- a council member accepting a gift in good faith, and becoming aware some time later that the giver is seeking, or intending to seek, a decision from the council, rendering the gift prohibited or notifiable;
- a person offering to make a donation to a third party, such as a community group, which a council member is known to hold in high esteem;

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- a council member making private use of part of a gift provided to the council as a whole (such as a block of event tickets);
- perceived soliciting of gifts or benefits by council members; and
- gifts or benefits provided in ways that avoid the definitional boundaries of the regulation.

**Proposal 7.12 – Regulation 12**

1. Insert a new definition of "nominal gift" in Regulation 12(1), to include the following:
  - a) occasional hospitality of a modest nature received in the course of performing the role of council member, such as:
    - b) meetings to discuss official business concerning the local government,
    - c) information sharing and professional development events (such as forums, seminars or workshops),
    - d) an event at which the council member has been invited to speak or present,
    - e) social events organised by the council, a government body or a community group;
    - f) attendance at a function as an invited representative of the local government or council; or
    - g) single small promotional items of no commercial value; or
    - h) modest, "one-off" expressions of gratitude or appreciation such as confectionery, flowers or single bottles of moderately priced alcohol.
2. In subregulation 12(1), exclude nominal gifts from the definitions of "notifiable gift" and "prohibited gift".
3. In subregulation 12(2), add "financial or other contribution to travel" to the things that a council member must not accept from a person undertaking, seeking to undertake or likely to be intending to undertake an activity involving a local government discretion.
4. Insert a new subregulation to provide for the situation of council members who have accepted a gift in the belief that the giver was not undertaking, seeking to undertake or intending to undertake an activity involving local government discretion, and who become aware within six months of accepting the gift that their assumption was inaccurate. Council members would be required to rescind their acceptance (if the gift had not yet been received) or return (if practical) a prohibited gift or to notify the CEO of a notifiable gift or a non-returnable prohibited gift, as soon as practicable.

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5. Provide for the CEO, at the request of a council member, to record declined or returned gifts.
6. Insert a new subregulation to clarify that this regulation does not apply to ceremonial gifts received by a council member on behalf of the council. A ceremonial gift is an item presented to the local government as a mark of respect, commemoration or appreciation, usually from another government entity or an organisation, and ownership is held by the local government.
7. Clarify that when a gift is presented to the council, and that gift or part of the gift is then provided to a council member for their personal benefit, it is to be treated as though the council member had accepted the gift directly from the giver. If the gift meets the definition of a notifiable gift, then Regulation 12(3) applies.

**Supplementary Questions (Proposal 7.12 – Regulation 12):**

1. Is there a need to amend or clarify the "10 day rule" and the date from which it should be calculated? If so, what would be a practical provision?
2. Is there a need to address the issue of a donor seeking to influence a council member by making a gift or donation to a person, group, organisation or cause in which the council member has a significant interest? If so, how should this be managed?

**Comments invited - Gifts**

**1. Value thresholds and consistency between legislative requirements**

Comment is invited on what criteria should be used to establish value thresholds for notifiable and prohibited gifts. How can a balance be struck between practicality in light of standard business practice and acknowledging public concerns about "buying favours"?

Should the disclosure/notification threshold for gifts to council members be set at the same value in all local government regulations? Should there be an automatic (e.g. CPI) escalator for thresholds or alternatively, how and how often should thresholds be reviewed?

**2. Gifts from persons likely to benefit from a local government discretion exercised in favour of another person**

Comment is invited on whether regulatory controls are necessary or practical concerning the acceptance and disclosure of gifts offered to council members by entities which are closely associated or in a commercial relationship with a person undertaking, seeking to undertake or likely to undertake an activity involving a local

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government discretion. Such associations or relationships may not be immediately apparent. If regulatory controls are not appropriate, is there a need for policy guidance for council members in such situations?

#### **3. Hospitality**

Is monetary value the most appropriate indicator for gifts involving hospitality? Using hospitality to facilitate informal discussion of business matters and encourage networking is a common business practice, and community groups who wish to have a council member present at their events do not consider the associated hospitality as a gift. Unless it is a public, ticketed event, monetary value can be difficult to estimate. Should thresholds for notification of hospitality invitations be based on factors other than the estimated value (e.g. composition of the guest list, whether it is a public (ticketed) event or invitation-only, the primary purpose of the invitation, whether the member is being invited as a representative of council/local government, or to make a speech/presentation)?

#### **4. Cash gifts**

A special significance applies in the public mind to gifts of cash to public figures. Cash donations are often perceived as less acceptable than non-cash gifts even when the monetary value of the non-cash gift is greater. Comment is invited on whether Regulation 12 should contain a specific reference to cash gifts (or cash equivalents such as gift vouchers) and whether receipt of cash gifts should be prohibited regardless of the amount.

### **7.13. Application of Rules of Conduct to election candidates**

Concern has been expressed that council members who nominate for re-election are constrained by the Rules of Conduct, whereas candidates who are not currently council members are not held to the same standards. This is particularly apparent in relation to statements made that disparage local government employees or other council members, with intent to gain an electoral advantage for the candidate making the statements.

For practical purposes, a complaint made during the campaign period is treated in the same way as any other complaint. Should a council member be re-elected, they may be found to have committed a minor breach for their conduct during the campaign period. The same conduct by a non-sitting candidate, even if that person was then elected, would not be penalised as a minor breach.

It should also be noted that in considering conduct occurring during election periods, the Panel has found on occasion that the accused council member was acting as an election candidate rather than making use of their office as a council member.

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#### **Comment invited: Application of Rules of Conduct to candidates in local government elections**

Comment is invited on the merits of amending the Act to apply selected Rules of Conduct (particularly regulations 7, 10 and the proposed new regulation concerning relations with council members) to all local government election candidates during the campaign period.

Complaints of minor breach would be able to be made against any candidate, but would be progressed only if the candidate was successful in being elected to the council.

#### **7.14. Improving understanding of regulations**

It has become clear through the analysis of complaints of minor breach that there is a high level of misunderstanding of the regulations and how they apply, or even of the purpose of the minor breach system. In part this is due to ambiguity in the regulations themselves, but there may be a need to provide more guidance to council members, prospective complainants and complaints officers. In particular, complaints of minor breach used as a way of escalating personal disputes to an "independent authority" is an inappropriate use of public funds and should be actively discouraged.

#### **Proposal 7.14 – improving understanding**

1. The Panel, with the assistance of the Department, is advised to publish advisory standards to assist in the interpretation of the Rules of Conduct and describe the types of conduct that would or would not be found to be a minor breach by way of examples drawn from Panel determinations.
2. Training materials for Complaints Officers need to be developed under the auspices of the Local Government Governance Roundtable (Department, Local Government Managers Association and WA Local Government Association), and offered to all local governments through existing training providers and products.

#### **8. Standards Panel Procedure and Practice**

It appears that the processes and practices of the Panel are not well known or understood. Stakeholders commonly express the view that they perceive the process as slow, non-transparent and legalistic, contrary to the intent of the legislators or the expectations of the sector when it commenced. There is also some perception that the Panel focuses too much on the letter of the law and gives insufficient regard to the interests of local government when making its findings.

In part, these perceptions may be a result of a mismatch between original local government sector expectations, which envisaged standards panels as roving

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independent investigators and mediators, with a strong on-the-ground role, and the rule-based, contravention-focused system which was enacted with the Panel as a quasi-judicial disciplinary body with no investigatory or mediating powers.

#### 8.1. Improving processing times

The length of the process of dealing with complaints is still perceived to be excessive relative to the seriousness of the conduct and the sanctions, although it has improved markedly since 2012 and in 2014/15 the average time was about six months between the date of complaint and the notification of findings. Long timeframes between complaint submission and notification of findings may lead to:

1. Loss of jurisdiction if a respondent ceases to be a councillor before the Panel has completed its process;
2. Continued or exacerbated tension within the local government;
3. Repeated incidents of the inappropriate conduct;
4. Inability of the Panel to invoke the recurrent breach provisions for multiple transgressions within a short timeframe.

The causes of the delays in determining minor breach complaints include:

1. System congestion caused by a combination of:
  - a. High proportion of complaints (almost 40 per cent of all allegations) not made in accordance with section 5.107(2) of the Act, most of which allege contraventions for conduct not proscribed by the regulations or specified local law; and
  - b. High proportion of complaints (about 60 per cent) which relate to trivial or inconsequential conduct that poses negligible risk to the integrity, performance or reputation of local government. Many of these could be considered vexatious or frivolous.
2. Under-prepared complaints with insufficient or irrelevant supporting information that does not adequately address the essential elements of a contravention;
3. Time taken to obtain responses to requests for clarification (complainants) and responses to the complaints (respondents);
4. Undefined terms in regulations requiring research into possible meanings;
5. The time taken to prepare complex Panel reports, and the sole reliance on the legal practitioner Panel member for the preparation of all Panel reports;
6. Variable rate of complaints received and relatively limited elasticity in Panel capacity.

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It has been suggested that a statutory timeframe be imposed on Standards Panel decisions. However, a statutory timeframe necessitates a statutory default decision should the decision-making body fail to issue its determination within that time. This may provide incentives for some parties to engage in behaviour to delay the process because they perceive the default decision to be more favourable to their own interests. A statutory time limit for a body responsible for making disciplinary decisions is not considered practicable.

#### **Proposal 8.1 – improving processing times**

1. Provide mechanisms to help prospective complainants determine whether they have valid grounds for alleging a contravention resulting in a minor breach and guidance on describing a contravention.
2. Replace the current complaint form with a more structured version that requests the specific information needed to demonstrate the essential elements of a contravention for each regulation, and to advise the outcome of any dispute resolution processes undertaken. There is potential to regulate information requirements under section 5.107(2)(d) of the Act.
3. Provide guidance material to complaints officers.
4. Develop guidance for local governments concerning treatment of complaints that are not made in accordance with the Act.
5. Establish and enforce timeframes for receipt of responses of parties to information requests.
6. Introduce a prioritisation system for complaints received by the Panel, based on the significance of the potential consequences for local government, the extent to which the conduct indicates deliberate intent rather than poor judgement, and whether there has been a pattern of inappropriate behaviour and complaints made against that council member.
7. Further simplify and streamline Panel reports on findings and decisions, consistent with the needs of the audience.

#### **Supplementary Questions (Proposal 8.1):**

1. How should complaints of minor breach be ranked so that matters significant to the good operation of the local government are prioritised over inconsequential matters?
2. What information do complainants, council members and Complaints Officers require in Panel reports on findings of whether a minor breach has occurred and decisions about the sanction to be applied?

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#### 8.2. Improving efficiency

The resources available to the minor breach system are limited. The current model of a single Panel to which all complaints of minor breach are directed can be challenging when demand for the function is unpredictable or increasing.

The value added to the process by directing complaints through the local government complaints officer is unclear. Section 5.107(3) of the Act only requires the complaints officer to receive and acknowledge minor breach complaints, send a copy to the accused council member and send the complaint to the Panel. The requirement to advise the Panel of previous breach findings against the council member is redundant since the Panel already has this information. The local governments consulted to date are reluctant to have their complaints officers take a more proactive role in filtering unsound complaints, and removing this administrative "post box" function could potentially save up to 14 days at the beginning of the process.

Given the reluctance to expand the complaints officer role, and the high proportion of low value minor breach complaints that would be more appropriately dealt with through alternative mechanisms, a longer term option to obtain better value from the Panel's time and expertise may be to extend the application of the serious breach process under the Act to minor breaches.

Under section 5.116 of the Act, serious breach complaints are sent by the complaints officer or directly by the complainant to the CEO of the Department. On the advice of the Department, the CEO decides whether to make an allegation of serious breach to the SAT. This ensures the SAT is only asked to consider valid, substantive and well-supported complaints and that other matters are dealt with in more appropriate ways.

Adopting a similar model for all breach complaints would allow the Department to deal with the majority of time consuming but straightforward matters, and advise the CEO whether further action was warranted. Should the Act amendments currently before Parliament be approved, the Department could also assess complaints to screen those that are frivolous, vexatious, misconceived or lacking in substance.

Under a single pathway system, the CEO would make a decision whether to refer the matter for determination to the SAT (serious breaches), the Standards Panel (minor breaches) and either the SAT or the Panel for recurrent breaches depending on the seriousness of the issue. A single entry pathway for all complaints would also allow the Department to streamline and harmonise practices and procedures, which may provide opportunities for further efficiency benefits, potentially including a centralised, automated, on-line complaints lodgement system similar to the model used by the SAT.

In conjunction with other initiatives to reduce the number of low value minor breach complaints received, this approach could relieve pressure on the Panel and timeframes and potentially reduce costs for both local and State government. Since the Department already separately acknowledges complaints received, communicates with the complainant and the respondent, and develops advice for the Panel, resource

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implications for the Department should be minimal. However, this change would require amendments to the Act.

#### **Proposal 8.2 – Improving efficiency**

1. In the longer term, consider amending the Act to align the handling of minor breach complaints with the current serious breach complaint process to create a single pathway for receipt of breach complaints.
2. Under this model, complaints of minor breach would initially be sent by complaints officers to the CEO of the Department, who, on the advice of the Department, would decide whether to make an allegation of minor breach to the Standards Panel.

#### **Supplementary Question (Proposal 8.2):**

1. Would a single centralised pathway for receiving both minor and serious complaints result in any risks for local government that would need to be managed?

#### **Comment invited: Automated centralised complaints lodgement process**

Comment is invited on the merits of developing a central, automated, on-line complaints lodgement process, similar to that used by the State Administrative Tribunal. This would reduce administrative costs for local government and offer opportunities to avoid the lodgement of complaints about conduct to which the regulations are not applicable. It could automate notification to relevant parties and potentially be linked to a complaints tracking system.

At present, the role of the complaints officer role involves little more than acknowledging receipt of complaints, copying them to the accused council member and sending them on to the Panel. The information required from the complaints officer under section 5.107(3) about previous breaches is already held by the Department on behalf of the Panel, so this is an unnecessary step.

Although there would be establishment costs, a single automated on-line system is likely to deliver ongoing administrative savings and the benefits of centralised record keeping.

### **8.3. Improving transparency**

Clause 8(10) of Schedule 5.1 of the Act provides that to the extent that it is not prescribed by regulation, the Panel may determine its own meeting procedure and

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other procedure and practice. No such regulations currently exist, and the Panel's practice manual is not public. By contrast, the way in which the SAT operates is largely codified in the *State Administrative Tribunal Act 2004*, which provides greater transparency to users, as does the routine publication of the SAT decisions.

Codifying and publishing the key elements of the Panel's procedures and practice would provide more transparency and certainty to stakeholders, and facilitate consistency as new Panel members are appointed. Supplemented by simple explanatory guides, this would also remove the necessity for much of the explanatory and background material currently included in each Panel report.

Current practice is that no information is provided concerning the progress of a complaint received by the Panel until the formal notification of findings is sent. This can be frustrating for both the parties to the complaint and to the local government, particularly if the circumstances that led to the complaint recur and the outcome is relevant to how these circumstances are managed, or if a particular outcome is likely to necessitate a review of processes or policies.

A complaints tracking system, even in a relatively unsophisticated form indicating the stage of the process reached, would reduce uncertainty for stakeholders and provide comfort that progress was being made. If, for example, delay was being experienced because the Department was awaiting requested information, the local government may be able to assist.

The prioritisation of complaints according to the seriousness of the effect of the conduct on the local government would lead to faster resolution of more important matters. It would potentially permit the Panel to establish target timelines for at least the highest priority complaints, further improving certainty if the local government and parties to the complaint were notified of the priority ranking.

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**Proposal 8.3 – Improving transparency**

1. Publish standards panel procedures, practices and basis for making decisions, setting out or providing for:
  - a) The main objectives of the Panel: resolve complaints quickly, fairly, with as little formality and technicality as practicable and to minimise costs;
  - b) The ways in which the Panel will ensure procedural fairness, including timeframes for responses to requests for information;
  - c) The way in which the Panel will have regard to the general interests of local government in WA, and the matters it will take into account;
  - d) Criteria used to prioritise complaints;
  - e) The Panel's privacy policy;
  - f) The nature and weight of the evidence that the Panel requires from complainants to determine the standard of proof as required by section 5.106 of the Act;
  - g) How the Panel will treat frivolous, vexatious and trivial complaints;
  - h) Key regulatory terms and how the Panel interprets them in making its findings; and
  - i) Circumstances under which hearings will be held, and processes for requesting a hearing.

**Supplementary Questions (Proposal 8.3):**

1. Should the Panel's practices and procedures be regulated under Schedule 5.1 of the Act, such as a simplified version of Part 4, Divisions 1 and 2 of the State Administrative Tribunal Act 2004, or is it sufficient to publish these on the website as an information document?
2. Should local governments and parties to a complaint be able to track the progress of a complaint to provide more certainty about timelines and manage expectations?

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#### 8.4. Improving effectiveness

##### Penalties

When it finds that a council member has committed a minor breach, the Panel has a very limited selection of actions open to it and little ability to adjust its response according to the seriousness of the consequences of a breach. It must either dismiss the complaint or apply one or more of three sanctions: training, public apology or public censure. The SAT has observed<sup>12</sup> that there are cases where even when a breach is found, none of these options is appropriate and there would be merit in an option such as that no sanction should be imposed.

For more serious conduct, there is a perception that public censures and public apologies, the most severe sanctions available to the Panel, are ineffective as deterrents. In practice, few members of the public appear to be aware of them and there is no indication that the public considers them noteworthy.

Censure notices are published at the expense of the local government, which must use the publication medium prescribed by the Panel in the order. This may not be cost effective for the local government in the circumstances. In these circumstances, no financial penalty is borne by the council member.

Apologies and public censure notices impose a transitory embarrassment, which for some council members is sufficient to make them determined never to repeat the conduct. However, other council members appear to regard the sanctions as unimportant, and some have used the opportunity to attract free media attention and generate public sympathy. There is little benefit in a patently insincere apology, particularly if it is publicly repudiated later. There are no powers for the Panel or Department to take action in such cases.

A council member's refusal to comply with an order may be referred by the CEO of the local government to the SAT, which may impose further sanctions, including suspension or disqualification. This power has rarely been exercised.

Other sanctions used at State agency level for inappropriate conduct of local government councillors in Australian jurisdictions provide for more flexibility to match the sanction with the seriousness of the breach. These include various combinations of:

- applying no sanction,
- mandatory counselling,
- professional coaching,
- written reprimands,
- a direction to cease the conduct,

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<sup>12</sup> Comment by Parry J in *Yates and Local Government Standards Panel* [2012] WASAT 23 [43-44].

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- a direction to engage in mediation,
- a direction to take leave of absence,
- suspension from executive or committee positions,
- forfeiture of an allowance, benefit, payment or privilege,
- suspension of the right to remuneration (while remaining in office),
- suspension from office for up to three months,
- monitoring of the individual for compliance for a specified period,
- reimburse the local government, and
- pay the local government a specified amount.

Tribunals equivalent to SAT have the power to impose longer suspensions or to disqualify a person from office, or in some cases to recommend that the Minister dismiss the person.

Some jurisdictions are providing local councils with greater powers to discipline their own members for misconduct, with escalation to the State if the council member refuses to comply with the penalty. This is often paired with the use of local independent conduct panels drawn from a register of qualified people as discussed later in this document.

#### **Having regard to the interests of local government**

Another concern raised by the sector is the extent to which the Panel has "regard to the general interests of local government in the State" (clause 8(6), Schedule 5.1 of the Act). As a quasi-judicial body charged with enforcing regulations in a disciplinary context, the Panel has limited discretion. It cannot find that a council member committed a minor breach if the conduct was not prohibited by a regulation, or if the complainant has provided insufficient evidence to show that a contravention was more probable than not. Neither can the Panel find that a breach has not occurred, regardless of the triviality of the matter, if the conduct is admitted or undisputed by the council member and the regulatory provision is so well-defined that a high probability of contravention is a matter of observation rather than interpretation.

The Panel has discretion over the weight of evidence its members require to make a finding of breach, its interpretation of undefined regulatory terms and the penalty it applies for a breach.

It is in these arenas that the Panel's obligation to "have regard to the general interests of local government in the State" may take effect. However, the Act gives no guidance to the Panel on how it is to determine those interests, the matters it is to take into account, or to what extent it is to give regard to them. The Panel's reports do not specifically indicate the way in which regard to the interests of local government influenced its deliberations or address the implications of the finding or decision for local government in WA.

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#### Proposal 8.4 – Improving effectiveness:

1. Provide discretion for the local government to decide how to publish a **public** censure notice or public apology ordered by the Panel, within the parameters of reasonable public exposure and audience reach.
2. In future, consider amending the Act to provide the Panel with a greater range of actions following a finding that a minor breach was committed, including an option to impose no sanction.
3. The Standards Panel specifically make reference in its reports to how it has given regard to the interests of local government in its deliberations on minor breach allegations.

#### Supplementary Questions (Proposal 8.4):

1. Should the local government be permitted to recoup the cost of implementing a sanction from the council member on whom the sanction was imposed?
2. What matters should be taken into account by the Standards Panel in having regard to the general interests of local government when deliberating on minor breach complaints?

### 8.5. Materiality

Comment has been made previously about the high proportion of allegations of minor breach that have related to trivial and inconsequential conduct, and that a number of such complaints appear to be made with improper intent.

Frequently, complaints have been made about conduct that is inconsequential, relatively common and generally considered unremarkable by the community, but a regulation could be read in a way that makes it a contravention. An example may be negative remarks made during robust council debate on a matter about which some people feel strongly.

On occasion, council members may engage in this behaviour and most will variously be ignored, rebuked, responded to in kind or called to order by the presiding member. Most such incidents will be forgotten by most witnesses shortly afterward. In a few cases, a person will see an opportunity to cause detriment to a council member with whom they have a dispute and lodge a minor breach complaint for the behaviour. The council member concerned must respond to the complaint and may face a sanction several months after the incident, regardless of the actual impact of the conduct or how it was dealt with at the time.

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There is no materiality threshold for a minor breach, in contrast to the definition of minor misconduct in the CCM Act, which requires not only that the characteristics of misconduct be present, but that the conduct is sufficiently serious to give grounds for termination of employment.

#### **Comment invited: Complaints about commonplace behaviour**

Comment is invited on the situation of some council members being the subject of minor breach complaint for conduct that other council members (perhaps in the same council) engage in freely. Does this affect the organisational culture, sense of fairness and freedom of expression in local governments. Are allegations of minor breach appropriate for behaviour that is, while unseemly, relatively common in the circumstances and of no real consequence?

If a materiality threshold should be applied to minor breaches, should this be linked to the significance of the effect of the conduct on the performance or reputation of the local government, and should the complainant provide evidence to demonstrate this impact?

#### **8.6. Improving educational value**

The Panel publishes its reports of findings and decisions only in cases where a minor breach has been found and a sanction(s) imposed under section 5.110(6)(b) and (c), consistent with the requirements of clause 11(2) of Schedule 5.1 of the Act for its annual reports. These constitute a very small proportion of the complaints.

All other Panel reports effectively have an intended audience of three people: the complainant, the respondent and the complaints officer, which means the opportunity for others to learn from the case are minimal unless the information is published in another way.

The Department publishes de-identified case studies based on some minor breach findings. However, these appear in the Governance Bulletin which is published quarterly, and are also drawn from the relatively small number of cases that resulted in a breach finding and sanctions. No information is published about any other allegations or why they were found not to be a breach or why, if a breach, they did not merit an order for censure, apology or training. However, there is no legislative prohibition against publishing information about these cases provided the council member cannot be identified from the information.

In interpreting the Regulations, the Panel has also sometimes taken a position that can have significant implications for common local government practices, but there is no formal mechanism for the Panel to disseminate these implications, or policy advice related to them, to local government generally.

Common practices, for example, may either inadvertently place council members at risk of committing a minor breach for behaviour that is considered quite usual and acceptable; or expose the local government to increased risk because the assumed

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protection of regulatory prohibition of certain behaviour is found not to exist. The Panel's own reports generally do not identify or address these policy implications for local government, and a mechanism is needed to determine when these arise and if so to prepare and disseminate advice to local government.

De-identified case studies would generally protect confidentiality while being informative. If a particular case with unique features is well-known locally, then the council member may be identifiable by people familiar with the case, and in such circumstances a composite case study may be necessary to remove the unique elements.

#### **Proposal 8.5 – Improving educational value**

1. A simple on-line searchable database of anonymised summaries of findings should be established, demonstrating common complaints, formatted as "frequently asked questions" or case studies, and keep it updated as new issues arise for use in training.
2. Establish a process to identify implications arising from Panel or SAT determinations of minor breach complaints involving common local government practices, and ensure that local government is alerted to those implications.

#### **Comment invited – Rules of Conduct and risk management**

To what extent do local governments consider the Rules of Conduct as part of their risk management process for operational practices, including the risk of inadvertently placing council members at risk of committing a minor breach?

## **9. Supplementing the State-Based Complaints Process**

Most other Australian jurisdictions provide for inappropriate councillor conduct to be handled firstly at the local level. This is usually through enforcement of the council's code of conduct, which may be supported by legislation establishing a model code of conduct and sanctions that may be applied by local councils to their members. Referral to the State agency is usually limited to more serious or repeated wrongdoing or refusal to comply with orders made by the council.

Previous attempts by some WA local governments to give their codes of conduct the status of local laws have been unsuccessful, limiting their capacity to enforce their codes through formal mechanisms (although Regulations 11 and 12 are required to be duplicated in codes of conduct under *the Local Government (Administration) Regulations 1996*). Informal mechanisms involving counselling of elected members about breaches of the code of conduct and mediation of interpersonal disputes appear

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to be effective in some local governments, but success depends on the culture of the local government and the willingness of council members to comply.

#### 9.1. Independent conduct review panels

Some other Australian jurisdictions have systems of independent conduct review panels that can be called on by local governments to investigate allegations of misconduct and advise the council on appropriate action. In NSW, qualified people are appointed to panels by councils or regional council organisations in a common user contract arrangement. In Queensland and Victoria, the State appoints people to panel pools, and then convenes panels to investigate allegations as requested by councils. In South Australia, the Local Government Association provides this service.

These independent conduct review panels appear similar in concept to the sector's original vision of standards panels that visited local governments to investigate complaints, except for the final step of the council determining breach and penalty.

A number of local government representatives in WA have explained the risks to workplace relationships in conducting in-house investigations into council member conduct, but have also expressed doubt about whether councils would be prepared to implement the recommendations of an independent investigator or conduct reviewer.

Local governments cannot expect to abrogate their responsibility to forge a collective culture capable of dealing with local conflicts, but to do so they need the tools, the training and the power to take effective action, backed by State enforcement where necessary.

Certainly the introduction of a system of independent conduct review reporting to the council itself on the conduct of a council member may create tensions initially. In other jurisdictions there appears to have been a long term adjustment of attitudes, supported by scrupulously maintaining the independence of the investigations and conclusions. However, it has been suggested that the greater presence of organised political parties with their own disciplinary systems in those jurisdictions is a key success factor for local disciplinary mechanisms that is generally not present in WA.

#### **Comment invited: Independent conduct review panels**

Comment is invited on the option of introducing a system to establish panels of independent investigators to advise councils on alleged breaches and appropriate action, along with legislated sanctions that councils may impose on councillors who breach the rules. The council's role would be to decide whether to accept the independent conduct reviewer's findings and implement their recommendations, a decision that must be made impartially.

This system, like those in other jurisdictions, would permit matters to be referred to the Standards Panel in cases where the council was unable to make a decision on the

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independent conduct reviewer's report, or the council member refused to comply with the orders made by the council.

Specified types of misconduct with serious consequences could still be referred directly to the Panel, but the State would not deal with trivial matters or those arising from personal disputes. This is a similar approach to that being taken by the Public Sector Commission in relation to minor misconduct of local government employees.

With appropriate legislative changes and training would this assist local governments to manage most forms of non-serious misconduct at a local level without the disadvantages and conflicts of conducting in-house investigations?

A crucial pre-requisite to the success of a locally-based system is that council members would need to have confidence that it would not be used for factional or retribution purposes and that all decision-makers were strictly impartial. Would this be difficult to achieve under the current WA system?

#### 9.2. Mediation and conciliation

A formal mediation and conciliation process was originally expected to operate to filter out resolvable disputes at the local level before a complaint was lodged. This is not incorporated into the legislation, but there is no legal barrier to the local operation of such a process prior to a complaint being made.

It is understood that most local governments do try to resolve issues with councillor behaviour internally before initiating or receiving a complaint. Some have more formal internal procedures that provide for prospective complainants to be offered mediation before they lodge a complaint.

Similarly to the local investigation and enforcement option, the local governments consulted to date do not consider it practical or desirable to undertake in-house mediation between complainants and council members. However, a centralised, State-funded mediation framework is unlikely to be cost effective, particularly for the number and nature of most minor breach complaints.

Professional mediation services are available and used by councils for other matters, although access may be more difficult in some regional and remote areas. WALGA and LGMA have in the past offered such a service, although as member-driven organisations, disputes between members may be challenging. Greater use of mediation services would provide a quicker and less formal resolution of complaints arising from interpersonal disputes, particularly if other measures proposed in this document reduced the appeal of submitting minor breach complaints for grievance matters.

Greater acceptance of mediation opportunities by complainants may be encouraged by requiring complainants to explain what action they have taken to resolve the matter

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before lodging the complaint. This approach would be consistent with most other State government complaints mechanisms, and would emphasise that the lodgement of a complaint should be regarded as a last resort to address inappropriate council member behaviour. In Victoria, insufficient reason given for failure to resolve the matter through local dispute resolution processes is grounds to refuse to consider an allegation of misconduct.

Regardless of the action taken before the complaint is made, once a minor breach complaint has been formally lodged in accordance with section 5.107(2) of the Act, the legislation currently provides no further scope for mediation. While the CEO of the Department is required to consider whether a complaint of serious breach would be more appropriately dealt with in an alternative way, the Act does not give the Panel that discretion.

The Panel has only two options after receiving a complaint: it must refer it to the CEO of the Department as a suspected recurrent breach, or it must make a finding on the complaint (as received) whether it is more likely than not that a minor breach has occurred.

There is currently no provision in the Act for a complaint to be withdrawn<sup>13</sup> should resolution outside the complaints process be successful. There have been cases where a complainant has unsuccessfully sought to withdraw a complaint because the matter had been resolved, and then the Panel made a finding of minor breach against the council member several months later on the basis that the resolution did not change the fact that a regulation had been contravened. This outcome delivers no benefit to any of the stakeholders and may potentially reignite tensions in the local government that had been alleviated by the local solution.

There is no formal process for the Panel to be informed of any developments in the matter after receiving the complaint but before making a finding. Inability to withdraw a complaint may be a disincentive to further mediation action at local level due to uncertainty about the impact of the finding on any agreement reached.

#### **Proposal 9.2 - Mediation**

1. All local governments with access to professional mediation services are encouraged to offer mediation opportunities to people contemplating a complaint under the minor breach framework.
2. Amend the complaint form to require complainants to advise what action they have taken to resolve their concerns, and the outcome of that action, or alternatively to explain why they have not made use of alternative resolution processes.

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<sup>13</sup> An amendment is currently before Parliament to allow for the withdrawal of a complaint.

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#### Supplementary Questions (Proposal 9.2):

1. Do local governments find mediation processes involving council members useful for matters other than minor breach complaints?
2. What are the implications of diverting some prospective minor breach complainants to alternative resolution processes?
3. Would there be benefits in having a centralised pool of suitably qualified mediators selected through a competitive merit process and remunerated at a standard rate, possibly managed through bodies such as WALGA or regional councils?

#### Comment invited: Panel option to order mediation as an alternative to making a finding

A significant number of complaints of minor breach relate to a personal dispute between the complainant and a council member. Local governments have concerns about their power to direct the parties to mediate, but it has been suggested that if the direction came from the State, they would be happy to facilitate it.

Comment is invited on whether consideration should be given to amending the Act to provide the option of ordering mediation as an alternative to making a finding about whether a minor breach occurred. This order could be made by the Panel, or, if a single breach pathway is implemented, by the Departmental CEO on the advice of the Department.

### 9.3. Support for council members

While training is available to elected members, including "personal development" such as conflict resolution and leadership, not all council members choose to take advantage (and may not recognise the benefits) of the training opportunities available. The local government sector and the Department are currently working on a mandatory training model, although the initial focus is likely to be governance and skill related.

Council members are as diverse as the communities that elect them, and become council members for a variety of reasons. Most have a very positive experience, but others may experience frustration if they feel unable to achieve the outcomes that inspired them to nominate for local government, or if they feel that fellow councillors or sections of the community do not appreciate the value of their contribution or do not support their views. This situation may result in stress that affects a council member's health, behaviour, and their ability to manage their emotions and maintain productive interpersonal relationships with people who disagree with them.

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Dysfunctional conduct arising from stress, frustration or mental health disorders is unlikely to be addressed effectively by legalistic disciplinary measures. Such a response may even result in a negative feedback spiral that increases the person's sense of isolation and misunderstanding and may exacerbate the tensions in the work environment.

The *Occupational Safety and Health Act 1984* imposes a duty on local governments to safeguard employees' wellbeing and support those with health conditions. Many employers provide access to an external Employee Assistance Program for employees seeking confidential help in managing work stress. There is currently no equivalent legislative requirement to provide a similarly supportive environment for council members.

Mayors, presidents and CEOs generally try to offer coaching and support to council members who are struggling with the stresses associated with their role, but however well-intentioned, few of these people are trained counsellors. If the council member feels that the mayor, president or CEO is one of the people thwarting their aspirations and objectives, they may not be receptive to the advice given.

#### **Comment invited: Support for council members**

Comment is invited on whether there is a need to establish formalised support mechanisms for council members, similar to those available for employees, including access to confidential professional counselling and coaching services.

Could this reduce the incidence of dispute-related conduct currently leading to minor breach complaints against council members? If so, is this an initiative that the sector can undertake collaboratively or would it be more effective for individual local governments to extend the reach of systems already in place for their employees?

## **10. Matters requiring legislative amendments**

This document has focused primarily on regulatory and procedural changes, which offer opportunities to streamline the existing system and improve its efficiency and effectiveness.

Further opportunity exists to amend some provisions within the Act that inhibit efficiency, add administrative complexity, or are unnecessarily rigid. Where relevant to the issue discussed, these have been raised in previous sections.

Act amendments that were identified by the 2011 review are currently before Parliament. If approved, these will allow refusal of complaints that are frivolous, vexatious, misconceived or lacking in substance, and will allow for complaints to be withdrawn after lodgement. They have been initiated as a result of specific situations experienced by the Panel, and will improve efficiency by filtering some complaints that are unsound or made with improper intent. This process will still incur some

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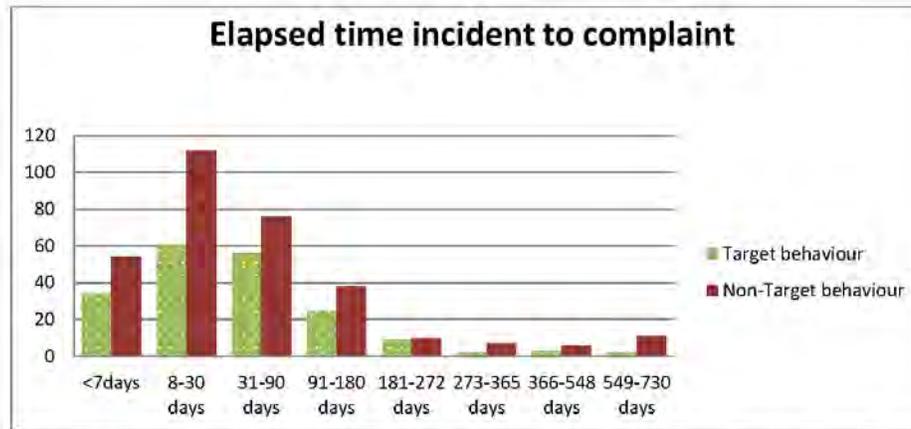
administrative cost as the complaints must be received by the system in order to be dealt with under the system, and it would be preferable to minimise the incidence of them through some of the proposals previously described.

Other potential amendments to the Act that could be considered in future are canvassed below.

#### 10.1. Time limits for submitting complaint (sections 5.107(4), 5.108(3), s.5.109(2))

Given the nature of the minor breaches, allowing people to make a complaint up to two years after the incident appears disproportional to the seriousness of the conduct. Figure 6 indicates that most complaints are made within three months of the incident, and very few more than six months after the incident.

Provision for an extension of time in exceptional circumstances would address the possibility that inappropriate conduct was not revealed until several months after it occurred.



**Figure 6. Average time taken after an incident for a complaint of minor breach to be lodged.** Target behaviour is that which has significant potential consequences for local government integrity, performance or reputation. Non-target behaviour has no significant consequences for the local government.

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#### **Proposal 10.1 Amendments for future consideration - time limit for minor breach complaints:**

Amend sections 5.107(4) and 5.109(2) to reduce the time limit for complaints to be made from two years to three months after the alleged breach, with provision for extension at the Department CEO's discretion.

Amend s.5.108(3) to reduce the time limit to 12 months, to recognise that it may not be clear that the breach is minor rather than serious until an investigation has been undertaken.

#### **Supplementary Question (Proposal 10.1):**

1. Should the time limit for submitting a complaint of minor breach be three or six months?
2. On what basis should an extension of the time limit be granted?

## **10.2. Confidentiality (section 5.123)**

It has been suggested that the requirement for confidentiality under section 5.123 should apply at all times, rather than be limited to election campaign periods. This would better shield a council member's reputation while the complaint was being determined and protect council members found not to have committed a minor breach.

Extending the requirement for confidentiality may be difficult to enforce and incur significant prosecution costs if enforcement was to be effective. Without a commitment to enforce the requirement and prosecute offenders, little is likely to change.

There may also be potential disadvantages for council members. Strict confidentiality requirements would prevent a respondent or local government addressing inaccurate rumours about the existence or nature of complaints. Unless an exemption was allowed, or a time limit applied, they would also prevent a council member from publicising a finding that they had not committed a breach, which is important to some council members who wish to clear their name.

#### **Comment invited: Confidentiality**

Section 5.123(1) of the Act makes it an offence to disclose the existence of, or any detail about, a complaint made during a campaign period. Comment is invited on the benefits and risks of extending the effect of this provision to apply to complaints made at any time, including comment on the practical challenges and resource implications of enforcing such a requirement and prosecuting offences.

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#### 10.3. Review of minor breach decisions (section 5.125)

Section 5.125 of the Act restricts applications for review by the SAT to the Panel's decisions to dismiss a complaint or to make an order under section 5.110(6)(b) and (c). This effectively prevents any application for a review of a case that resulted in a finding that no breach occurred.

It has been suggested that the right to apply for a review should be available to either party, as it is in most civil law matters. A complainant could then seek a review of a "no breach" finding. However, the Panel is a disciplinary body, not a dispute resolution body, and the right of a complainant to seek a review of a "no misconduct" decision by a disciplinary body is less common.

Review rights vary among other jurisdictions, but it must be noted that these are primarily systems that are based on codes of conduct and the focus is on determining whether the alleged misconduct was inappropriate in the circumstances, not on whether a prescribed regulatory provision was contravened.

In Queensland, decisions by regional conduct review panels are not subject to review or appeal at all. In New South Wales, a person subject to a sanction imposed by the local government on advice from the independent conduct reviewer may seek a review by the Department. In Victoria, either the complainant or the respondent may apply to the Victorian Civil and Administrative Tribunal for a review of a councillor conduct panel decision, but the application to have the alleged misconduct dealt with by a councillor conduct panel in the first place may only be made by the council or a councillor(s).

The WA minor breach system has no restrictions on who may make a complaint. Analysis of complaints since 2007 has revealed that the system is overloaded with a high proportion of unsound and trivial complaints apparently arising from personal disputes. In these circumstances, permitting complainants to seek reviews is likely to add significantly to the cost of the system without delivering a net public benefit.

A suggestion was made that a complainant should be permitted to challenge a council member's response to their complaint of minor breach. This fails to recognise the point that this is not an adversarial system, but an accusation made to a disciplinary body that a person has done something contrary to regulation. The onus is on the accuser to provide sufficient evidence to demonstrate that the contravention has occurred.

Following amendments to the *Corruption, Crime and Misconduct Act 2003* in July 2015, the Corruption and Crime Commission's responsibility for dealing with alleged misconduct by local government public officials, including elected members, is restricted to serious misconduct. The Public Sector Commission is responsible for dealing with minor misconduct by local government employees. There is no clear mechanism or responsibility for dealing with council member misconduct that may be "corrupt, criminal, intentionally dishonest, lacking integrity, breach the public trust and indicate unfitness for office", but which neither meets the criteria for serious misconduct nor specifically contravenes a Rule of Conduct regulation.

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#### **Comment invited: Inappropriate conduct that is not a minor breach**

Comment is invited on options that could be considered for dealing with minor misconduct that does not constitute a minor breach under the Rules of Conduct Regulations.

#### **10.4. Improper use of information (section 5.93)**

Section 5.93 of the Act makes it an offence for a person who is a council member, committee member or an employee to make improper use of any information acquired in their performance of their functions under the Act to gain an advantage or cause detriment.

It has been suggested that councillors may retain copies of sensitive information after they leave office, and the Act does not prohibit them from then making use of the information for any purpose. Most such information would have limited currency, but the consequences of its misuse during that time could potentially be significant.

#### **Comment invited: Improper use of information by former councillors or local government employees**

Comment is invited on the merits and risks of amending section 5.93 to extend its application to persons who were formerly council members, committee members or employees.

#### **10.5. Public censure motions (new)**

There is no specific provision governing censure motions within the WA legislation, although this option is available to local governments as a local disciplinary measure. The mechanism has been used by some Western Australian local governments for councillor conduct considered damaging to the local government. Unlike a public censure order made by the Panel, a censure motion is a judgement of the member's peers and is moved and debated within a council meeting open to the public, which may make it more effective as a deterrent, and almost certainly allows a more prompt response to the incident that caused concern.

The NSW local government legislation<sup>14</sup> prescribes a process for local governments to resolve to formally censure a council member for inappropriate conduct. This provision ensures the mechanism is used consistently and transparently by all local governments. Notice must be given of a censure motion, which must specify the grounds on which the council is satisfied that the council member should be censured,

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<sup>14</sup> NSW Local Government Act 1993, section 440G.

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and the resolution is to be passed only if the council is satisfied that the council member has engaged in inappropriate conduct on one or more occasions.

Relevantly, the NSW legislation specifically refers to contravention of the council's code of conduct. Several WA local governments have complained that the effectiveness of their codes of conduct is limited by their inability to apply sanctions for contravention by elected members.

#### **Comment invited: Formal censure motions by councils**

Comment is invited on the merits of amending the *Local Government Act 1995* to provide for a clear and consistent process to be followed by local government councils to resolve to formally censure a council member for misconduct, such as a significant contravention of the council's code of conduct, similar to section 440G of the *NSW Local Government Act 1993*. Would this encourage councils to use this mechanism to discipline their own members?

#### **10.6. Records of meetings (new)**

Not all councils choose to make an electronic record of their meetings, and some council members may feel uncomfortable about such recording. These recordings, if made, must be kept according to the requirements of the *State Records Act*. Under current requirements, access may be requested under the *Freedom of Information Act 1992*.

The existence of an electronic recording and a verbatim transcript has been of significant value to the Panel in determining the precise nature of incidents in council meetings, which may not be captured by the formal minutes of the meeting. Such records have also been of value in other fora, including investigations conducted by the Corruption and Crime Commission.

There is a wide range of approaches among WA local governments for recording meetings, with some councils live-streaming meetings through the internet, others relying on written notes taken at the meeting and others making use of various forms of technology. The extent to which any meeting records other than the formal Minutes are made public is at the discretion of individual local governments.

With increasing demand in the community for transparency at all levels of government, it seems likely that the trend will increase towards both broadcasting and electronic recording of council and committee meetings that are open to the public. Pressure for public access to recordings is also likely to increase. This would have an impact on assumptions about whether the meeting and conduct at the meeting was witnessed, or could be witnessed after the event, by people other than those physically present at the meeting. It may also affect meeting behaviour.

While broadcasting or recording public council meetings is unlikely to affect whether any specific comment made at a meeting is likely to be found to be defamatory or in

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breach of a Rule of Conduct, increasing the size of the potential audience may affect the probability of a claim of defamation or allegation of minor breach being made.

There may be merit in establishing consistent standards, including the extent to which such records are made accessible to the public after the meeting and the legal status of such records of proceedings in relation to the confirmed minutes.

#### **Comment invited: Mandatory recording of council and committee meetings**

A number of minor breach complaints relate to incidents that occur at council meetings. Where the parties are in dispute about what was said or the manner in which it was said, the availability of an audio recording and verbatim transcript can be invaluable to establish the facts, with a video record providing additional depth through being able to see the body language of the participants.

Comment is invited on the merits, disadvantages and risks of mandating the electronic (video and/or audio) of council meetings and committee meetings, and establishing common standards for quality of product and for management and disclosure of the information.

Is it likely that the behaviour of individuals will be affected by the knowledge that a public recording is being made, and how might this influence overall standards of conduct at meetings?

## 11. Next Steps

Comment is invited on the proposals and issues explored in this directions paper, and on any other relevant matters pertaining to the minor breach system. Submissions are requested by 4 March 2016, and should be sent to the Department of Local Government and Communities at [legislation@dlgc.wa.gov.au](mailto:legislation@dlgc.wa.gov.au) and marked Rules of Conduct Review.

Public consultation is an important part of transparent decision making. Submissions will be published on the Department of Local Government and Communities website. A person making a submission may request that their identity or parts of their submission be treated as confidential. The submission must clearly identify the information that is the subject of the claim for confidentiality and a non-confidential version of the submission must be provided.

Following consideration of submissions, the report and recommendations will be finalised and submitted for the Minister's approval.

Regulatory amendments that are supported by the Minister will be drafted as soon as possible for the Government's consideration. Improvements to Standards Panel processes will be implemented by the Department in collaboration with the Standards

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Panel, and public guidance documents will be progressed by the Department within the constraints of existing resources.

Proposed legislative amendments will be considered by Government at an appropriate time.

**For more information, please contact:**

Department of Local Government and Communities  
Gordon Stephenson House, 140 William Street, Perth WA 6000  
GPO Box R1250, Perth WA 6844  
Telephone: (08) 6551 8700 Fax: (08) 6552 1555  
Freecall: 1800 620 511 (Country only)  
Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au) Website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

Translating and Interpreting Service (TIS) – Tel: 13 14 50

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**13.2. DEVELOPMENT SERVICES**

**13.2.1 REQUEST TO ADOPT FOR ADVERTISING DRAFT LOCAL PLANNING POLICY NO.20 'ADVERTISING OF PLANNING PROPOSALS'**

Name of Applicant:	Internal Report
Name of Owner:	N/A
File Ref:	13.1.1.19
Officer:	Chadd Hunt / Kobus Nieuwoudt
Officer Interest:	Nil
Policy:	<i>Planning &amp; Development Act 2005</i> <i>Shire of Northam Local Planning Scheme No.6</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Voting:	Simple Majority
Date:	5 February 2016

**PURPOSE**

For Council to adopt for advertising Draft Shire of Northam Local Planning Policy No.20 '*Advertising of Planning Proposals*'.

**BACKGROUND**

The deemed provisions for local planning schemes and the *Planning and Development Act 2005* (the Act) require the Shire to advertise certain planning proposals.

In many cases, the type and length of advertising is prescribed. However, there is usually a need for the Shire to exercise discretion on the extent and the methods used to advertise a proposal.

The Policy will clarify the method and extent of advertising for various planning proposals in order to provide consistency in how proposals of a similar nature are dealt with by the Shire.

The proposed draft Policy is included in **Attachment 1**.

Application of the Policy

This Policy will apply to:

- Applications for Development Approval made under Part 7 of the deemed provisions for local planning schemes;
- Structure Plans proposed under Part 4 of the deemed provisions for local planning schemes;

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- Local Planning Policies made under Part 2 of the deemed provisions for local planning schemes; and
- Amendments to the Scheme proposed under Part 5, Division 4 of the Act.

Policy Exclusions

This Policy will not cover the following types of proposals:

- Applications for Single House and Outbuilding R-Codes Approval made under Part 5 of the R-Codes, for which the process outlined in the R-Codes applies;
- Subdivision and amalgamation proposals made under Part 10 of the Act; and
- Extraordinary planning proposals, such as Local Planning Strategies, Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

Objectives of the Policy

The objectives of this Policy are to ensure:

- Appropriate consultation occurs on planning proposals commensurate with the expectations of the community;
- The level of advertising of similar types of proposals is consistent over time; and
- Advertising of proposals is used as part of a meaningful community consultation process.

Policy Measures

The Policy establishes 5 levels of advertising of planning proposals as follows (refer Table 5.1 in the Policy):

Level	Advertising Required	Type of Advertising	Minimum Advertising Period
1	None. This level is used where no variation to a standard requirement is necessary in order to approve a proposal.	N/A	N/A
2	Owners of properties that abut the proposal site or are located opposite <u>and</u> are affected by a variation to standard requirements, such as a setback relaxation. The intent of this level is to limit advertising to those immediately affected by a variation to a standard requirement rather than inform of a development as a whole.	Postal	14 days
3	All owners of properties that abut or are located opposite the proposal site. The intent of this level is to inform the immediate vicinity of an impending development. The immediate vicinity will generally be determined as those properties that share a common boundary	Postal Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme)	14 days

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	with the proposal site, or would share a common boundary if a road reserve or other public place is removed.		
<b>4</b>	All owners of properties in the nearby vicinity. The nearby vicinity will generally be determined as those properties either wholly or partly within: <ul style="list-style-type: none"> <li>• 250m radius of the centre of the proposal site in urban areas; or</li> <li>• 500m radius of the centre of the proposal site in rural or rural residential areas; or</li> <li>• 1,000m radius of the centre of the proposal site for proposed Industry – Extractive or Industry – Mining.</li> </ul>	Postal  Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme)  Newspaper (if 'A' use or a 'use not listed' in the zoning table of the Scheme)	14 days
<b>5</b>	All owners of properties in the locality. The locality will generally be determined as those properties either wholly or partly within the gazetted townsite or locality in which the proposal is located.	Postal  Sign on Site (if 'A' use in Scheme)  Newspaper (if 'A' use in Scheme)	21 days

Table 5.2 of the Policy outlines the level of advertising to be used for certain Applications for Development Approval as follows:

Use / Proposal	Advertising Level
<b>Any use listed as 'P' or 'D' in the Zoning Table of the Scheme and:</b>	
• No variation to a standard requirement is proposed.	1
• A variation to setbacks, building height, retaining walls or similar minor variation is proposed.	2
• A variation to car parking, landscaping, plot ratio or similar significant variation is proposed.	3
• The proposal is for a Home occupation, Home Business, Home Store, Public Utility or Residential Building.	3
• Where the proposal is for Workers Accommodation.	4
• Where the proposal is for a development within the Commercial zone with a value of greater \$7 million.	4 plus sign on site
<b>Any use listed as 'A' in the Zoning Table or is development and/or a 'use not listed' in the Scheme and:</b>	
• No variation to a standard requirement is proposed.	3
• Where one or more variations to standard requirements are proposed.	4
• Where a proposal is considered by the Shire to have an effect upon the locality.	5
• Where the proposal is for a Child Care Premises, Community Purpose, Consulting Rooms, Industry – Cottage or Nursing Home.	3
• Where the proposal is for a Place of Worship, or a Restaurant.	4
• Where the proposal is for Workers Accommodation or Industry – Extractive.	5
An Application for Development Approval for a non-exempt advertisement under Schedule 5 of the Scheme.	1
Extensions and Changes to a Non-Conforming Use.	3 plus Councillors
An Application for Development Approval for parking commercial vehicles pursuant to	2

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Use / Proposal	Advertising Level
Clause 5.20 of the Scheme.	

Please note the draft Policy clearly allows for no consultation to occur for 'P' and 'D' uses where there is no variation to standard Scheme, Policy or R-Code requirements.

## **STATUTORY REQUIREMENTS**

### Statutory basis for preparation of local planning policies

Local Planning Policies are provided for in Part 2, Division 2, Clause 3 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations'). Clause 3(1) states that a local government may prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.

In accordance with clause 3(2) of the Regulations a local planning policy –

- (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
- (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

In accordance with clause 3(3) of the Regulations a local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

Clause 3(4) of the Regulations gives the local government the ability to amend or repeal a local planning policy and clause 3(5) determines that the local government must have regard to each local planning policy to the extent that the policy is consistent with the Scheme.

### Procedure for making local planning policy

If a local government resolves to prepare a local planning policy, the local government must follow the procedure under clause 4(1) up to and including clause 4(6) of the Regulations as follows:

*“(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

- (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
  - (i) the subject and nature of the proposed policy; and*
  - (ii) the objectives of the proposed policy; and*
  - (iii) where the proposed policy may be inspected; and*

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- (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) After the expiry of the period within which submissions may be made, the local government must —*
- (a) review the proposed policy in the light of any submissions made; and*
- (b) resolve to —*
- (i) proceed with the policy without modification; or*
- (ii) proceed with the policy with modification; or*
- (iii) not to proceed with the policy.*
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) A policy has effect on publication of a notice under subclause (4).*
- (6) The local government —*
- (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
- (b) may publish a copy of each of those local planning policies on the website of the local government.”*

Should Council resolve to adopt the draft Policy for advertising, subclause 4(1)(a) will be undertaken in late February 2016, with the matter returned to Council for consideration of subclause 4(3) of the Regulations at the April 2016 Ordinary Meeting.

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

OBJECTIVE P2: Accessible and legible communities.

**BUDGET IMPLICATIONS**

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There will be approximately \$300.00 of advertising costs.

**OFFICER'S COMMENT**

The Policy is designed to streamline advertising processes. This will reduce the time taken to assess proposals as well as clarify the financial liability to both the applicant and Council for advertising costs. Reducing the time taken for assessing development proposals has been identified by both government and industry as one method in directly reducing costs associated with development.

The Policy is designed to clearly identify to applicants, Council and the community when advertising of planning proposals will occur and to whom the advertising will be directed. This will ensure that the level of consultation is commensurate with community expectations and that those that may be affected have the opportunity to provide input into the decision-making process.

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2640**

**Moved: Cr Williams**

**Seconded: Cr Little**

**That Council prepare Local Planning Policy No.20 'Advertising of Planning Proposals' for the purposes of advertising for public comment under Part 2, Division 2, subclause 4(1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* in accordance with the document that formed the subject of Attachment 1 of this report.**

**CARRIED 9/0**

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**ATTACHMENT 1**

*Shire of Northam Local Planning Scheme No.6*  
*Local Planning Policy No.20 – Advertising of Planning Proposals*

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**LOCAL PLANNING SCHEME NO.6**  
**LOCAL PLANNING POLICY NO.20**  
**‘Advertising of Planning Proposals’**

**1. PRELIMINARY**

**1.1 Authority to prepare and adopt a Local Planning Policy**

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire’s Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

**1.2 Relationship of this Policy to the Scheme and Deemed Provisions for Local Planning Schemes**

If a provision of this Policy is inconsistent with the Scheme or the deemed provisions for local planning schemes, the Scheme and the deemed provisions for local planning schemes prevail.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**2. APPLICATION OF THE POLICY**

**2.1 Application of Policy**

This Policy applies to:

- Applications for Development Approval made under Part 7 of the deemed provisions for local planning schemes;
- Structure Plans proposed under Part 4 of the deemed provisions for local planning schemes;
- Local Planning Policies made under Part 2 of the deemed provisions for local planning schemes; and
- Amendments to the Scheme proposed under Part 5, Division 4 of the *Planning and Development Act 2005* (the Act).

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Local Planning Policy No.20 – Advertising of Planning Proposals*

The Policy is to be read in conjunction with the Scheme, the Act, any associated Regulations and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, Act or Regulations, the Scheme, Act or Regulations prevails.

#### 2.2 Policy Exclusions

This Policy excludes the following types of proposals:

- Applications for Single House and Outbuilding R-Codes Approval made under Part 5 of the R-Codes, for which the process outlined in the R-Codes applies;
- Subdivision and amalgamation proposals made under Part 10 of the Act; and
- Extraordinary planning proposals, such as Local Planning Strategies, Review of the Local Planning Scheme, for which specific advertising will be identified at the appropriate time.

#### 3. **POLICY OBJECTIVES**

The objectives of this Policy are to ensure:

- Appropriate consultation occurs on planning proposals commensurate with the expectations of the community;
- The level of advertising of similar types of proposals is consistent over time; and
- Advertising of proposals is used as part of a meaningful community consultation process.

#### 4. **BACKGROUND / ISSUES**

The deemed provisions for local planning schemes and Act require the Shire to advertise certain planning proposals. In many cases, the type and length of advertising is prescribed. However, there is usually a need for the Shire to exercise discretion on the extent and the methods used to advertise a proposal.

The Policy will clarify the method and extent of advertising for various development proposals in order to provide consistency in how proposals of a similar nature are dealt with by the Shire.

#### 5. **POLICY MEASURES**

##### 5.1 Advertising Applications for Development Approval

5.1.1 Table 5.1 shows the levels of advertising employed by this Policy for applications made under Part 7 of the deemed provisions for local planning schemes.

**Table 5.1: Levels of Advertising of Planning Applications under Part 7 of the deemed provisions for local planning schemes**

Level	Advertising Required	Type of Advertising	Minimum Advertising Period
1	None.	N/A	N/A

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	This level is used where no variation to a standard requirement is necessary in order to approve a proposal.		
<b>2</b>	Owners of properties that abut the proposal site or are located opposite and are affected by a variation to standard requirements, such as a setback relaxation. The intent of this level is to limit advertising to those immediately affected by a variation to a standard requirement rather than inform of a development as a whole.	Postal and/or electronic	14 days
<b>3</b>	All owners of properties that abut or are located opposite the proposal site. The intent of this level is to inform the immediate vicinity of an impending development. The immediate vicinity will generally be determined as those properties that share a common boundary with the proposal site, or would share a common boundary if a road reserve or other public place is removed.	Postal and/or electronic Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme)	14 days
<b>4</b>	All owners of properties in the nearby vicinity. The nearby vicinity will generally be determined as those properties either wholly or partly within: <ul style="list-style-type: none"> <li>• 250m radius of the centre of the proposal site in urban areas; or</li> <li>• 500m radius of the centre of the proposal site in rural or rural residential areas; or</li> <li>• 1,000m radius of the centre of the proposal site for proposed Industry – Extractive or Industry – Mining.</li> </ul>	Postal and/or electronic Sign on Site (if 'A' use or a 'use not listed' in the zoning table of the Scheme) Newspaper (if 'A' use or a 'use not listed' in the zoning table of the Scheme)	14 days
<b>5</b>	All owners of properties in the locality. The locality will generally be determined as those properties either wholly or partly within the gazetted townsite or locality in which the proposal is located.	Postal and/or electronic Sign on Site (if 'A' use in Scheme) Newspaper (if 'A' use in Scheme)	21 days

5.1.2 Table 5.2 outlines the level of advertising to be used for certain Applications for Development Approval.

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**Table 5.2: Advertising Levels for Particular Uses / Proposals**

Use / Proposal	Advertising Level
<b>Any use listed as 'P' or 'D' in the Zoning Table of the Scheme and:</b>	
• No variation to a standard requirement is proposed.	1
• A variation to setbacks, building height, retaining walls or similar minor variation is proposed.	2
• A variation to car parking, landscaping, plot ratio or similar significant variation is proposed.	3
• The proposal is for a Home occupation, Home Business, Home Store, Public Utility or Residential Building.	3
• Where the proposal is for Workers Accommodation.	4
• Where the proposal is for a development within the Commercial zone with a value of greater \$7 million.	4 plus sign on site
<b>Any use listed as 'A' in the Zoning Table or is development and/or a 'use not listed' in the Scheme and:</b>	
• No variation to a standard requirement is proposed.	3
• Where one or more variations to standard requirements are proposed.	4
• Where a proposal is considered by the Shire to have an effect upon the locality.	5
• Where the proposal is for a Child Care Premises, Community Purpose, Consulting Rooms, Industry – Cottage or Nursing Home.	3
• Where the proposal is for a Place of Worship, or a Restaurant.	4
• Where the proposal is for Workers Accommodation or Industry – Extractive.	5
An Application for Development Approval for a non-exempt advertisement under Schedule 5 of the Scheme.	1
Extensions and Changes to a Non-Conforming Use.	3 plus Councillors
An Application for Development Approval for parking commercial vehicles pursuant to Clause 5.20 of the Scheme.	2

**5.1.3 Advertising proposals to designate a heritage area or amend the Northam Municipal Heritage Inventory or advertising development proposals that may affect a place of cultural heritage significance or an entry on the Inventory or in a designated heritage area**

- a) Advertising of proposals to establish or amend the Northam Municipal Heritage Inventory is to be in accordance with the advertising requirements contained in Part 8 of the deemed provisions for local planning schemes.
- b) Where proposed development may affect a place of cultural heritage significance or an entry on the Inventory, any application for Development Approval shall be advertised in the following manner:
  - (i) All owners of properties that abut or are located opposite the proposal site are to be informed in writing of the proposal in accordance with clause 6.1 of this Policy.
  - (ii) Erection of a sign in accordance with clause 6.2 of this Policy;
  - (iii) Publication of a notice in accordance with clause 6.3 of this Policy including a notice published electronically on the Shire's website; and

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- (iv) Inviting comment from the relevant local historical society or association (where one is in operation).

**5.1.4 Advertising of Structure Plans**

- a) Development Plans are to be advertised in accordance with Part 4 of the deemed provisions for local planning schemes as follows:
  - (i) All owners of land wholly or partly located within the Structure Plan area or wholly or partly located within 200m of the outer edge of a Development Plan area are to be informed in writing of the proposal in accordance with clause 6.1 of this Policy;
  - (ii) A sign is to be located on each street frontage of the Structure Plan area in accordance with clause 6.2 of this Policy;
  - (iii) A notice is to be published electronically on the Shire's website and in the newspaper in accordance with clause 6.3 of this Policy; and
  - (iv) A full copy of the Structure Plan and supporting documentation in either hard copy or electronically is to be provided to those public authorities identified by the Shire when adopting a Structure Plan for advertising.
- b) Structure Plans are to be advertised for the following period of time:
  - (i) 14 days for Structure Plans proposing less than 50 lots or where the Structure Plan is a substantial modification to an existing approved Structure Plan; or
  - (ii) 28 days for Structure Plans proposing more than 50 lots.
- c) Advertising of Local Development Plans are to be advertised for a period of 14 days as follows:
  - (i) All owners of land within a 200m radius of the centre of the proposal site in urban areas;
  - (ii) A notice is to be published electronically on the Shire's website.

**5.1.5 Advertising of Local Planning Policies**

- a) Draft Local Planning Policies are to be advertised in accordance with Part 2 of the deemed provisions for local planning policies.
- b) Where a draft Local Planning Policy will affect a specific area of land, the following is to occur:
  - (i) Advertising in accordance with the advertising procedures of clause 64 of Part 8 of the deemed provisions for local planning schemes;
  - (ii) All owners of land wholly or partly located within the Local Planning Policy area are to be informed in writing of the proposal in accordance with clause 6.1 of this Policy;
  - (iii) Where practicable, a sign is to be located on each street frontage of the Local Planning Policy area in accordance with clause 6.2 of this Policy; and
  - (iv) A notice is to be published electronically on the Shire's website.

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- c) The comment and/or approval of the Western Australian Planning Commission is to be sought on Local Planning Policies that seek to vary the Residential Design Codes of Western Australia.

5.1.6 *Advertising of Scheme Amendments*

- a) Scheme Amendments, excluding Basic Scheme Amendments, are to be advertised in accordance with the requirements of the Act and Regulations.
- b) Where a Scheme Amendment relates to the rezoning of an area of land, owners of land wholly or partly within the rezoning area or wholly or partly within 200m of the outer edges of the rezoning area are to be notified in accordance with clause 6.1 of this Policy.
- c) A full copy of the Scheme Amendment and supporting documentation in either hardcopy or electronically is to be provided to those public authorities identified by the Shire when initiating the Scheme Amendment.
- d) Scheme Amendment proposals and supporting documentation, excluding Basic Scheme Amendments, are to be advertised electronically on the Shire's website.

6. **ADMINISTRATION**

6.1 Postal and/or Electronic Advertising

- 6.1.1 Postal and/or electronic (email) notifications will be addressed to the owner or owners at the postal (and email addresses – where provided) details listed in the Shire's rates database for the particular property as it exists on the date the notification is sent.
- 6.1.2 The minimum advertising period will begin the working day following the date of postage.
- 6.1.3 Letters informing of a proposal are to be based upon clause 86(3) of Part 11 of the deemed provisions for local planning schemes and include the following information:
  - a) Details of the development, including a copy of any plans or proposal that will assist in communicating the intent of the proposal;
  - b) Explanation as to why the proposal is being advertised, such as the need to vary a standard requirement (giving details of the variation) or to meet the advertising requirements of the deemed provisions for local planning schemes;
  - c) The date by which any written comments are to be lodged;
  - d) The local government officer to which enquiries may be made;
  - e) Notification that any submission made cannot be considered a confidential document and may be released to the public domain as part of the Shire's consideration of the proposal; and
  - f) Notification that not making a submission will be construed by the Shire that the person or party has no objection to the proposal.

6.2 Sign on Site

- 6.2.1 Where required by the Policy or Scheme, a sign will be located on the street boundary of the proposal site for the entire length of advertising. The location

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- should be easily seen by passers-by and located so as not to cause a traffic hazard or impede access to the lot.
- 6.2.2 The sign board is to be 750mm long x 500mm wide and erected to provide a minimum clearance of 600mm between ground level and the bottom of the sign board.
- 6.2.3 The notice placed on the sign shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 6.2.4 The Shire is to photograph the sign once installed, ensuring the photograph is date stamped with the date of installation.
- 6.2.5 The applicant or owner of the proposal site is to undertake reasonable endeavours to ensure the sign remains visible at all times during the advertising period and to notify the Shire in the event the sign is stolen or damaged.
- 6.3 Newspaper Notices
- 6.3.1 *The Advocate* will be construed by the Scheme, Act and Regulations as the newspaper that is circulated within the Scheme area and will be used for all notices, where practicable.
- 6.3.2 Newspaper notices shall be generally in accordance with clause 86(3) of Part 11 of the deemed provisions for local planning schemes or in the case of a Scheme Amendment, the appropriate form of notice contained in the Regulations.
- 6.3.3 Where a newspaper notice is required as part of the advertising process, the advertising period for the proposal will begin from the date of first publication in the newspaper with this date also used for other forms of notification.
- 6.4 Informing of Councillors
- 6.4.1 Councillors are to be informed of Applications for Planning Approval for Extensions and Changes to a Non-Conforming Use in accordance with Table 5.2 of this Policy.
- 6.4.2 Councillors are to be informed in the manner outlined in clause 6.1 of this Policy.
- 6.4.3 Where a Councillor is an owner of property that is subject to notification, the person is to be informed by separate notices, firstly as an owner of land affected and secondly as a Councillor.
- 6.5 Form of Submissions
- 6.5.1 Verbal submissions will not be considered by the Shire.
- 6.5.2 Written submissions are to include the name and contact details of the person making the submission and identify the property affected by the proposal (if relevant).
- 6.5.3 Written submissions will be accepted by the Shire via post, facsimile or email, subject to being received prior to close of business on the day submissions close.
- 6.5.4 The Shire reserves the right to not publish or consider either wholly or in part a submission that it considers to be defamatory to any party.

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6.5.5 Where a person or party has been informed of a planning proposal and no submission is received by the closing date for submissions, the Shire will construe that the person or party has no objection to the proposal.

6.6 Consideration of Submissions

6.6.1 The Shire will consider a planning proposal in the light of all submissions received during the advertising period.

6.6.2 Submissions will be considered by the Shire against the matters to be considered contained in clause 67 of the deemed provisions for local planning schemes and on generally accepted planning grounds.

6.6.3 Notwithstanding clause 6.6.1 here-above, submissions that contain matters that cannot be reasonably associated with a planning matter will not be considered by the Shire.

6.6.4 Where a submission is received after the advertising period has ended, but prior to a decision being made on the proposal, the Shire will note that the submission is late, but will make reasonable endeavours to consider the submission.

6.7 Acknowledgement of Submissions

6.7.1 The Shire will notify each person that made a submission on a proposal of the decision made in relation to the proposal.

6.7.2 Notification under clause 6.7.1 here-above is to be sent within five (5) working days of the date of decision.

6.7.3 Where the Shire anticipates that a decision will not be taken for a period of greater than 28 days from the close of advertising, it will inform any person that has made a submission of the delay.

6.7.4 Where a planning proposal is to be considered at an Ordinary or Special Meeting of the Council of the Shire of Northam, each person who has made a submission is to be notified a minimum of five (5) days prior to the date of meeting and provided with a copy of the report on the matter or alternatively, informed of where an online copy of the report can be obtained.

6.7.5 The form of notification under this section can be either posted letter or email.

6.7.6 Where a person or party informed of a planning proposal in accordance with clause 6.1 of this Policy has not made a written submission on it, the Shire is not required to provide acknowledgement under this section.

6.8 Guarantee of Receipt

6.8.1 Where a notification is delivered by postal service under clause 6.1 of this Policy, the Shire does not guarantee its delivery where the notification is addressed in accordance with the address details contained on its rates database.

6.9 Advertising Costs

6.9.1 Except where an applicant is required by the Shire of Northam's adopted Schedule of Fees and Charges to pay certain advertising costs, costs associated with advertising are to be paid by the Shire and offset by the application fee.

6.10 Deemed Refusal

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- 6.10.1 All Applications for Development Approval that require advertising under this Policy are deemed to be subject to a notice under clause 64 of the deemed provisions for local planning schemes and subject to the 90 day deemed refusal period outlined in clause 75(1)(a) of the deemed provisions for local planning schemes.

*Date Adopted:*

*Date Effective:*

*Date Reviewed:*

*Next Review:*

Draft for advertising

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*Cr J E G Williams declared an "Impartiality" interest in item 13.2.2 - Final Adoption of Revised Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures as she has permanent sea containers on one of her block.*

**13.2.2 FINAL ADOPTION OF REVISED LOCAL PLANNING POLICY 5 - USE OF SEA CONTAINERS AND OTHER SIMILAR STORAGE STRUCTURES**

Name of Applicant:	N/A
Name of Owner:	N/A
File Ref:	3.1.8.21
Officer:	Chadd Hunt / Kobus Nieuwoudt
Officer Interest:	Nil
Policy:	<i>Local Planning Scheme No.6  Planning &amp; Development Act 2005  Planning Regulations 2015</i>
Voting:	Simple Majority
Date:	5 February 2016

**PURPOSE**

Council is asked to adopt the review Shire of Northam Local Planning Policy No.5 – Use of Sea Containers & Other Similar Storage Structures (the Policy).

It is recommended Council resolve to adopt the amended Policy without modification.

**BACKGROUND**

Background of Key Dates and Determinations

The purpose of this report is to request that Council adopt in final the proposed amendments to No.5 – Use of Sea Containers & Other Similar Storage Structures.

Council adopted Local Planning Policy No.5 ‘Use of Sea Containers & Other Similar Storage Structures’ at its Ordinary Meeting held on 18<sup>th</sup> December 2013.

A copy of the Policy in its current guise is attached (refer to Attachment 1).

While the Policy has operated reasonably well since its adoption, officers have, however, identified a number of shortcomings that is required to be addressed. These generally relate to matters such as structure of the Policy, matters the Policy is currently silent on (sea containers exempted from development approval) and the general lack of guidance for officers when assessing development proposals for sea containers in the “Commercial”, “Mixed Use”, “Development” and “Tourist” zones or on Reserves.

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The revised Policy (Attachment 2) seeks to address these and other issues in the following manner by:-

- Removing ambiguous statements and statements of a 'general nature' in the current Policy. For example, the current Policy states that the location of sea containers or other similar structures *will generally not be permitted in the "Commercial", "Mixed Use", "Development" and "Tourist" zones or on Reserves*. While the intent of that provision is understood, the current Policy doesn't make it clear the matters/criteria officers are required to consider when assessing the application (refer Clause 5.4 of the Revised Policy). The revised Policy now addresses this issue by citing the criteria officers will consider as part of its assessment and determination.
- Changing the format of the Policy to improve readability, interpretation and implementation;
- Clarifying when sea containers and similar storage containers are exempted from Development Approval (Clause 2.3);
- Citing the relationship of the Policy to other Local Planning Policies (Clause 2.4);
- Improving the primary objectives of the Policy (Clause 3);
- Clarifying when applications for Development Approval for sea containers will be granted delegated Development Approval (Clause 4.1);
- Clarifying when applications for Development Approval for sea containers will require full Council approval (Clause 4.2);
- Including a statement that applications for Development Approval for sea containers are not permitted on any land zoned 'Residential' under Council's Local Planning Scheme No.6 (Clause 5.1);
- Including a statement that applications for Development Approval for sea containers in the Rural Residential and Rural Smallholding Zones will be granted temporary Development Approval only (Clause 5.2); and
- Including a statement that applications for Development Approval for sea containers in the Rural, General Industry and Light and Service Industry Zones will be granted full Development Approval subject to the matters listed subclauses 5.3.1 up to and including subclause 5.3.4 (Clause 5.4);

The Policy review was presented to Council at its December Ordinary Meeting of Council, where Council resolved the following;

*That Council resolve to;*

*That Council adopt for advertising revised Local Planning Policy No.5 'Use of Sea Containers & Other Similar Storage Structures' under Part 2, Division 2, subclause 4(1)(a) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 in accordance with the document that formed the subject of Appendix 2 of this report.*

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Following the December Ordinary Council Meeting, the Policy was advertised for public comment. Public consultation commenced on the 14 January 2016 and closed on the 4 February 2016, a total of 3 submissions were received.

**STATUTORY REQUIREMENTS**

Statutory basis for preparation of local planning policies

Local Planning Policies are provided for in Part 2, Division 2, Clause 3 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

(‘The Regulations’). Clause 3(1) states that a local government may prepare a local planning policy in respect of any matter relating to the planning and development of the Scheme area.

In accordance with clause 3(2) of the Regulations a local planning policy –

- (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
- (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

In accordance with clause 3(3) of the Regulations a local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

Clause 3(4) of the Regulations gives the local government the ability to amend or repeal a local planning policy and clause 3(5) determines that the local government must have regard to each local planning policy to the extent that the policy is consistent with the Scheme.

Procedure for making local planning policy

If a local government resolves to prepare a local planning policy, the local government must follow the procedure under clause 4(1) up to and including clause 4(6) of the Regulations as follows:

*“(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

- (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
  - (i) the subject and nature of the proposed policy; and*
  - (ii) the objectives of the proposed policy; and*
  - (iii) where the proposed policy may be inspected; and*

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- (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) After the expiry of the period within which submissions may be made, the local government must —*
- (a) review the proposed policy in the light of any submissions made; and*
- (b) resolve to —*
- (i) proceed with the policy without modification; or*
- (ii) proceed with the policy with modification; or*
- (iii) not to proceed with the policy.*
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) A policy has effect on publication of a notice under subclause (4).*
- (6) The local government —*
- (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
- (b) may publish a copy of each of those local planning policies on the website of the local government.”*

**CONFORMITY WITH COMMUNITY STRATEGIC PLAN**

OBJECTIVE P2: Accessible and legible communities.

**BUDGET IMPLICATIONS**

There will be approximately \$300.00 of advertising costs.

**PUBLIC CONSULTATION**

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Public consultation was undertaken for a period of 21 days closing 4<sup>th</sup> February 2016. A total of three submissions were received raising a variety of comments generally in support of the use of sea containers, which have been responded to, as shown in the attached Schedule of Submissions.

**OFFICER'S COMMENT**

The use of sea containers as domestic storage structures has become increasingly prevalent within the Rural Residential, Rural Smallholdings and Rural zones within the Shire of Northam. However, the inappropriate placement and use of sea containers can have an undesirable impact upon the character amenity and rural landscape values of the Shire.

This policy is proposing amendments with the intention of providing clear guidance on the size, location and use of sea containers that is permitted by zone. The revised Policy has also been designed to improve readability, interpretation and implementation. It is considered the revised Policy is an improvement over the current Policy and will improve decision-making, resulting in better outcomes for the Shire.

**RECOMMENDATION**

**That Council;**

- 1. In accordance with Part 2, Division 2, Clause 3(b)(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the proposed amendments to Local Planning Policy 5 – Use of Sea Containers and Other Similar Storage Structures subject to the following modification;
  - i. The words ‘property’ be replaced with ‘Certificate of Title’ in section 5.2.1, 5.3.1 and 5.4.1 as highlighted in the attached advertised Local Planning Policy 5.****
- 2. Publish a notice in the local newspaper advertising the final adoption of Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures in accordance with Part 2, Division 2, Clause 4(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED**

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Cr Williams gave notice of intention to move the following alternative motion;

**MOTION / COUNCIL DECISION**

**Minute No: C.2641**

**Moved: Cr Williams**

**Seconded: Cr Antonio**

**That Council;**

- 1. In accordance with Part 2, Division 2, Clause 3(b)(i) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulation 2015, adopt the proposed amendments to Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures with the following modifications:**
  - (i) Part 5 Policy Measures - 5.2 Rural Residential and Rural Smallholding Zones - The Local Government may grant temporary development approval for a period of up to 12 months, or permanent approval, for the use of sea containers or similar storage containers on any land zoned 'Rural Residential' or 'Rural Smallholding' subject to the following conditions: (with conditions 5.2.1-5.2.5 to remain unchanged).**
  - (ii) The words 'property' be replaced with 'Certificate of Title' in section 5.2.1, 5.3.1 and 5.4.1 as highlighted in the attached advertised Local Planning Policy 5.**
- 2. Publish a notice in the local newspaper advertising the final adoption of Local Planning Policy 5 - Use of Sea Containers and Other Similar Storage Structures in accordance with Part 2, Division 2, Clause 4(4) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**CARRIED 7/2**

Reason for change to Officer's Recommendation

Council believed that the adjustment would better reflect the overall Policy intent and will encourage development and approvals. It is believed that this may resolve issues around enforcement as residents may be more likely to improve the aesthetic appearance if a permanent approval can be granted rather than a 12 month temporary approval.

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**ATTACHMENT 1**

*Shire of Northam Local Planning Scheme No.6*  
*Local Planning Policy No.5 – Use and Control of Sea Containers and Similar Storage Containers*

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**LOCAL PLANNING SCHEME NO.6**

**LOCAL PLANNING POLICY NO.5**

**'Use and Control of Sea Containers and Similar Storage Containers'**

**1. PRELIMINARY**

**1.1 Authority to prepare and adopt a Local Planning Policy**

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

**1.2 Relationship of this Policy to the Scheme**

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**2. APPLICATION OF THE POLICY**

**2.1 Purpose**

The purpose of this Local Planning Policy is to guide and control the use of sea containers and other similar storage containers.

**2.2 Application**

This policy applies to all zoned land in the whole district of the Shire of Northam.

**2.3 Exemptions**

This Policy does not apply to sea containers and similar storage containers located on Crown Reserves and road reserves.

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**2.3.1 Building and Subdivisional Work -** Sea containers and other similar storage containers located on private land used for temporary storage during the conduct of building works are exempted on the proviso that:

- Building construction must commence prior to bringing a sea container or other similar storage container onto the premises;
- The sea container or other similar storage container must be located on the land in accordance with Scheme setback requirements.
- The sea container or other similar storage container must be removed once the building works are complete; and
- The sea container or other similar storage container must be sited to avoid any impacts on surrounding neighbours and the amenity of the area.

**Note -** Under Section 64 of the *Building Regulations 2012*, builders may apply for a verge licence when carrying out building and/or demolition works. In order to gain approval to use the verge, a Verge Permit Application form must be submitted to the local government and approved with a site plan indicating the exact location of the sea container or other similar storage container.

**2.3.2 Delivery and Collection of Goods -** The local government may exempt a sea container or other similar storage container from requiring Development Approval where the sea container is used for temporary purposes for up to seven days associated with the delivery and collection of goods directly related to the approved use of a property. The sea container or other similar storage container must be located on the private property and cannot be located within a road reserve.

**2.3.3 Revocation of Exemptions -** The local government may revoke its exemption for a landowner using a sea container or similar storage container if the local government considers the temporary use has –

- extended beyond a reasonable period of time; or
- the sea container / similar storage container is adversely impacting the amenity of an area and/or for any other reasons considered relevant by the local government.

In these cases, the local government may require either Development Approval for the sea container / similar storage container be sought by the landowner/contractor, or immediate removal of the sea container or other similar storage container from the premises.

If the sea container or other similar storage container is not removed the local government can issue a Planning Infringement Notice (PIN) or commence prosecution for illegal development under the *Planning and Development Act 2005* and LPS6, or issue a Direction Notice.

**2.4 Relationship of this Policy to other Local Planning Policies**

This Policy is to be read in conjunction with the following Local Planning Policies:

- Local Planning Policy No.1 'Outbuildings';
- Local Planning Policy No.2 'Site Construction, General Development and Subdivision Guidelines';

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- Local Planning Policy No.19 'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'.

**3. POLICY OBJECTIVES**

The primary objectives of this Policy are to –

- To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality; and
- Establish guidelines for the placement of sea containers or other similar storage containers on land within the district of the Shire of Northam.

**4. APPROVAL REQUIREMENTS**

**4.1 Delegated Development Approval**

Clause 5.23 of the Scheme require the local government's Development Approval to relocate any sea containers to any lot.

Where a sea container / similar storage container is proposed that meets the requirements of this Policy, it will be granted Development Approval by Council's Chief Executive Officer or Council's Executive Manager Development Services under Delegated Authority from Council.

An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid.

Council's Chief Executive Officer or the Executive Manager Development Services may place conditions on the approval to ensure relevant provisions of this Policy are met by the development.

In considering an Application for Development Approval, the local government will consider the proposed location and condition of the sea container / similar storage container against the following criteria:

- The scale and bulk of existing buildings on the property to reduce the visual impact of the sea container or similar storage structure;
- The location of the sea container / similar storage container on the property and the ability of existing buildings, fencing and landscaping to reduce the visual impact of the sea container or other similar storage structure; and
- Ensuring the sea container / similar storage structure does not lead to a detrimental impact on the character or visual amenity of the locality.

Approval of the Development Approval application will be required prior to issue of a Building Permit and on-site works commencing.

**4.2 Full Council Development Approval required for all other proposals**

Where a sea container / other similar storage container is proposed that does not meet one or more requirements of this Policy, the application will require the approval of full Council. An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid. A written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.

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Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

Approval of the application by full Council will be required prior to issue of a Building Permit and on-site works commencing.

4.3 Need for a Building Permit

A **Building Permit is required to be sought and issued for any structures prior to on-site works commencing.** Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

5. **POLICY MEASURES**

5.1 Residential Zone

Sea containers and similar storage containers are **not** permitted on any land zoned 'Residential' by Shire of Northam Local Planning Scheme No.6.

5.2 Rural Residential and Rural Smallholding Zones

The local government may grant **Temporary** Development Approval **for a period of up to 12 months** for the use of sea containers and similar storage containers on any land zoned 'Rural Residential' or 'Rural Smallholding' subject to the following conditions:

5.2.1 A maximum of one (1) sea container up to **6m** in length per **Certificate of Title**;

5.2.2 The sea container or other similar storage container to be located in accordance with the boundary setback and building envelope provisions for outbuildings for the particular property;

5.2.3 The sea container or other similar storage container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjoining properties;

5.2.4 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property; and

5.2.5 The sea container or other similar storage container to be used for domestic storage purposes only.

5.3 Rural Zone, General Industry and Light and Service Industry Zones

The local government may grant Development Approval for the use of sea containers and other similar storage containers on any land zoned 'Rural' subject to the following conditions:

5.3.1 A maximum of one (1) sea container or other similar storage container up to **12m** in length per **Certificate of Title**;

5.3.2 The sea container shall not be between the building and the street boundary and shall be screened from view of the street, including secondary streets and adjoining properties;

5.3.3 The sea container or other similar storage container to be located in accordance with the boundary setback provisions for outbuildings for the particular property; and

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5.3.4 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property.

5.4 Commercial, Mixed Use and Tourism Zones

In order to protect the visual amenity and streetscape of the locality, there is a **general presumption** against the use and location of sea containers and other similar storage containers on land zoned 'Commercial', Mixed Use' and 'Tourist'.

Sea containers and similar storage containers will generally not be permitted in these zones except where it can clearly be demonstrated, to the satisfaction of the local government, that –

- the need for a sea container or other similar storage container on the property is absolutely necessary; and
- the sea container will be used in association with the approved commercial enterprise on the property; and
- the sea container will not be detrimental to the visual amenity and streetscape of the locality.

In such cases the local government may grant **Temporary** Development Approval for a period of up to 12 months subject to the following conditions:

5.4.1 A maximum of one (1) sea container or other similar storage container up to 12m in length per **Certificate of Title**;

5.4.2 The sea container or other similar storage container is to be used in association with the approved commercial enterprise on the property. Sea containers for domestic storage associated with a residential use is **not permitted**;

5.4.3 The sea container or other similar storage container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjoining properties;

5.4.4 Development Approval will be issued for a period of up to 12 months only. Should the sea container or other similar storage container be required after this date, the landowner is to seek a new Development Approval. The local government will consider the granting of a new approval in the light of the prevailing legislative environment and the appropriateness of the sea container or other similar storage container to remain in use on the site; and

5.4.5 The sea container or other similar storage container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property.

<i>Date Adopted:</i>	<i>18 December 2013</i>
<i>Date Effective:</i>	
<i>Date Reviewed:</i>	<i>16 December 2015</i>
<i>Next Review:</i>	

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**Review of Local Planning Policy 5 - Use of Sea Containers & Other Similar Storage Structures**  
**Schedule of Submissions**

No	Name	Summary of Submission	Key Themes Identified in Submission	Officers Comment
1	<p>Barrie Price                      Lot 269 Jose Road, Bakers Hill</p> <p>Received                      20/1/16</p>	<p>Although we don't have a container at present, I would like to have that option available to me. Transportable buildings are a common contemporary construction method, including man houses in this Shire. Shipping containers can be considered a transportable building, but they have a distinct aesthetic downside. Given the structural integrity and other advantages including fire/vermin/theft resistance, I would advocate for them to be considered as other buildings. I urge you to look at how they've been innovatively used in the Pilbara as anything from sheds to clusters of 4 or more, reclad and with a pitched roof to make a strong, attractive home. Objectively considered, a repurposed container can be attractive or ugly, but it is clear that they have a place in contemporary construction if repurposed thoughtfully. The Shire should embrace this modern construction medium, but discriminate between the good, the bad and the inappropriate.</p>	<p>Support the use of sea containers where appropriate.</p>	<p>The submission is noted.</p> <p>LPP5 supports the use of sea containers within the Rural Smallholding, Rural Residential on a temporary basis up to 12 months and the Rural and Industrial zones throughout the Shire where it can be demonstrates that their visual impact can be satisfactorily mitigated.</p> <p>The Shire recognises that sea containers can be used as an innovative method to construct a dwelling or other building. Should an application be received for a dwelling to be constructed using sea containers, it would be assessed as a single house under Local Planning Scheme No.6 and relevant State and Local Planning Policies.</p> <p>Any proposal would be carefully assessed to ensure that the proposed dwelling is aesthetically appealing would be required to be advertised to surrounding land owners for comment.</p>
2	<p>Robert Mellor                      127 Tamma Road, Bakers Hill</p> <p>Received                      22/1/16</p>	<p>I don't have a sea container on my property but could do in the future. My neighbour has got one and many other residents do and no problems. I do not have a problem with them as long as they are out of sight as much as possible.</p>	<p>Support the use of sea containers.</p>	<p>The submission is noted.</p> <p>LPP5 supports the use of sea containers within the Rural Smallholding, Rural Residential on a temporary basis up to 12 months and the Rural and Industrial zones throughout the Shire where it can be demonstrates that their visual impact can be satisfactorily mitigated.</p>
3	<p>Tara Meling                      125 Tamma Road, Bakers Hill</p> <p>Received                      27/1/16</p>	<p>I am a private citizen and I purchased my property with a sea container on it. I have no issue with anyone else wanting a sea container on their property. I fully agree with the use of sea containers on Rural/Rural Residential locations.</p>	<p>Support the use of sea containers.</p>	<p>The submission is noted.</p> <p>LPP5 supports the use of sea containers within the Rural Smallholding, Rural Residential on a temporary basis up to 12 months and the Rural and Industrial zones throughout the Shire where it can be demonstrates that their visual impact can be satisfactorily mitigated.</p>

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**13.2.3 REQUEST TO ADOPT FOR READVERTISING REVISED VERSION OF DRAFT LOCAL PLANNING POLICY NO. 18 – HERITAGE PRECINCTS**

Name of Applicant:	N/A
Name of Owners:	N/A
File Ref:	3.1.11.1
Officer:	Chadd Hunt / Kobus Neuwoudt
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple Majority
Date:	5 February 2016

**PURPOSE**

For Council to consider changes to draft Local Planning Policy No.18 – Heritage Precincts (the Policy) that Council adopted for advertising at the Ordinary Council Meeting held on 17 June 2015.

It is recommended Council amend the current version of the draft Policy in accordance with the officer’s recommendation and resolve to readvertise the draft revised Policy in accordance with clause 9(3) of the deemed provisions for local planning schemes for a period of 21 days.

**BACKGROUND**

At the Ordinary Council Meeting held on 17 June 2015, Council resolved as follows in respect of Item 13.2.3: -

*“That Council;*

- 1. In accordance with Clause 7.2 of Local Planning Scheme No 6 endorse for public consultation purposes the Proposed Local Planning Policy 18 – Fitzgerald Street Commercial and Civic Centre Heritage Precinct & Gordon Street Heritage Precinct; and*
- 2. Following the advertising procedures prescribed by the Scheme, refer the matter back to Council for final determination on the adoption (or otherwise) of the proposed Local Planning Policy.*
- 3. Amend the Fitzgerald Street Commercial and Civic Centre Heritage Precinct to include Peel Terrace (from Fitzgerald Street) up to, but not including the Railway Station and Auto Electrics*
- 4. Amend the Fitzgerald Street Commercial Heritage Precinct to include the area along Fitzgerald Street (from Peel Terrace) to the Railway Line.”*

Following amendment to the draft Policy to include those areas under Parts 3 and 4 of Council’s resolution, the revised Policy was advertised for public comments from 18

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August 2015 until 18 September 2015. The draft Policy has been advertised in the local newspaper, Shire website and letters sent to affected landowners advising them that copies are available at the library and visitors centre in Northam. A copy of the 'as advertised' Policy is attached (**Attachment 1**).

10 submissions were received during the public advertising period.

Based on feedback officers have received, the draft Policy (as advertised) was considered to be overly cumbersome and difficult to follow. The original format and structure (which, essentially, are 2 separate policies) of the Policy extends over more than sixty (60) A4 pages. Taking this feedback on board staff have completely reviewed the document in an attempt to make it more concise and readable.

In order to address the issues raised above staff have made the following adjustments:

- Combining the central elements of the Fitzgerald Street Commercial & Civic Centre Heritage Precinct policy with corresponding central elements of the Gordon Street Residential Heritage Precinct policy;
- Updating and combining the 'statutory context' section of both policies to accord with the current statutory planning framework (heritage precincts are no longer given statutory protection under Clause 7.2 of Council's local planning scheme No.6. Heritage precincts/areas are now given statutory protection under Part 3 of the deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* which came into force on 19 October 2015);
- Including a statement that there is a relationship between the Policy and *State Planning Policy 3.5 – Historic Heritage Conservation*;
- Including a statement in the Policy regarding the relationship of the Policy to other Local Planning Policies, Council's Municipal Heritage Inventory and the Development Guidelines that apply to the respective heritage precincts;
- Including a section regarding the purpose of the Heritage Precincts Policy in the structure of the Policy;
- Removing the 'definitions' section from the Policy as they are deemed to be superfluous;
- Dedicating a section of the Policy to material that has to accompany any application for development approval;
- Including a statement that the Shire will seek to lead by example by managing its own property within the Policy Areas in accordance with the Policy; and
- Moving the development guidelines for each heritage precinct to the back of the Policy as appendices.

A copy of the draft revised Policy and associated appendices are attached (refer **Attachments 2, 3 and 4**).

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**Note:** While changes to a document would normally be depicted with ‘track changes’ (markups), it is not possible in this instance as the changes to the original format of the Policy are considered to be too substantial to depict those changes with track changes in MS Word.

Therefore, the dot points above is a summary of the changes that had been made by officers. In making those changes, officers wish to put it on record that, save for the omission of the definitions in the draft advertised Policy, nothing of substance had been removed from the Policy that would fetter with the purpose and intent of the Policy.

### **STATUTORY REQUIREMENTS**

Following recent changes to the Western Australian Planning Framework, heritage areas (precincts) are now given statutory protection under Part 3 of the deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The 2015 Regulations came into force on 19 October 2015.

The power to designate heritage areas is outlined under Clause 9 of the deemed provisions for local planning schemes.

Clause 9(3) of the deemed provisions state that the local government must not designate an area as a heritage area unless the local government follows the advertising and notification procedure outlined under Clause 9(3) (a) to (c).

Clause 9(7) of the deemed provisions establishes that the local government must give notice of the designation of a heritage area to the Heritage Council of WA and each owner of land affected by the designation.

### **PUBLIC CONSULTATION**

The draft Policy in its current format has been advertised in the local newspaper on 18 August 2015 until 18 September 2015. In addition, a notice was also displayed on the Shire website and letters sent to affected landowners advising them that copies are available at the library and visitors centre in Northam.

Staff also promoted the draft Policy at an information kiosk in the Northam Boulevard over a two day period.

Given the significant changes that had been made by staff to the draft advertised Policy, it is recommended Council resolve to readvertise the draft revised Policy in accordance with Clause 9(5) of the deemed provisions for a period of 21 days.

### **CONFORMITY WITH COMMUNITY STRATEGIC PLAN**

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OBJECTIVE RG1: Provide accountable and transparent leadership.

STRATEGY G1.1: Continue to develop Council's policy framework to guide decision making.

**BUDGET IMPLICATIONS**

The cost of readvertising the draft revised Policy will sourced from the Development Services department's operating budget.

**OFFICER'S COMMENT**

While the current version of the draft Heritage Precinct Policy is considered to be a well-researched and comprehensive document, planning staff are of the view that the Policy in its current guise is cumbersome and difficult to follow.

It is considered the draft revised version of the Policy (refer Attachments 2, 3 and 4) better articulates the overall intent of the Policy and associated development guidelines.

Given the substantial changes that have been made by staff, it is considered necessary and appropriate to readvertise the draft revised Policy for public consultation.

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2642**

**Moved: Cr Beresford**

**Seconded: Cr Hughes**

**That Council:**

- 1. Receive the draft revised Local Planning Policy No. 18 – Heritage Precincts and associated appendices that forms the subject of Attachments 2, 3 and 4 to the Report;**
- 2. Readvertise, in accordance with Clause 9(3), (4) and (5) of the deemed provisions for local planning schemes, draft revised Local Planning Policy No. 18 – Heritage Precincts that formed the subject of Attachments 2, 3 and 4 to the Report;**
- 3. Invite submitters who made a submission during the original advertising period, to make a new submission;**
- 4. After the expiry of the period within which submissions may be made, review the proposed Policy in the light of any submissions made.**
- 5. Invite affected land owners to attend a forum held by the Shire at a suitable time and date at the beginning of the second public advertising period.**

**CARRIED 9/0**

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**ATTACHMENT 1**

Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

**SHIRE OF NORTHAM**  
**FINAL DRAFT PLANNING POLICY**

**FITZGERALD STREET COMMERCIAL & CIVIC CENTRE**  
**HERITAGE PRECINCT**

23-325 & 16-334 Fitzgerald Street and 1-15 & 12-18 Peel Terrace,  
Northam

**STATUTORY POWERS**

This Local Planning Policy is made pursuant to clause 2.2 of the Shire's Scheme.

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**Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct**

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

#### 1 INTRODUCTION

##### 1.1 POLICY AREA

This policy applies to all land within the *Fitzgerald Street Commercial & Civic Centre Heritage Precinct*, as shown below.

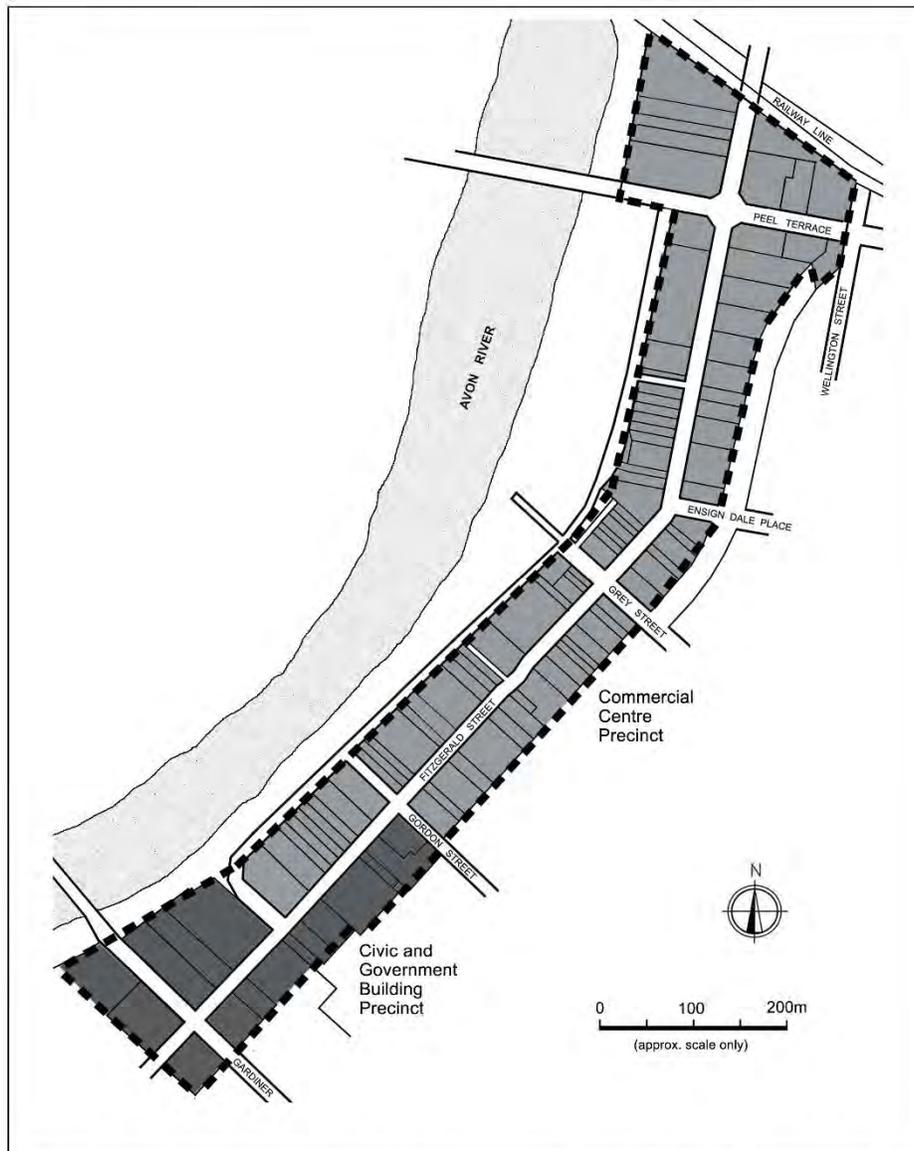


Figure 1: Policy Area: Fitzgerald Street Commercial & Civic Centre Heritage Precincts

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

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#### 1.2 BACKGROUND

This Local Planning Policy highlights the importance of the *Fitzgerald Street Commercial & Civic Centre Heritage Precinct* as a focal point of the Shire of Northam's town centre. It outlines the heritage values of the area, lists the key features that underpin the traditional character of the streetscape (as developed in the period c.1890-1950), identifies the contributory places and elements, and provides guidelines to assist property owners and the Shire to achieve good development outcomes within an important heritage context.

Fitzgerald Street was a well-established and prosperous commercial street by the end of the first decade of the twentieth century and, despite highs and lows, continued to grow and prosper through the early interwar years. Development slowed dramatically with the onset of the Great Depression in 1929, but in the late 1930s projects such as the construction of a chain store by G J Coles Ltd and a new National Australia Bank illustrated renewed confidence in the importance of Northam as a regional centre. Further retail confidence was engendered by the establishment of a large military camp in Northam during World War II, and by the post-war influx of migrants and refugees. Development undertaken since the mid-twentieth century has included demolition of a number of the early twentieth century buildings, and a mixture of sympathetic and unsympathetic alterations and new development. However, the underlying character of the traditional streetscape can still be readily understood and the aim of this policy is to ensure that additions or alterations to existing buildings and new developments maintain and complement the traditional streetscape character of the precinct.

#### 1.3 STATUTORY CONTEXT

Heritage Precincts in Northam are given statutory protection under the Shire of Northam's Local Planning Scheme No 6 (LPS6).

Section 7.2 of LPS6 allows for the designation of a Heritage Precinct and the adoption of policy guidelines that will be applicable to that area.

This Local Planning Policy is:

- Is consistent with the aim set out under 1.6 (g) of the Shire of Northam Local Planning Scheme No 6:  
*preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Scheme area*
- Addresses the requirements of Clause 7.2.2 (a) of the Shire of Northam Local Planning Scheme No 6
- Enables application of Clauses 7.4 & 7.5
- Enables application of heritage provisions under Clause 8.2

In addition to the statutory protection measures of LPS6, a number of buildings within the *Fitzgerald Street Commercial & Civic Centre Heritage Precinct* have been afforded protection measures through their listing on the State Register of Heritage Places. Other places may be added to this Register in the fullness of time.

#### 1.4 POLICY OBJECTIVES

- a) To support on-going development of the Policy Area as a viable and active town centre, while retaining, and where possible reinforcing, the 'sense of place' that is defined by its traditional streetscape character.

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

- b) To conserve the contributory fabric of those places which have been identified as making a considerable or some contribution to the Policy Area's cultural heritage values and traditional streetscape character.
- c) To ensure that new building developments, and alterations and additions to existing buildings, are designed in a manner that is in harmony with, and maintains the integrity of, the Policy Area's cultural heritage significance and traditional streetscape character.
- d) To provide improved certainty to landowners and the community about the planning processes for development within the area.

#### 1.5 APPLICATION OF POLICY

This policy will be given due regard by the Shire (having been adopted under clause 7.2 of the Shire's Local Planning Scheme No.6), when assessing and determining applications for planning approval for development, and assessing and providing comments with respect to applications for subdivision/amalgamation, within the Policy Area.

The guidelines shall apply to all development, including new development and the extension, alteration, addition, modification or demolition of existing buildings within the Policy Area, with specific reference to the manner in which the works impact on the appearance of the affected place(s) within the streetscape and, more generally, on the traditional character of the surrounding streetscape.

#### Works requiring development approval

Both Planning and Building approval is required before structural changes can be made to buildings in the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct*, where such changes will be visible from the main street frontage(s).

Planning approval is also required for non-structural external changes, where these are not consistent with these guidelines.

For example, works to the main façade(s) of a contributory buildings such as:

- Repainting in a corporate colour scheme
- Rendering a face-brick parapet
- Painting previously unpainted surfaces, such as face-brick walls
- Altering an early-mid twentieth century shopfront
- Replacing traditional glazed tiles with plain rendered finish

If further clarification is required about development approval requirements for a specific project, property owners are urged to consult with the planning officers at the Shire of Northam in the early stages of the planning/design process.

#### Works not requiring development approval

Works which are consistent with these guidelines, and which would otherwise not require planning approval, can be undertaken without a development application.

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

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#### 1.6 DEFINITIONS

Apart from the terms noted below, words and expressions used in this policy have the same meaning as they have in the Scheme:

- '*Articulation*' means the manner in which the form, detailing and materials accentuate the different parts of a building.

In early-mid twentieth century main street designs, the high level of articulation of the façades added variety and interest (and broke down the apparent scale of larger developments) through the use of details such as decorative parapets, stucco and face-brick detailing, recessed entries (ingos), highlight windows, verandahs and signage.

- '*Contributory fabric*' means those parts of a *contributory place* (including building envelopes, facades, materials, finishes and detailing) that contribute to the authentic heritage character of the place within its streetscape setting (i.e. as visible from the public realm).

This is typically original fabric, but may also include some later alterations (such as replacement shopfronts dating from the inter-war era) or fabric that forms part of an authentic reconstruction of an original element.

- '*Contributory place*' means a building that makes a positive contribution to the cultural heritage significance and traditional streetscape character of the Policy Area.

All places that were assessed as making a considerable or some contribution are considered to be 'contributory places' for the purpose of this Planning Policy (see Section 2). The majority of these places contribute to the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct* because of their age, design characteristics and their moderate to high level of authenticity. Individually, they are not necessarily items of outstanding heritage significance, but they do possess collective significance within their streetscape context.

All of the early to mid-twentieth century buildings have been altered to some degree over time. Some places therefore have some components that are contributory (such as an original parapet or early shopfront) and others that are not contributory (such as a later boxed awing or modern shopfront). The guidelines acknowledge these variations.

- '*Heritage Impact Statement*' means a professionally prepared report that addresses:
  - How the proposed works will affect the traditional streetscape character of the Policy Area.
  - For a place of considerable or some contribution, how the proposed works will affect the contributory fabric and heritage character of the place.
  - What alternatives have been considered to ameliorate any adverse impacts.
  - If the proposal results in any heritage conservation benefits that may offset any adverse impacts.

A guide and form for the preparation of Heritage Impact Statements can be downloaded from the State Heritage Office's website.

- '*Level of Contribution*' means the degree to which the history and physical characteristics of the place contribute to the cultural heritage values of the Policy Area.
  - *Considerable Contribution*: These places have generally retained clear evidence of their traditional external detailing, character and/or form to all or part of the street façade(s), are prominent streetscape elements and/or have important historical associations.

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

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- *Some Contribution:* These places are generally more modest examples of the retail/commercial development of the early to mid-twentieth century and/or have undergone more substantial external alterations over time (particularly to the ground floor shopfronts and awnings).
- *Little/No Contribution:* These places have been assessed as making no particular contribution to the cultural heritage values of the Policy Area. They are typically buildings that were constructed after World War Two and include some buildings that were designed in a manner that is compatible with the traditional streetscape, as well as some that are intrusive (in form, scale, detailing and/or materials)
- *'Sense of place'* means the characteristics that make the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct* special for the community of Northam.
- *'Traditional materials'* mean the building materials and finishes that were widely used for commercial and civic buildings in Northam during the Late Victorian, Federation and Inter-War eras.

Note: Brick was the typical material for the walls of the contributory buildings within the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct*. This was either presented as red face-brick (with or without rendered detailing) or was fully rendered (the latter finish being commonly used for more 'monumental' buildings such as banks).

The late Victorian to Inter-War shopfronts typically featured timber window frames and timber panelled or moulded stall boards, or metal framed shopfronts with rendered or tiled stalls and pilasters.

- *'Traditional streetscape'* means the pattern, form and style of development that was established in the Policy Area in the period c.1890-1950, as collectively illustrated by the original form and detailing of the contributory places (and informed by historical photographs dating from that era). It also includes the visual impact of colours, finishes, signage, street furniture, road and footpath treatments and landscaping.

## 2 CULTURAL HERITAGE SIGNIFICANCE

### 2.1 INTRODUCTION

The traditional development within the Policy Area represents a diverse range of styles from the Federation, Inter-War and immediate post-WWII periods (c.1890-1950). There is also a variation in the type and density of development, with more open development at the southern end and a denser commercial core. Based on an analysis of the documentary and physical evidence, the Policy Area has been divided into two parts, which display distinctive streetscape characteristics: The *Civic and Government Offices Precinct* and the *Commercial Precinct* (as shown on Figures 1, 2 and 4). A streetscape survey and historical research has determined the 'level of contribution' that each place (or its component parts) contributes to the values identified for the two precincts (see also Section 1.6, Definitions). Individually they range from highly significant buildings (some of which have been recognised through entry in the State Register of Heritage Places) through to places that make a general contribution to the history and traditional streetscape character of the area. Additionally, there are a number of places that do not contribute to the assessed heritage values, although some of these are still compatible in scale and detail.

Note: A separate report, *Heritage Assessment, 23-325 & 16-334 Fitzgerald Street and 1-15 & 12-18 Peel Terrace, Northam* (prepared by Greenward Consulting for the Shire of Northam, June 2015), provides more detailed information about the history and character of each place, and its associated level(s) of contribution.

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

#### **2.2 CIVIC AND GOVERNMENT OFFICES PRECINCT**

The south-western section of the Policy Area has primarily been developed with civic buildings, government offices and community buildings, in addition to the Mill and Avon Bridge Hotel. This area has a generally open and diverse character, which relates to individual landmark buildings, rather than to a unified streetscape.

##### **2.2.1 Civic and Government Offices Precinct - Statement of Significance**

The cultural heritage values of the section of Fitzgerald Street that extends from the Gardiner Street intersection to Beavis Place along the western side of the road and from the Gardiner Street intersection to Gordon Street along the eastern side of the road include:

- The aesthetic, historic and cultural values associated with the development of the Northam Post Office and two substantial government office buildings in this area in the period c.1909-1913;
- The aesthetic, historic and cultural values associated with the development of the civic centre of Northam in this area from the late 1920s;
- The aesthetic, historic and cultural values associated with the development of other community service buildings in this area in the post WWII era (comprising the RSL Hall and Ambulance Station);
- The aesthetic and historic values associated with the progressive development of the Northam Four Mill and the Avon Bridge Hotel adjacent to the Avon River Bridge since the mid-nineteenth century. This includes their landmark qualities at one of the primary entrances to the town centre.

##### **2.2.2 Civic and Government Offices Precinct - Traditional Streetscape Character**

###### **2.2.2.1 Key features that underpin the traditional character of the streetscape**

- Free-standing buildings of varied sizes and building envelopes;
- Varied setbacks;
- Varied block widths;
- Manner in which these buildings illustrate the changing design of civic and government buildings from c.1910 to the present day;
- Key early twentieth century landmark buildings including the:
  - Northam Post Office, 239 Fitzgerald Street
  - Northam Lands Office (fmr), 263 Fitzgerald Street
  - Goldfields Water Supply (fmr), 305 Fitzgerald Street
  - Avon Bridge Hotel, 322 Fitzgerald Street
  - Northam Flour Mill, 6 Gardiner Street
- Key mid-late twentieth century landmark buildings, being the:
  - Northam Town Council Offices & Library, 298 Fitzgerald Street
  - RSL Hall, 265 Fitzgerald Street
  - St Johns Ambulance Building, 269 Fitzgerald Street.

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#### Local Planning Policy for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct

#### 2.2.3 Civic and Government Offices Precinct - Levels of Contribution

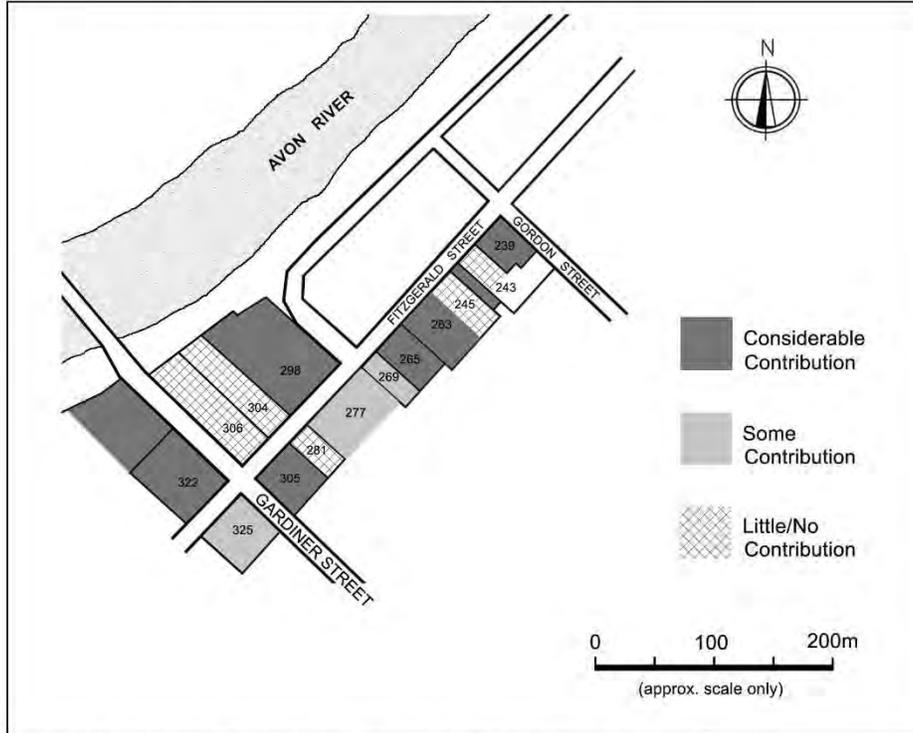


Figure 2: Civic and Government Offices – Precinct Levels of Contribution

Table 1: Civic and Government Offices – Precinct Levels of Contribution

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 239 Fitzgerald Street</li> <li>• 245 Fitzgerald Street</li> <li>• 263 Fitzgerald Street</li> <li>• 265 Fitzgerald Street</li> <li>• 305 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>• 243 Fitzgerald Street</li> <li>• 269 Fitzgerald Street</li> <li>• 277 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>• 243 Fitzgerald Street</li> <li>• Carpark attached to 263 Fitzgerald Street</li> <li>• 281 Fitzgerald Street</li> </ul>

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#### 2.4 COMMERCIAL PRECINCT

During the early-mid twentieth century, the central core of Fitzgerald Street was progressively developed as a traditional town centre, with a largely continuous row of single and two-storey facades. The current streetscape therefore features contributory buildings dating from the Federation and Interwar eras (including shops, hotels, banks and small professional offices).

Peel Terrace provided an earlier (pre 1900) focus for commercial development. The only significant remnant of this phase within the Study Area is Northam House (11 Peel Terrace). The area around and to the north of Peel Terrace subsequently attracted a mixture of houses, motor garages, light engineering works and small factories. This northern part of the Study Area is now dominated by car yards and associated businesses.

##### 2.4.1 Commercial Precinct - Statement of Significance

The cultural heritage values of the section of Fitzgerald Street that extends from Beavis Place to the railway line to along the western side of the road and from Gordon Street to the railway line along the eastern side of the road include:

- Its role as the commercial heart of Northam since the beginning of the twentieth century;
- The traditional character of the core of this area as a largely continuous row of predominantly single storey shops and professional suites, interspersed by two storey banking chambers and hotels;
- The manner in which the contributory buildings illustrate the progressive development and prosperity of Northam during the early twentieth century and inter-war eras (c.1890-1950).
- The manner in which the streetscape contributes to a 'sense of place' for the Northam community – with reference to its aesthetic, historic and social values as the traditional town centre.

##### 2.4.2 Commercial Precinct - Traditional Streetscape Character

###### 2.4.2.1 Key features that underpin the traditional character of the streetscape

- Largely continuous row of buildings at the core of the commercial streetscape;
- Mixture of single and two-storey facades dating from the Federation and Inter-War eras;
- Important landmark quality of the more substantial two-storey bank and hotel buildings scattered along the street;
- Prominent horizontal lines defined by elements such as parapets, string courses, verandahs/awnings (horizontal rhythms);
- Façade arrangements with prominent vertical elements and repeated vertical details, such as pilasters and window patterns (vertical rhythms);
- Roofs generally concealed by parapets from a close ground level view, but with important glimpses of elements such as chimneys in some instances;
- Articulated or highly articulated parapets with varied detailing;
- Use of verandahs and awnings across the street frontage of shops and hotels (notwithstanding that some of the present awning and verandah designs are inappropriate);

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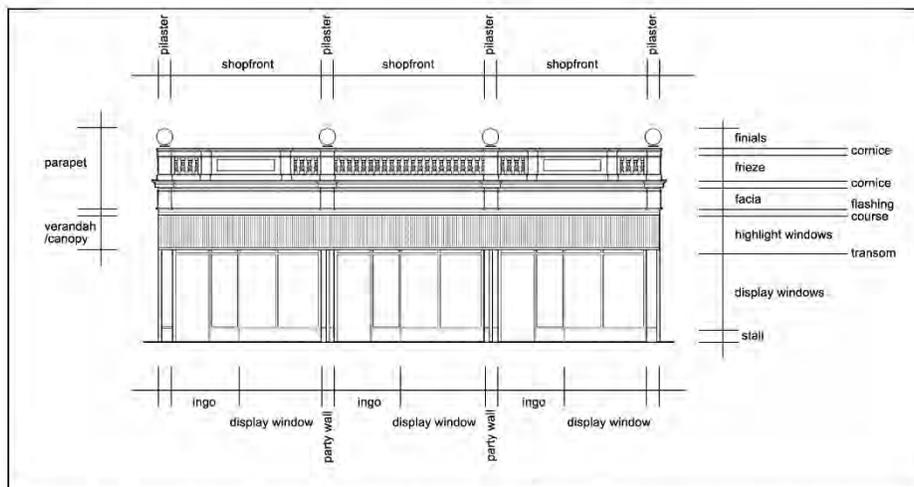
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- Traditional early twentieth century use of raked, bullnose or concave verandahs set on robust chamfered posts and the late Inter-War introduction of slimline suspended boxed awnings;
- Lack of verandahs and awnings across the street frontage of the monumental bank buildings and Federation Free style offices;
- High level of articulation to the traditional shopfronts, with particular reference to the use of recessed entries (ingos), pilasters, plinths/stalls and highlight windows;
- Traditional use of contrasting materials including red face-brick, part rendered and rendered walls and parapets;
- High ratio of window to wall to ground floor shopfronts;
- Lower ratio of window to wall for hotels and banking building;
- Building alignments at or near the street boundary;
- Varied block widths, but typically developed with a regular pattern of smaller shopfronts or bays.
- Transition to a more open, mixed streetscape at the northern end of the Study area, around Peel Terrace (reflecting the development of this area with a mixture of houses, motor garages, light engineering works and small factories in the early to mid-twentieth century).
- Street trees (note these were an established part of the early twentieth century streetscape, although the original trees had been removed by the 1903s).



**Figure 3: Examples of the traditional elements that define the vertical and horizontal rhythms of the commercial streetscape**

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##### 2.4.2.2 Key features that detract from the traditional character of the streetscape

- Painting or rendering of original face brick walls;
- Use of strong, modern, corporate colours that detract from the traditional character and detailing of a Federation or Inter-War style building;
- Removal of verandah/balconies from two storey buildings that included this element as a key feature of the original design;
- Replacement of original verandahs with deep boxed awnings (particularly to shopfronts dating from the pre-1930 era and where this conceals some of the traditional parapet detailing from pedestrian views);
- Addition of new verandahs that are inconsistent with the date and style of the building (considering issues such as traditional proportions, alignments and/or detailing);
- Use of plain shopfronts that sit flush to the street and do not interpret the articulation and detailing of the traditional shopfronts;
- Modern developments that have:
  - Long frontages that do not interpret the traditional vertical and horizontal rhythms of the streetscape
  - Large setbacks from the street frontage(s)
  - A low ratio of window to wall along the ground floor street frontage (and which otherwise fail to interpret this important element);
  - Large plain parapets with little or no articulation
  - Facade materials that do not complement the traditional building materials (such as large areas of cream brick), and/or
  - Colour schemes that do not harmonise with the traditional streetscape.
- Low level of maintenance to some parapets and shopfronts;
- Large open carparks.



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**Table 2: Commercial Precinct - Levels of Contribution**

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 55 Fitzgerald Street</li> <li>• 68-78 Fitzgerald Street <i>This relates to the very early shopfront to #70 and the other traditional timber framed shopfronts to #s 74 &amp; 76.</i></li> <li>• 75 Fitzgerald Street</li> <li>• 85 Fitzgerald Street</li> <li>• 90 Fitzgerald Street <i>This relates to the building envelope and the detailing of the first floor façade. It also relates to its historical use by the Northam Road Board offices.</i></li> <li>• 100-108 Fitzgerald Street <i>This relates to the form and detailing of the parapet and early detailing to the shopfronts to #s 102 and 108</i></li> <li>• 110 Fitzgerald Street</li> <li>• 112 Fitzgerald Street</li> <li>• 129 Fitzgerald Street</li> <li>• 133 Fitzgerald Street</li> <li>• 141 Fitzgerald Street</li> <li>• 161 Fitzgerald Street</li> <li>• 178 Fitzgerald Street</li> <li>• 181 Fitzgerald Street</li> <li>• 182 Fitzgerald Street <i>This primarily relates to the detailing of the mid-twentieth century shopfront.</i></li> <li>• 188-196 Fitzgerald Street</li> <li>• 198-204 Fitzgerald Street <i>This relates to the building envelope, the traditional form and detailing of the parapet and the early shopfront to #202.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 80 Fitzgerald Street <i>This relates to the building envelope, the detailing of the first floor façade, the Nind Street facade and the original parapet.</i></li> <li>• 82-84 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the shopfront to #82.</i></li> <li>• 86-88 Fitzgerald Street <i>This relates to the general building envelope and the openings to the first floor façade.</i></li> <li>• 96 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 120 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 122 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 125 Fitzgerald Street <i>This relates to the building envelope of the original house and shop and the original parapet.</i></li> <li>• 135-139 Fitzgerald Street <i>This relates to the general building envelope and surviving original detailing (noting that the authenticity of the place has been diminished by later alterations)</i></li> <li>• 138 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 155 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 16 Fitzgerald Street</li> <li>• 22 Fitzgerald Street</li> <li>• 23-25 Fitzgerald Street</li> <li>• 26 Fitzgerald Street</li> <li>• 28 Fitzgerald Street</li> <li>• 30 Fitzgerald Street</li> <li>• 36 Fitzgerald Street</li> <li>• 39 Fitzgerald Street</li> <li>• 47 Fitzgerald Street</li> <li>• 46-48 Fitzgerald Street</li> <li>• 58-66 Fitzgerald Street</li> <li>• 57-59 Fitzgerald Street</li> <li>• 61-67 Fitzgerald Street</li> <li>• 81 Fitzgerald Street</li> <li>• 89 Fitzgerald Street</li> <li>• 92 Fitzgerald Street</li> <li>• 98 Fitzgerald Street</li> <li>• 99-107 Fitzgerald Street</li> <li>• 115 Fitzgerald Street</li> <li>• 117 Fitzgerald Street</li> <li>• 123 Fitzgerald Street</li> <li>• 124-128 Fitzgerald Street</li> <li>• 130 Fitzgerald Street</li> <li>• 132 Fitzgerald Street</li> <li>• 136 Fitzgerald Street</li> <li>• 140 Fitzgerald Street</li> <li>• 142-146 Fitzgerald Street</li> <li>• 143 Fitzgerald Street</li> <li>• 145-149 Fitzgerald Street</li> <li>• 148 Fitzgerald Street</li> <li>• 150-170 Fitzgerald Street</li> <li>• 151 Fitzgerald Street</li> </ul>

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Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 211-215 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> <li>• 222 Fitzgerald Street</li> <li>• 239 Fitzgerald Street</li> <li>• 245 Fitzgerald Street</li> <li>• 211-215 Fitzgerald Street <i>This relates to the form, detailing and materials of the parapet.</i></li> <li>• 263 Fitzgerald Street</li> <li>• 265 Fitzgerald Street</li> <li>• 305 Fitzgerald Street</li> <li>• 11 Peel Terrace</li> </ul>	<ul style="list-style-type: none"> <li>• 174-176 Fitzgerald Street</li> <li>• 177 Fitzgerald Street <i>This relates to the general building envelope and the historical associations of the place.</i></li> <li>• 184-186 Fitzgerald Street <i>This relates to the general building envelope and its Inter-War style adaptations.</i></li> <li>• 217 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> <li>• 224-226 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the form and detailing of the shopfront to #224.</i></li> <li>• 232-236 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 228-230 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 254 Fitzgerald Street <i>This relates to the form and detailing of the parapet and to the end walls of the shopfront.</i></li> <li>• 256-258 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 260-262 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 269 Fitzgerald Street</li> <li>• 277 Fitzgerald Street</li> <li>• 325 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>• 153 Fitzgerald Street</li> <li>• 159 Fitzgerald Street</li> <li>• 165-175 Fitzgerald Street</li> <li>• 185 Fitzgerald Street</li> <li>• 187 Fitzgerald Street</li> <li>• 203 Fitzgerald Street</li> <li>• 206 Fitzgerald Street</li> <li>• 208-220 Fitzgerald Street</li> <li>• 240-246 Fitzgerald Street</li> <li>• 243 Fitzgerald Street</li> <li>• 252 Fitzgerald Street</li> <li>• 264-266 Fitzgerald Street</li> <li>• 272 Fitzgerald Street</li> <li>• 281 Fitzgerald Street</li> <li>• 3 Peel Terrace</li> <li>• 9 Peel Terrace</li> <li>• 12-16 Peel Terrace</li> <li>• 13-15 Peel Terrace</li> <li>• 18 Peel Terrace</li> </ul>

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### 3 DEVELOPMENT GUIDELINES

#### 3.1 INTRODUCTION

##### 3.1.1 Scope

These Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, or redevelopment of these sites, impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

##### 3.1.2 General application of the Development Guidelines

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape within the Policy Area, with the aim of achieving a high standard of development that protects/enhances contributory places and the traditional streetscape character. Issues to be considered on a case-by-case basis include the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

Note: Where places have been entered in the State Register of Heritage Places, the Shire of Northam must also seek the input from the State Heritage Office. In these cases additional development conditions may be applied (to both external and internal works) in order to achieve an appropriate conservation outcome.

#### 3.2 CONSERVATION PRINCIPLES

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct* should be retained and enhanced (see Sections 2.1 and 2.2).
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.
- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

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For example, The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.
- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernable at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with *The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter)*.

Conservation of original interior detailing is generally encouraged as a positive heritage outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

#### 3.3 KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric, ameliorate any previous unsympathetic alterations, and avoid any adverse visual or physical impacts on the traditional streetscape presentation. It should be noted however, that some of these constraints also create positive business and tourism opportunities relating to the heritage character of the individual place and the town centre.

For those places that have been assessed as making little/no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- Street front development should remain at one to two storeys, as defined by the traditional floor to ceiling and parapet heights along the street;
- Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views.
- The design of new buildings and major additions, as visible from the main street frontage(s), should respond to, and complement, the vertical and horizontal rhythms and the other key positive features/elements of the traditional streetscape.

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It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

#### 3.4 GENERAL GUIDELINES

##### 3.4.1 Subdivision and Amalgamation

Further subdivision or amalgamation of sites within the Policy Area will not generally be supported by the Shire unless it is satisfied that:

- a) The proposal will not adversely impact on the traditional character of the streetscape.
- b) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- c) The development proposal for the subdivided/amalgamated site reflects the patterns and proportions of the traditional development in that part of the Policy Area and is consistent with the guidelines for new development in this Planning Policy.
- d) The proposal will not adversely impact on the contributory fabric or setting of any contributory place.

##### 3.4.2 Demolition

In considering an application for demolition the Shire shall have due regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Policy Area.
- b) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.
- c) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).  

In these cases the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.
- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.
- e) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- f) Demolition of non-contributory buildings may be permissible, however the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

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##### **3.4.3 Alterations – general principles for contributory buildings**

The detailing of parapets, verandah/awnings, shopfronts, first floor facades and roofscapes, are all dominant features of both the current and traditional streetscape.

In considering an application for alterations to contributory buildings, the Shire shall have due regard to the following:

- a) New works should not distort an understanding of the original design.
- b) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works or as essential to meet universal access requirements or other current building standards). This includes, but is not limited to, works impacting on parapets or visible roof forms; materials; wall finishes and details; windows and window openings; and doors and door openings.
- c) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.
- d) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades and verandahs/awnings to their original form and detailing is encouraged, where practical. This should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place.

In the absence of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- e) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.
- f) As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.

##### **3.4.4 Additions to contributory buildings**

New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.

Where additions to the side of a contributory place are the only feasible option, they should be set back from the main façade by a minimum of 1.2m.

Where upper storey additions to a contributory place are the only feasible option, they should be set below the line of sight from the opposite side of the street.

If any proposed additions will be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building and its relationship to a line of sight for a pedestrian standing on the opposite footpath. If the addition will be clearly visible in such views (either above or to the side of the building), or if it may adversely impact on public views to another near-by contributory building, the Shire may require a Heritage Impact Statement to be prepared by the applicant.

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Additions that are visible from the main street frontage(s) should be carefully designed to:

- Respect the scale, massing, proportions and materials of the existing building and its key design elements;
- Enable the traditional design and scale of the contributory place to be readily understood;
- Ensure the original part of the building remains the prominent element in streetscape views to the site;
- Not adversely impact on public views of this or other near-by contributory buildings.

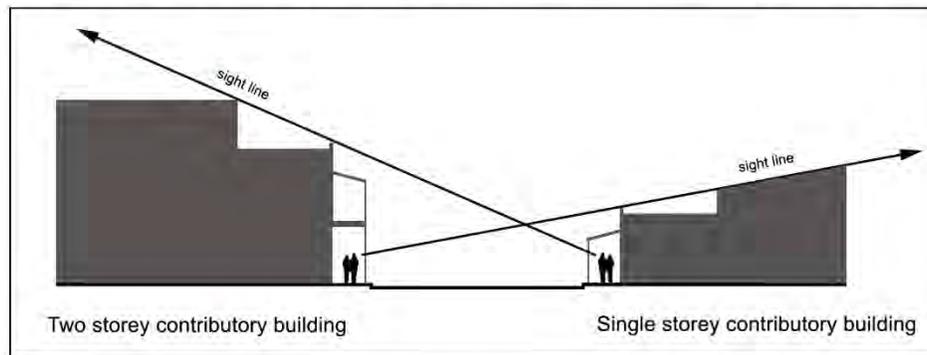


Figure 5: Indicative sight lines for upper floor additions to contributory places.

#### 3.4.5 Change of use for contributory buildings

Where a change of use is proposed, particular care needs to be taken to ensure that any required works do not adversely impact on the contributory fabric. In particular, the traditional rhythm and detailing of the doors and windows, and the proportion of openings to walls, should be maintained.

For example: If a former shop is being adapted as an office, the shop-front windows should not be blocked up or removed, and alternative methods for achieving the required level of privacy should be considered (such as using the window bay as an information display area or for other community purposes, such as historical displays or public art).

Similarly, if a former bank or office is adapted for retail purposes it may not be appropriate to increase the level of street front exposure by widening window openings or creating new openings.

#### 3.4.6 New development and alterations/additions to non-contributory buildings

The heritage values of the Policy Area are embodied in the contributory buildings. New development on non-contributory sites and alterations/additions to non-contributory buildings present an opportunity for good modern design that complements the traditional streetscape character in that area and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

In designing new buildings it should be noted that different styles were traditionally used for shops, hotels, offices and banks. Subject to the visual impact on the traditional streetscape, this can be used to influence new design and maintain the diversity and vitality of the Policy Area.

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- a) When relevant new works are proposed, consideration should be given to adapting or replacing features that are intrusive within the context of the traditional streetscape character with more sympathetic detailing.

This should be informed by the list of the key features that contribute to or detract from the traditional character of the streetscape under Sections 2.2 (Civic and Government Building Precinct) and 2.3 (Commercial Precinct).

For example: a simple modern interpretation of a traditional verandah/awning or of a traditional shopfront can have a significant impact on the manner in which a non-contributory building complements the streetscape.

- b) The construction of a new building will generally only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).
- c) At the street frontage, new development and alterations/additions should generally be single storey (although well-designed two-storey buildings could help to reinforce some of the corner sites on the main cross roads).
- d) New buildings and additions should not adversely impact on public views to any near-by contributory buildings.

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- e) Where visible, side facades were typically of a simple, functional design and largely free of decorative detailing, unless designed to formally address a cross street. This should generally be reflected in new development.
- f) 'Reproduction' heritage designs and ornate 'heritage' detailing (such as turned timber verandah posts, Victorian era iron lacework or Federation era timber valances, overtly classical mouldings etc) detract from an understanding and appreciation of the original buildings and will generally not be supported.

For example: a slimline boxed awning or simple raked verandah is generally more appropriate for a modern building than a bullnose verandah.

#### 3.4.7 Signage

Within the Policy Area it is important to strike a balance between the needs of businesses to have adequate exposure, and the need to ensure that new signage does not become a dominant element that detracts from the aesthetic qualities of the area.

The location and design of retail and commercial signage in the early to mid-twentieth century was highly diverse. For example, panels or painted signs were located on the face of parapets, over or under verandahs, on the leading edge of awnings, to stall boards, on side walls, etc. Painted signs were also applied to roofs, shopfront display windows and to the glazing of upper floor windows. Diversity is therefore supported, but new signage should still be carefully designed as a complementary element of both the individual place and the streetscape.

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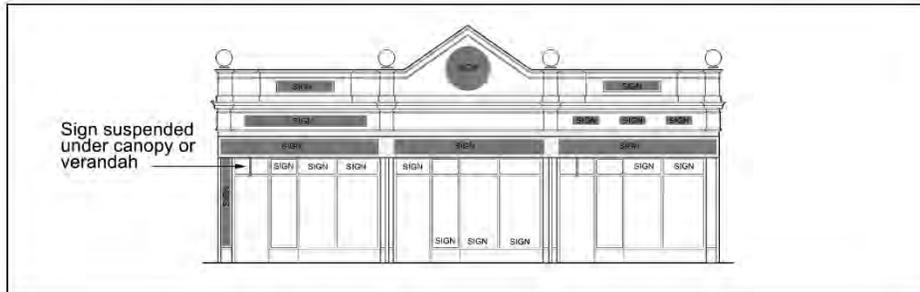


Figure 6: Examples of appropriate signage locations



Figure 7: Examples of inappropriate signage

Where a provision of the Shire of Northam Advertising Signage Policy is inconsistent with the guidelines for the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct*, this Policy prevails:

- a) The design of new signage should be complementary to the traditional streetscape in terms of size, location, colour, proportions, etc.
- b) Simple modern signage is generally appropriate. Unless it is based on historical evidence, or directly linked to the function of the building, elaborate "olde world" styles and typefaces are not generally appropriate.
- c) New signs should not obscure or detract from a significant feature of, or streetscape views to, any contributory place.
- d) Signage should be designed in size and proportion to complement the proportions of the place and the element on which they are mounted (e.g. laid out symmetrically within the face of an awning, within a plain panel to the parapet or vertically along the face of an otherwise plain pier).
- e) Signage on shop windows should be designed to retain open views into the shop and/or to displays of goods within the shopfront area (e.g. windows should not be painted out or views obscured by large or multiple decals).
- f) The mounting of new signs should not require the removal of, or undue damage to, any contributory fabric. Any fixing holes etc should be able to be satisfactorily repaired when the sign is removed at a future date.

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- g) Painted signs should not be applied to face-brick walls to the main façade of any building.
- h) Modern company and business signs and logos should not dominate the façade of a contributory building or detract from an appreciation of the traditional character of the street. Such signs may need to be adapted to be consistent with these guidelines.
- i) Externally mounted illuminated signs are generally not appropriate.
- j) Large projecting or tethered signs are generally not appropriate.
- k) Evidence of early signage adds to the heritage value of contributory places and should generally be conserved. For example, this could include moulded lettering to parapets, lettering to shopfronts or evidence of old painted signs to side walls.
- l) Advertising by means of the painting of building facades in bold corporate colour schemes will generally not be supported.

#### 3.4.8 Colour Schemes

Colour schemes should be complementary to the traditional character of the streetscape while still retaining a level of diversity and interest (see also Section 3.4.9, Public Art).

- a) Where repainting of contributory facades is proposed, reinstatement of original colour schemes is encouraged. Any new colour scheme should sympathetically interpret traditional colour schemes, as relevant to the age and style of the place.

Note: In the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained with fewer colours used, although strong contrast was often provided by the use of glazed tiles in colours such as dark red, brown or dark green. Historical photographs of shop fronts dating from the first half of the twentieth century can also provide important information about 'typical' colour variation across the different parts of a façade and the balance of light and dark.

The range of paint colours was relatively limited prior to World War II, and the simplest method of choosing a 'traditional' paint scheme for a contributory building is to refer to the 'heritage' paint charts provided by many of the commercial paint companies (particularly at their web sites)

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or "ladders" (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from 'heritage' paint charts can help owners approximate the original and later colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme.

If a fully authentic result is desired, professional advice and analysis is recommended.

- b) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- c) Where some of the painted surfaces of a contributory building were traditionally

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unpainted careful removal of the paint and conservation of the underlying surface is encouraged, if practical. If the painted finish is to be retained, any new paintwork should aim to interpret the traditional colours to the different parts of the façade. This includes differentiation between the main wall finish and original detailing such as contrasting stringcourses, nameplates, quoins, plinths etc.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork.

- d) Where there is more than one shop within a single original development, the parapet or upper level should have a unified colour scheme. Expression of individual identity should be reflected in signage and shop displays rather than wall colour.
- e) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, 'heritage' colour schemes are not required, and are generally not appropriate, for non-contributory buildings or modern infill.
- f) Visually prominent 'corporate' colour schemes that are inconsistent with the traditional character of the streetscape will generally not be supported.

#### 3.4.9 Public Art

- a) The theme of public art within the Fitzgerald Street Commercial & Civic Centre - Heritage Precinct should aim to interpret aspects of the history of the area in a manner that conveys information, encourages interest and/or inspires imagination about the past, as well as adding to the vibrancy of the streetscape.
- b) If public art is proposed in the form of murals, this should generally be restricted to non-contributory buildings. For contributory buildings murals should only be considered for previously painted surfaces and should generally be restricted to areas such as side walls (where these are visible to side streets or the side of two storey buildings).

#### 3.4.10 Off street parking

Specific requirements for the Commercial Precinct include:

- a) Where required, off-street parking should be located towards the rear of the site or otherwise landscaped/screened to minimise the impact on the main street frontage
- b) Access to parking areas should generally be from side streets or rear lanes.
- c) Treatment of any essential access-ways off Fitzgerald Street should be based on the streetscape in the immediate area. For example, where a sense of nil side setbacks is warranted, then details such as well designed gates set within a continuous façade may be appropriate design techniques for new development.
- d) Where the Shire is satisfied that a requirement for off-street car parking for a new development cannot be achieved without adversely impacting on the traditional streetscape character of the Commercial Precinct, the Shire may approve a variation of these requirements if this will achieve a positive heritage outcome.

#### 3.4.11 Incidental development

- a) Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the main street frontage(s).
- b) Roof mounted services and plants rooms should be located towards the rear of the place or concealed behind parapets.

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##### 3.4.12 Maintenance

- a) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- b) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- c) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 3.2.
- d) A long-term lack of maintenance, which results in structural inadequacy, may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

##### 3.5 CIVIC AND GOVERNMENT OFFICES PRECINCT

The nature of this area as a collection of diverse landmark heritage buildings, does not lend itself to the development of specific streetscape guidelines.

All new works should be consistent with the general guidelines set out in Section 3.2.

##### 3.6 COMMERCIAL PRECINCT – CENTRAL COMMERCIAL AREA

###### 3.6.1 Development Pattern

The significance of the core of the Commercial Precinct (to the south of Peel Terrace), and of the individual contributory places, relies in part on the traditional pattern of development along the street. Consistent front boundary building alignments are a key feature of the core of this area. Block widths vary, but the facades are generally articulated in a manner that reflects the development of continuous rows of small shops, interspersed by two storey bank and hotel buildings and a small number of two storey shops and offices.

- e) New development should generally incorporate a nil setback to the street front boundary, with the exception of recessed entries that interpret traditional ingos (see Figure 10).
- f) Shopfronts and shopfront offices should have a full width verandah or canopy, extending over the footpath.
- g) Side setbacks should generally be nil, as viewed from the street frontage.
- h) All new development should be oriented at right angles to Fitzgerald Street.
- i) New, open pedestrian access ways between the street and rear areas will only be permitted if this is essential for an otherwise compatible development and there are no other alternatives. In this case the access way should be carefully designed as a secondary streetscape element and not disrupt the overall sense of continuity of the street facades.
- j) New vehicular access off Fitzgerald Street will not generally be supported.
- k) Off-street car parking areas should not be visible from Fitzgerald Street.

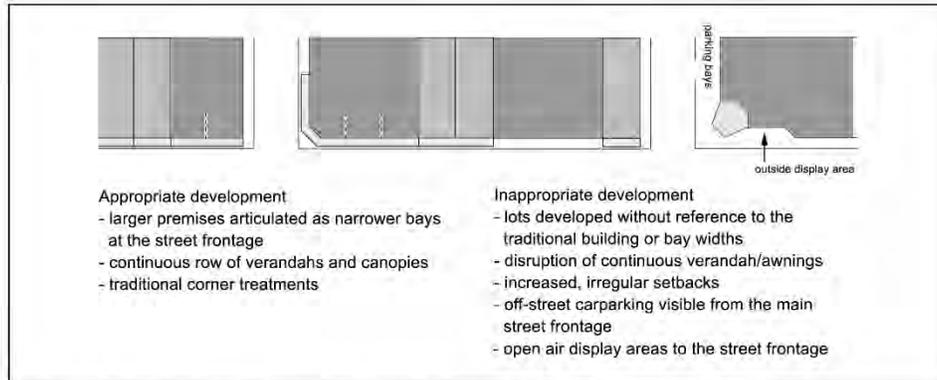
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**Figure 8: Examples of appropriate and inappropriate development patterns**

#### 3.6.2 Contributory Buildings

Refer also the general guidelines under Section 3.4.

##### 3.6.2.1 Alterations – shopfronts

In the period leading up-to and through the inter-war era shopfronts commonly had large window display areas that were framed between a solid stall (a plinth of approximately 300-600mm high) and a row of, often multi-paned, highlight windows (above door height). The early examples had timber or brass window frames, but chrome-plated frames had also become more common by the inter-war era. Stall boards had a variety of finishes including render, timber panelling and tiles. Until at least the 1920s the entrance was usually recessed with splayed sides (increasing the effective display area of the shop front windows) and either placed centrally or at one side

Full height windows, large expanses of unframed toughened glass, very wide doorways, or large areas of solid walling to the ground floor street frontage are generally inconsistent with the detailing used in this era.

Note: Good examples of traditional shopfront include #s 70, 74, 76, 82, 102, 108, 192-196 and 202. Good examples of later Inter-War and early Post-WWII shopfronts include #s 178 and 182.

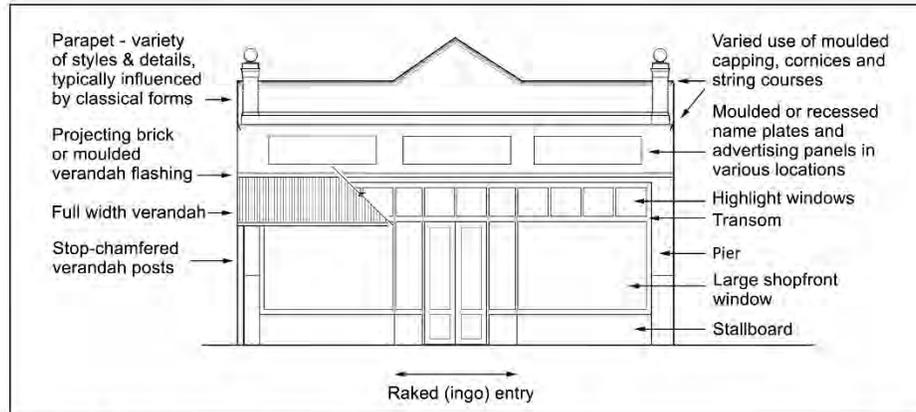
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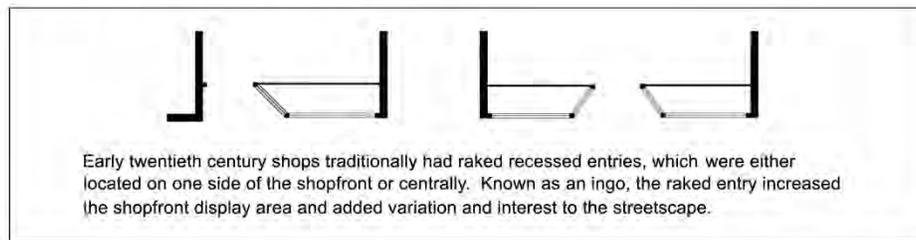
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**Figure 9: Traditional shopfront details**



**Figure 10: Traditional shopfront entries**

The majority of the ground floor shopfronts have been altered over time and often bear little relationship with the character of surviving original detailing to the parapets/upper floors. In order to complement the traditional streetscape character and reinforce the sense of place, the surviving original/early shopfronts should be conserved and the progressive replacement of unsympathetic shopfronts is encouraged.

- a) Contributory shopfront detailing should be conserved.
  - Removal or major alterations will not generally be supported where a shopfront is original to the building or where a later shopfront displays valued design features.
- b) If the shopfront is not significant and a new shopfront is proposed, any of the following options are acceptable:
  - Reinstatement to a known earlier state (based on historical or physical evidence);
  - Conjectural reconstruction based on an informed analysis of other places of the same age, style, scale and level of detail;
  - A simple modern interpretation of traditional shopfront proportions and detailing.
- c) If two or more shops are amalgamated as one business, care should be taken to retain/interpret the original rhythm of the earlier separate shopfronts.
- d) If modification is essential to reasonably meet universal access or other health and safety requirements, the works should involve the minimum possible alteration to original

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fabric and be detailed to complement the original design.

#### 3.6.2.2 Alterations – verandahs/awnings

Verandahs and awnings are important elements that make a major contribution to the character of the Commercial Precinct and the amenity of the footpaths, but the early to mid-twentieth century examples have generally been extensively altered over time. This reflects a trend throughout Australia in the 1950s and 60s, when verandah posts were perceived as a traffic hazard and the original verandahs were progressively removed and/or replaced with deep, boxed awnings. Modern engineering solutions can now permit the reinstatement of verandahs or traditional cantilevered awnings in a manner that addresses safety concerns.

- a) Reconstruction of verandahs to a known earlier appearance is generally encouraged, noting that the design will need to be sympathetically adapted as required to meet current engineering and safety standards.
- b) Where there is evidence that a verandah previously existed, but the details are not fully known, either of the following options will be supported:
  - Conjectural reconstruction, based on the available evidence and an informed analysis of other places of the same age, style, scale and level of detail;
  - A simple modern interpretation of the traditional verandahs and awnings along the street in a design that complements the contributory place.
- c) Verandahs/awnings should not be attached to the street façade of contributory buildings that did not traditionally have this feature, unless:
  - It will achieve other important functional requirements; and
  - It can be demonstrated by the applicant that the new work will not unduly impact on the cultural heritage values of the place.

If a new verandah/awning is supported under these circumstances, it should be of a simple modern design that is compatible with the traditional streetscape, and does not confuse an understanding and appreciation of the original design of the place.

When reconstructing/recreating verandahs, particular care should be taken to ensure that the roof form is compatible with the design of the façade; the verandah springs from an appropriate height below the parapet (often marked by a slightly protruding brick course which acted as part of the flashing); posts are a traditional size; and that any detailing (such as friezes and brackets) is authentic. It should also be noted that a variety of roof forms were used for single storey buildings (see Figure 11), while two-storey shops and hotels usually had verandah/balconies with timber or decorative cast iron balustrades, brackets and valances – adding diversity and interest to the streetscape. Gutters were typically ogee profile (set over timber scotias) and downpipes were round. PVC downpipes are not appropriate.

Verandahs with stop-chamfered timber posts were the norm during the first part of the twentieth century, but from the 1920s, cantilevered awnings began to become more common. The fascias of the early boxed awnings were thinner than the deep boxed awnings that became popular in the post-war era – giving them a lighter feel when viewed from the street and allowing better views of the parapet detailing. Another common feature of early boxed awnings was the use of decorative pressed metal soffits, which enlivened the pedestrian area.

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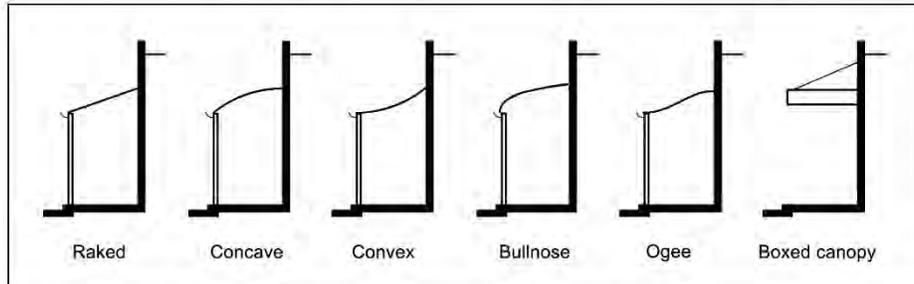


Figure 11: Traditional verandah roofs

#### 3.6.2.3 Alterations – parapets, first floor facades and roofscapes

Parapets and first floor facades generally retain a relatively high level of original detailing, which embodies much of the heritage character of the streetscape. Original parapets, raised pediments, pilasters, finials (in forms such as balls and urns), name-plates or recesses, cornices and string courses, rendered/face-brick finishes, first floor openings, chimneys etc. are all important elements.

- a) Contributory detailing to the parapets, upper floors and roofscapes should be conserved. Removal or major alterations will not generally be supported where the form and/or detailing is original to the building.
- b) Conservation of deteriorated, altered or missing elements (including restoration and well informed reconstruction) is encouraged where practical.

#### 3.6.3 New development and additions to non-contributory buildings

Refer also the general guidelines under Section 3.4.

- a) Within the Commercial Precinct, new development and additions to non-contributory buildings should respond sympathetically to the following key issues in order to maintain and reinforce the traditional streetscape character:
  - Largely consistent front boundary building alignments;
  - Traditional prominence of zero side setbacks;
  - Traditional prominence of one-two storey verandahs and cantilevered awnings;
  - Traditional prominence of well articulated parapets;

Note: For long frontages these utilise repetitive and/or feature bays rather than large expanses.

  - Use of a variety of detailing, which achieves a level of vitality and emphasises the identity of the individual buildings, while still creating a cohesive streetscape;
  - Articulation of the facades of shops and offices, with particular reference to:
    - Vertical rhythms, as defined by elements such as party walls, parapet panels, pilasters and first floor windows (see Figure 3);
    - Horizontal rhythms, as defined by elements such as parapets, floor levels, verandahs, awnings, and window sills (see Figure 3);
    - High ratio of window to wall on the ground floor and articulated shopfronts

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(including elements such as recessed entries, framed display windows, highlight windows and stalls);

- Lower ratio of window to wall on upper floors, with vertically proportioned openings;
- Traditional use of a mixture of dark-red face-brick, rendered, and part rendered walls.

Note: New development can use traditional materials or a careful use of modern materials that interprets these in a complementary manner (considering texture, balance and colour).

- b) Frontages to Fitzgerald Street should be designed to provide a strong engagement with the street at all times. Large areas of plain walling or obscure glass, windows that are largely covered with signage, roller doors and shutters are generally discouraged.

#### **3.7 COMMERCIAL PRECINCT – AREA ADJACENT TO AND NORTH OF PEEL TERRACE**

The character of this area is quite distinct from the nearby core of the commercial precinct. In particular, its nature as a more open, mixed streetscape reflects its varied development with houses, motor garages, light engineering works and small factories in the early to mid-twentieth century.

All new works in this area should be consistent with the general guidelines set out in Section 3.2 (as relevant to the existing development on each site and in the immediate area). Within this context, particular care should be taken to conserve Northam House (11 Peel Terrace) as one of the original substantial shops in the town, and to support the development of an appropriate streetscape setting for this place.

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**SHIRE OF NORTHAM**  
**FINAL DRAFT PLANNING POLICY**

**RESIDENTIAL HERITAGE PRECINCTS**

**STATUTORY POWERS**

This Local Planning Policy is made pursuant to clause 2.2 of the Shire's Scheme.

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## 1 INTRODUCTION

This Local Planning Policy highlights the importance of Heritage Precincts and Places as part of the amenity of the Shire's built environment.

### 1.1 STATUTORY CONTEXT

Residential Heritage Precincts in Northam are given statutory protection under the Shire of Northam's Local Planning Scheme No 6 (LPS6).

Section 7.2 of LPS6 allows for the designation of a Heritage Precinct and the adoption of policy guidelines that will be applicable to that area.

This Local Planning Policy is:

- Consistent with the aim set out under 1.6 (g) of the Shire of Northam Local Planning Scheme No 6:  
*preserve, protect and enhance townscapes and places, buildings and objects of heritage value, historic interest, natural beauty or scientific interest which exist throughout the Scheme area*
- Addresses the requirements of Clause 7.2.2 (a) of the Shire of Northam Local Planning Scheme No 6
- Enables application of Clauses 7.4 & 7.5
- Enables application of heritage provisions under Clause 8.2

In addition to the statutory protection measures of LPS6, additional protection measures are afforded to places that have been entered on the State Register of Heritage Places.

The Local Planning Policy for Residential Heritage Precincts in Northam also relates to the provisions of the Residential Design Codes (R-Codes). The R-Codes recognize that local differences of character can be accommodated and permit the adoption of local planning policies to compliment the standards contained in the R-Codes. However, the R-Codes restrict the preparation of Local Planning Policies that endeavour to vary the R-Codes to the design elements of streetscape, building design, boundary walls and building height, unless the Policies relate to a need specific to a particular region or situation. Given the heritage significance of Northam's Residential Heritage Precincts, it is considered that the Local Planning Policy which aims to protect these heritage values would justify any variation to the R-Codes.

### 1.2 RESIDENTIAL HERITAGE PRECINCTS

The following Residential Heritage Precincts have been identified in Northam:

- Gordon Street Residential Heritage Precinct  
The cultural heritage significance of the *Gordon Street Residential Heritage Precinct*; the level of contribution that each place makes to this significance; and the key streetscape characteristics of the precinct have been outlined in Section 3.

Other Residential Heritage Precincts may be identified over time.

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#### 1.3 POLICY OBJECTIVES

- a) To conserve the cultural heritage significance of Residential Heritage Precincts.
- b) To conserve the contributory fabric of those places which have been identified as making a considerable or some contribution to the heritage significance and traditional streetscape character of a Residential Heritage Precinct.
- c) To ensure that, where alterations or extensions are necessary to meet current requirements, development does not adversely impact on the traditional character of a contributory place (as viewed from the public domain) or its contribution to the heritage significance and traditional streetscape character of the Residential Heritage Precinct.
- d) To ensure that new development within a Residential Heritage Precinct can be accommodated without adversely affecting the heritage significance and character of the area.
- e) To provide improved certainty to landowners and the community about the planning processes for development within the area.

#### 1.4 APPLICATION OF POLICY

This policy will be given due regard by the Shire (having been adopted under clause 7.2 of the Shire's Local Planning Scheme No.6) when assessing and determining applications for planning approval for development and assessing, and providing comments with respect to applications for subdivision/amalgamation, within a Residential Heritage Precinct.

The guidelines shall apply to all development, including new development and the extension, alteration, addition, modification or demolition of existing buildings, within the designated heritage precinct, with specific reference to the manner in which the works impact on the appearance of the affected place(s) within the streetscape and, more generally, on the traditional character of the surrounding streetscape.

##### Works requiring development approval

Both Planning and Building approval is required before structural changes can be made to buildings within a Residential Heritage Precinct, where such changes will be visible from the main street frontage(s).

For example, works such as:

- Creating new, larger, window openings to the main façade(s) of a contributory place
- Constructing a carport or gazebo in front of, or beside, the house

Planning approval is also required for non-structural external changes, where these are not consistent with these guidelines.

For example, works to the main façade(s) of a contributory buildings such as:

- Rendering a face-brick façade
- Painting previously unpainted surfaces, such as face-brick walls
- Replacing original roof tiles with pre-painted steel sheeting
- Replacing timber-framed windows with metal-framed windows

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##### Works not requiring development approval

Works which are consistent with these guidelines, and which would otherwise not require planning approval, can be undertaken without a development application.

This includes renovation, maintenance and landscaping works, provided these works do not remove, obscure or otherwise adversely affect the contributory fabric of the place, as viewed from the street.

- For example, for a contributory place, works not requiring development approval include:
- Replacing deteriorated gutters in a traditional ogee profile
  - Replacing severely deteriorated timber windows with new timber windows of the same or a very similar design
  - Repairing deteriorated mortar joints to match the existing
  - Landscaping involving the removal and/or planting of vegetation (provided this does not include the removal of landmark trees that have been specifically identified as part of the significance of the place)
  - Re-surfacing paths and driveways

The following guidelines outline the types of works that are appropriate and inappropriate for places within a Residential Heritage Area. If further clarification is required about development approval requirements for a specific project, property owners are urged to consult with the planning officers at the Shire of Northam in the early stages of the planning/design process.

#### 1.5 DEFINITIONS

Apart from the terms noted below, words and expressions used in this policy have the same meaning as they have in the Scheme:

- '*Articulation*' means the manner in which the form, detailing and materials accentuate the different parts of a building.

In early twentieth century residential designs, the high level of articulation of the façade typically broke down the apparent scale of the place by using variations to the overall form of the building envelope (such as stepped facades; gabled-hipped roofs; eaves overhangs; and verandahs), variations at the finer scale (such as projecting, moulded window sills; recessed windows; projecting plinths etc) and variations to the materials and finishes (such as contrasting string courses).

- '*Contributory fabric*' means those parts of a *contributory place* (including building envelopes, facades, materials, finishes and detailing) that contribute to the authentic heritage character of the place within its streetscape setting (i.e. as visible from the public realm).

This is typically original fabric, but also includes fabric that is consistent with the original design.

- '*Contributory place*' means a building that makes a positive contribution to the cultural heritage significance and traditional streetscape character of the Policy Area.

All places that have been assessed as making a considerable or some contribution to a Residential Heritage Precinct are considered to be 'contributory places' for the purpose of this Planning Policy.

The majority of these places make a positive contribution because of the manner in which they illustrate important aspects of the history of residential development in Northam, with reference to their associations, age, design characteristics and their

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moderate to high level of authenticity. Individually, they are not necessarily items of outstanding heritage significance, but they do possess collective significance within their streetscape context.

All early to mid-twentieth century buildings have been altered to some degree over time. Some contributory places will therefore have elements that are not contributory (such as the render to a façade that was originally face-brick or a non-traditional alteration to the roofing material). The guidelines acknowledge these variations.

- '*Heritage Impact Statement*' means a professionally report that addresses:
  - How the proposed works will affect the traditional streetscape character of the Policy Area.
  - For a place of considerable or some contribution, how the proposed works will affect the contributory fabric and heritage character of the place.
  - What alternatives have been considered to ameliorate any adverse impacts.
  - If the proposal results in any heritage conservation benefits that may offset any adverse impacts.

A guide and form for the preparation of Heritage Impact Statements can be downloaded from the State Heritage Office's website.

- '*Level of Contribution*' means the degree to which the history and physical characteristics of the place contribute to the cultural heritage values of the Residential Heritage Precinct.
  - *Considerable Contribution*: These places have generally retained clear evidence of their traditional external detailing, character and/or form, are prominent streetscape elements and/or have important historical associations.
  - *Some Contribution*: These places are generally more modest examples of the local residential (or associated) development and/or have undergone more substantial external alterations over time.
  - *Little/No Contribution*: These places are have been assessed as making no particular contribution to the assessed cultural heritage values of the Residential Heritage Precinct.
- '*Nearby contributory places*' means any contributory places on the five lots on either side of the proposed development, on both sides of the street that the subject building is oriented towards. Greater emphasis will be given to development in the immediate locality (that is closer to the proposed development).
- '*Sense of place*' means the characteristics that make the Residential Heritage Precinct special for the local community.
- '*Traditional materials*' mean the building materials and finishes that were widely available during the period when a building was constructed.

For example: Brick and timber weatherboards were the common materials for the external walls of 'suburban' houses in the Late Victorian era. During this time, bricks were sometimes finished with a protective coat of lime-rich render or stucco, commonly ruled with lines to imitate rectangular blocks of stone. Weatherboards could be plain (narrow, with a square or beveled edge), or detailed to resemble large stone blocks. Roofs were clad in corrugated iron, in shorter lengths than the modern standard (although short-sheets are still available for conservation works). Verandah posts were timber or cast iron, sometimes with timber or cast-iron 'lace' brackets and friezes. Decorative window panels (such as the side and highlights to the main entrance) were often fitted with stained glass.

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In the Federation era red face-brick walls with contrasting rendered detailing to areas such as window sills and string courses, were very popular. At that time interest was often added to the main façade(s) by the use of prominent gables clad with pressed metal or, more commonly, finished with a pebble-dash or rough-cast render set with timber battens in a variety of layouts. Roofs were typically clad with either red Marseilles tiles or corrugated iron. For larger houses, the verandahs often featured a highly decorative use of turned-timber posts and either carved or turned-timber brackets and friezes. Windows included a varied use of clear glass, coloured textured glass or stained glass panels.

Both timber and brick remained common for the Inter-War era, although the range of bricks was increased to include darker and variegated colours, together with textured bricks. Half-timbered gables continued to be used (although at a lower pitch), while face-brick or rough-cast render were a popular finishes for masonry verandah supports and walls. Decorative window panels included both coloured textured glass and geometric leadlights. An emphasis on texture and contrast was often expressed in the use of varied materials (for example, a main façade featuring a stone foundation, red-brick 'skirt', rough-cast rendered upper wall and half-timbered or shingled gable).

There are many publications available that illustrate houses of the Late Victorian, Federation and Inter-War eras, but the typical materials and styles used in Northam are perhaps best understood by looking at local examples.

- '*Traditional streetscape*' means the pattern, form and style of development that was established in the Residential Heritage Precinct during its significant period(s) of development, as collectively illustrated by the original form and detailing of the contributory places. It also includes the visual impact of materials, colours, finishes, boundary fences, road, footpaths, verges and landscaping.

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## 2 DEVELOPMENT GUIDELINES

### 2.1 INTRODUCTION

#### 2.1.1 Scope

The following Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the traditional streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, redevelopment of these sites, or infill development impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

#### 2.1.2 General application of the Development Guidelines

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape, with the aim of achieving a high standard of development that protects/enhances contributory places within, and the traditional streetscape character of, a Residential Heritage Precinct. Issues to be considered on a case-by-case basis include the assessed cultural heritage values and traditional streetscape character of the specific Residential Heritage Precinct, the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting and the local streetscape views.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

Note: Where places have been entered in the State Register of Heritage Places, the Shire of Northam must also seek the input from the State Heritage Office. In these cases additional development conditions may be applied (to both external and internal works) in order to achieve an appropriate conservation outcome.

#### 2.1.3 Cultural Heritage Significance, Levels of Contribution And Key Positive Features/Elements

A statement of cultural heritage significance, an assessment of the level of contribution for each site, and a list of the key features and elements that contribute to the traditional character of the streetscape(s) has been prepared as part of the assessment and analysis of each Residential Heritage Precinct.

This includes, but is not limited to, consideration of the following points and will inform the specific application of these guidelines within different precincts:

- Primary period(s) of residential development;
- Typical building style(s);
- Development pattern (traditional block widths, front setbacks and side setbacks);

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- Bulk and scale of traditional residential development;
- Building envelopes (traditional plan and roof forms);
- Materials and finishes;
- Fencing;
- Treatment of roads, verges and footpaths;
- Landscaping;
- Any associated development (such as local churches, halls, parks etc).

The assessment and analysis of each Residential Heritage Precinct has also considered any elements that detract from the traditional character of the streetscape(s), with the aim of ameliorating these aspects over time.

This information has been included in this Policy as follows:

- *Gordon Street Residential Heritage Area – Section 3*

#### 2.2 CONSERVATION PRINCIPLES

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the Residential Heritage Precinct should be retained and enhanced.
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.
- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

For example: The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.

For example: If the verandah of an early twentieth century house was replaced in a different style in the mid-late twentieth century, looking at other similar, but more intact, houses in Northam will help to identify the detailing that would be appropriate for a more sympathetic new verandah. Key elements include the style of the posts, the shape and materials of the roof, the design of any end panels and the height of the verandah.

- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernable at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with *The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter)*.

Conservation of original interior detailing is generally encouraged as a positive heritage

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outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

#### 2.3 KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric and avoid any adverse visual or physical impacts on the traditional streetscape presentation.

For those places that have been assessed as making no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

Over time this will help to protect and enhance the amenity and heritage character of the area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- The height of street front development should be consistent with the traditional eave and ridge heights of nearby contributory houses. Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views;
- The design of new buildings and major additions, as visible from the main street frontage(s), should be in harmony with the key positive features/elements of the traditional streetscape.
- Other development constraints, such as small lot size or limited opportunities for under-cover off-street parking, will not be accepted as a justification for variation of these guidelines, if such variation is to the detriment of the heritage significance or traditional streetscape character of the Residential Heritage Precinct.

It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

#### 2.4 DEMOLITION

In considering an application for demolition the Shire shall have due regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Residential Heritage Precinct.
- b) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.

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- c) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).

In these cases the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.

- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.
- e) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- f) Demolition of non-contributory buildings will generally be permissible, however the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

#### 2.5 DEVELOPMENT PATTERN - SUBDIVISION AND AMALGAMATION

Further subdivision or amalgamation of sites within a Residential Heritage Precinct will not generally be supported by the Shire unless it is satisfied that:

- a) The new lot(s) are capable of being developed in a manner that is compatible with the key features/elements of the Residential Heritage Precinct and in a manner that is in harmony with the nearby contributory buildings (inclusive of scale and setbacks).
- b) The proposal will not adversely impact on the traditional character of the streetscape or on the contributory fabric or setting of any contributory place.
- c) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- d) The development proposal for the subdivided/amalgamated site is consistent with the guidelines for new development in this Planning Policy.

#### 2.6 ALTERATIONS AND ADDITIONS

##### 2.6.1 General Principles for Contributory Buildings

In considering an application for alterations to contributory buildings within a Residential Heritage Precinct, the Shire shall have due regard to the following:

- a) New works should not distort an understanding of the original design.
- b) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works). This includes, but is not limited to, works impacting on original materials; roof forms and details; wall finishes and details; verandahs; windows and window openings; and doors and door openings.

For example, works that will not generally be supported include:

- Altering the form of the visible roofline (minor, compatible, variations may be acceptable to accommodate additions that are otherwise consistent with this Local Planning Policy).
- Removing prominent chimneys (such works will generally only be supported if a structural report demonstrates that the chimney is unsafe or cannot be reasonably retained for other

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structural reasons).

- Replacing timber-framed windows with metal-framed windows (where replacement of timber joinery is required the affected elements should be selectively replaced with new timber joinery to the same profile);
- Painting of previously unpainted surfaces (such as face brick walls);
- Replacing original tiled roofs in corrugated metal sheeting or visa versa;
- Fully or partly enclosing front verandahs.

- c) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.

For example:

- A simple raked verandah should not be replaced by a new bull-nosed verandah, unless there is documentary or physical evidence that shows that the latter was the original detail.  
Note: Careful inspection of the building can sometime reveal evidence of original detailing. For example, if a verandah has been removed or altered, marks on a return walls may reveal the profile of a moulding or the shape of a former roof.
- Ornate friezes, brackets and/or turned timber posts should not be added to the verandahs of simple cottages where there is no evidence that this was part of the original design.  
Note: Repaired nail holes and old paint lines to original posts may show the sites of former brackets, timber friezes or handrails.
- Ornate terracotta finials (in the more decorative forms of dragons etc) and decorative crested ridge-capping should not be introduced where there is no evidence that this was part of the original roof design.

- d) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades to their original form and detailing is encouraged, where practical.

Where possible, this should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place. In the absence of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- e) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.

For example:

- A corrugated iron roof may be replaced with corrugated iron, Zinalume, or pre-painted corrugated steel in a colour comparable to a traditional painted finish (such as dark red) or unpainted finish (such as light-mid grey)
- New gutters and downpipes shall use traditional profiles, but can be of modern materials that are similar to galvanised iron, such as Zinalume, or pre-painted steel.

- f) As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.

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##### 2.6.2 Additions to Contributory Buildings

The heritage values of a Residential Heritage Precinct are embodied in the contributory buildings. In considering an application for additions to such places, the Shire shall have due regard to the following:

- a) New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.
- b) No additions or new structures (including patios, carports, garages, gazebos etc) are permitted within the front setback of the existing building, unless it can be clearly demonstrated that the new structure will not:
  - Dominate the contributory building;
  - Obscure streetscape views of the original building, or a nearby contributory building;
  - Adversely impact on the traditional streetscape character of the Residential Heritage Precinct.
- c) In terms of detailing, materials and finishes, additions that are visible from the street may be in the same general style as the existing building or designed in an openly contemporary, but still sympathetic, manner.

For example:

- Additions to a face brick dwelling could use matching face brickwork, a complementary traditional finish, such as rendered brick, or be constructed of carefully detailed contrasting fabric, such as glass and steel.
- Framed additions to a timber framed, weatherboard clad dwelling could use matching weatherboards, flat fibrous cement sheets or a modern contrasting cladding, such as pre-painted corrugated steel sheeting.

Note: Where visible from the street, roofs of alterations or additions should generally be clad in materials that match the existing.

- d) Additions that are visible from the main street frontage(s) should be carefully designed to:
  - Ensure the original part of the building remains the prominent element in streetscape views to the site and that its original design and scale can be readily understood;
  - Respect the scale, massing, proportions and materials of the existing building and its key design elements, including consideration of the original:
    - Plan form
    - Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
    - Height of the wall plate
    - Proportions of door and window openings
    - Balance of walls to openings
    - Balance of different materials and colours;
  - Involve the least possible alteration to the contributory fabric, and not remove or obscure significant elements/details;
  - Not adversely impact on public views of this or other near-by contributory buildings.
- e) Where additions to the side of a contributory place are the only feasible option, the new fabric should be set back from the main façade by a minimum of 1.2m from the closest section of the existing front wall. This includes structures such as carports, garages, patios and new verandahs. Two storey additions to the side of a contributory single storey residence will not generally be supported.

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- f) Where second storey additions to a contributory place are the only feasible option, they should be located towards the rear of the building and should not be prominent in pedestrian views from the opposite side of the street. Second storey additions over the main roofline of the original house (excluding rear wings or rear skillion additions) will not generally be supported.
- g) Loft additions may be constructed where there is sufficient space within the existing roof, and where any required alterations to the roofline (including dormer windows or skylights) will not be prominent in streetscape views. Any associated alterations to the original roofline should generally be located on the rear roof plane or towards the rear of side roof planes.
- h) Any new garages or carports visible from the street frontage(s) of existing buildings shall be designed as secondary elements that do not obscure views of the building or negatively impact on streetscape views.
- i) If any proposed additions may be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building.

The applicant may also be requested to submit a continuous street elevation that includes the buildings on either side of the subject site, in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.
- j) If an addition may adversely impact on public views to the contributory building, or a near-by contributory building, the Shire may also require a Heritage Impact Statement to be prepared by the applicant.

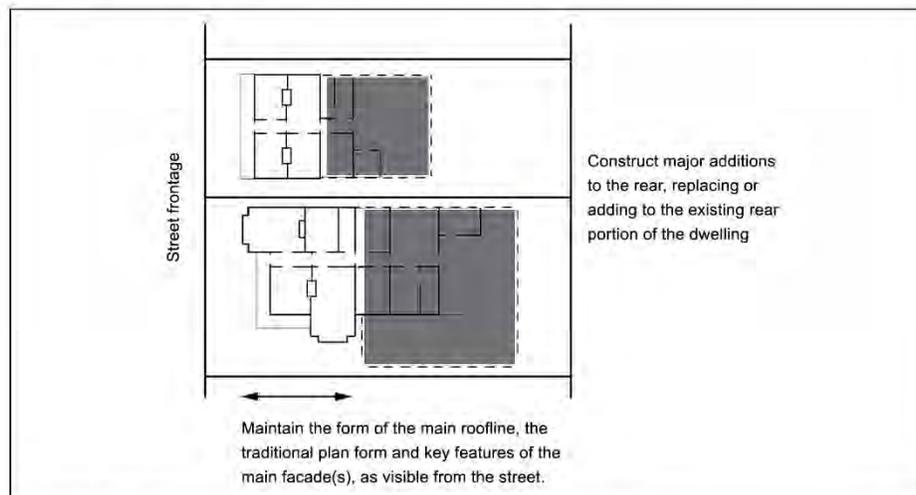


Figure 1: General location for additions (indicative sketch only)

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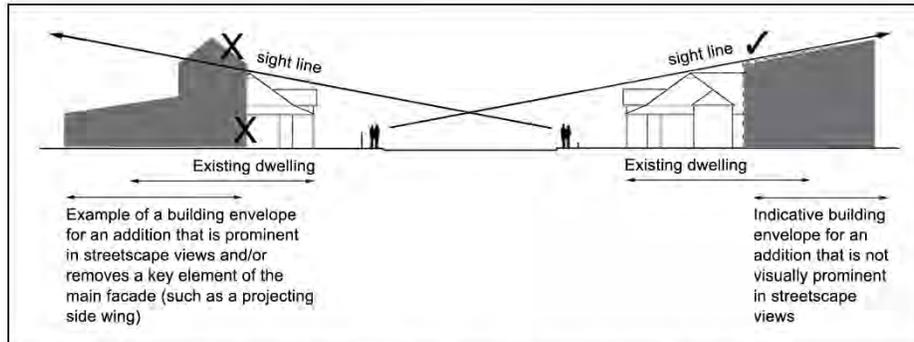


Figure 2: General location for additions - sightlines (indicative sketch only)

#### 2.6.3 Alterations/Additions to Non-Contributory Buildings

Alterations and additions to non-contributory places provide an opportunity to improve the aesthetic qualities of the area by respecting and interpreting the key features and elements of the Residential Heritage Precinct.

- Additions should not change the bulk, scale or proportions of a non-contributory place in a manner that increases its visual impact on the immediate streetscape.  
The aim of this is to ensure that streetscape views focus on the nearby contributory buildings and, in general, it means that large additions should be located towards the rear of the site.
- When new works are proposed for a place that was constructed in the same period as the contributory buildings, but which has been extensively altered over time, then alterations that will help to return the place towards an earlier (contributory) state are encouraged. Alternatively, new works may aim to modernise the place in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).
- When alterations and additions are proposed for non-contributory buildings that have no historical association with the assessed cultural heritage values of the Residential Heritage Precinct, no attempt should be made to confuse an understanding of the area by adapting these places in a reproduction 'heritage' style.

Where alterations and additions are proposed for such places consideration should be given to the following points:

- If the scale, form and materials of the place are broadly compatible with the traditional streetscape then the new works can be based on the original design of the place or adapt it in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).
- If the place (or any of its component parts) is intrusive within the streetscape, then the new works should aim to adapt the place in a manner that is more sympathetic with the traditional streetscape.

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#### 2.7 NEW DEVELOPMENT

New development on non-contributory sites presents an opportunity for good modern design that complements the traditional streetscape character and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

Where appropriate opportunities exist for the development of a new building (or prominent additions to a non-contributory building), innovative solutions are encouraged, subject to the following guidelines.

##### 2.7.1 General

- a) The construction of a new building will only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).
- b) New buildings and additions to non-contributory places should not adversely impact on public views to any near-by contributory building(s).

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- c) Contemporary designs should respond to, and interpret, the articulation and detail of nearby contributory buildings in a modern and sympathetic way. This requires careful attention to design aspects such as the:
  - Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
  - Height of the wall plate;
  - Street front plan form and width;
  - Use of front verandahs;
  - Location of main entries;
  - Proportions of door and window openings
  - Balance of walls to openings
  - Balance of different materials and colours.
- d) 'Reproduction' heritage styles and applied 'heritage' detailing detract from an understanding and appreciation of the contributory buildings and will generally not be supported.

For example: decorative detailing such as turned timber verandah posts, turned timber finials, Victorian style iron lacework and Federation style timber brackets and valances, should generally not be applied to new dwellings in a heritage area.

- e) The applicant may be requested to submit a schedule of finishes and/or a continuous street elevation that includes the buildings on either side of the subject site, in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.

##### 2.7.2 Orientation and setbacks

- a) Where visible from the street, the orientation of new buildings (or prominent additions to non-contributory places) must match the traditional orientation of nearby contributory buildings.
- b) If intersecting streets are both included in a Residential Heritage Precinct, any new

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development or major additions on a corner block shall respect the traditional pattern of development and streetscape character of both frontages (acknowledging the traditional development of a primary and secondary façade).

- c) New buildings should be constructed with setbacks from the front boundaries similar to the typical setbacks of nearby contributory buildings.
- d) A new building should not be built forward of an adjacent contributory building, unless it can be clearly demonstrated that this will not adversely impact on the traditional streetscape values of the Residential Heritage Precinct and/or views to the adjacent and nearby contributory buildings.
- e) For the extent that side boundaries are clearly visible from the street, they should be similar to the typical side setbacks for nearby contributory buildings.

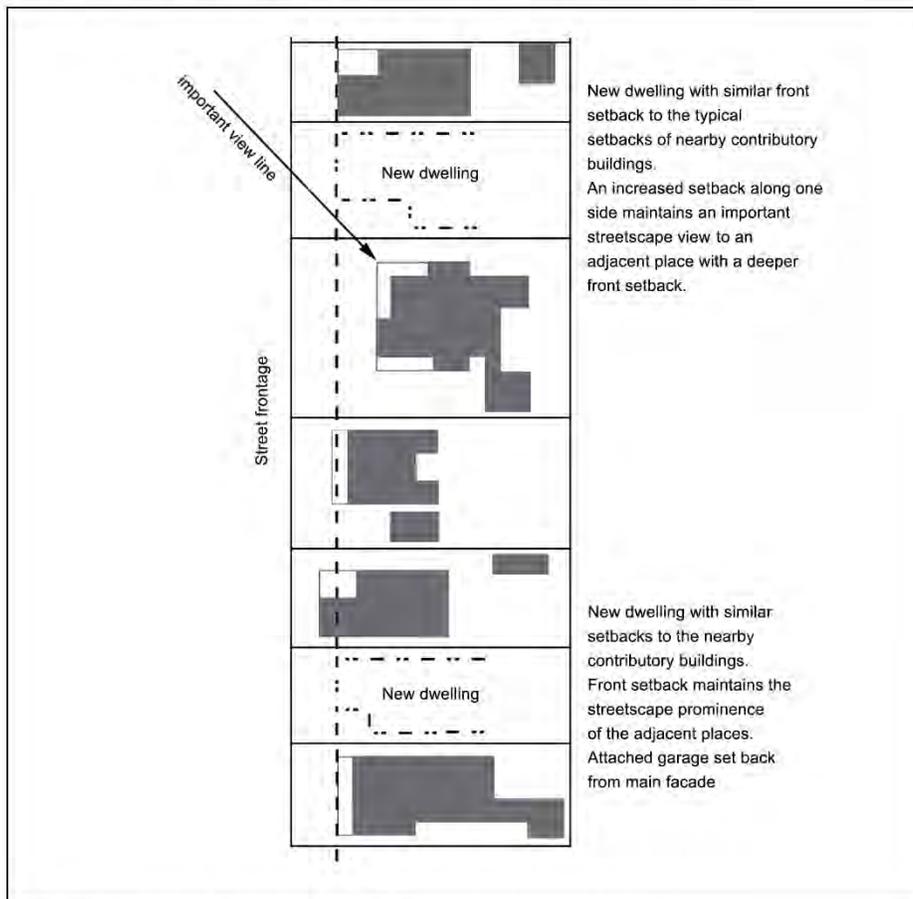


Figure 3: Setbacks for new buildings (Indicative sketch only)

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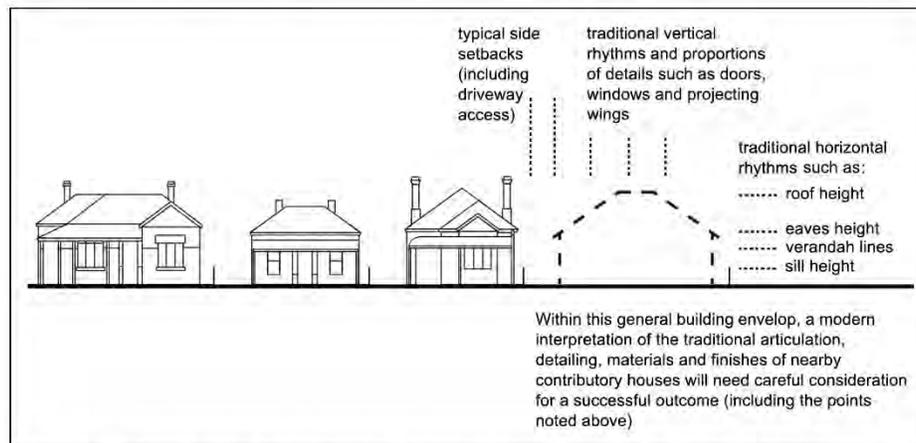
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##### 2.7.3 Scale and form

- a) New buildings, as viewed from the street frontage(s), should be of similar form, bulk, scale, proportions, height and level of articulation as the contributory buildings in the Residential Heritage Precinct.

In particular, the manner in which articulation is used, and the height, size and shape of the roof, are key elements that can help a contemporary building blend into a heritage streetscape.

- b) If the traditional streetscape is predominantly single storey, new buildings that present as two storeys to the street frontage will not generally be permitted. In this case, any two-storey section(s) should not be visually prominent in pedestrian views from the opposite side of the street (similar to the principles illustrated in Figure 2).



**Figure 4: Example of a broad design envelope for a new building** (Indicative sketch only)

Two storey wings can be included at the rear, provided these are not visually prominent in streetscape views.



**Figure 5: Examples of inappropriate infill within a heritage precinct** (Indicative sketch only)

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#### 2.8 BOUNDARY FENCES

The treatment of the front boundary and of the return boundaries (back to the front walls of the house) makes a major impact on the streetscape character of a Residential Heritage Precinct.

- a) Fencing is required where this has been a traditional development characteristic of the streetscape.
- b) All new fences shall be designed to complement the style of the existing building and the traditional streetscape character.

Fences in traditional styles (appropriate to the age, style and scale of the building) are preferred for contributory buildings. Modern fence styles of a simple design are preferred for non-contributory buildings.

For example: Subject to the nature of the associated place, traditional fencing can include styles such as timber post and rail with woven wire panels; timber pickets with gothic or acorn shaped heads (for early twentieth century places); timber pickets with square heads, with a flat or stepped design and/or a top rail (from the early twentieth century and into the Inter-War era); low pier and plinth masonry (for later Inter-War houses); masonry piers with spear-head palisades (early twentieth century); masonry piers with wrought iron panels (Inter-War era).  
All of the above were sometimes backed by clipped hedges.

- c) New fences should be designed to retain clear public views to the front of each house and open streetscape views.
- d) Boundary walls or fences that are located forward of the building line shall be no more than 1.2 metres high.
- e) The main panels of masonry walls and plinths should be limited to approximately 300-600mm above footpath level.
- f) Large masonry posts will only be acceptable where used for traditional fence styles to the street frontage of a large villa on a wide block.
- g) High masonry walls and high solid panels are not permitted along the front and return boundaries in a Residential Heritage Precinct.

#### 2.9 OFF STREET PARKING

The following points must be considered in addition to the guidelines for additions and new development (above):

- a) As far as possible, access for carports or garages should be along side driveways or, where available, from side streets or rear lanes.
- b) Any new driveways and hardstands at or near the front of the site should be designed to minimise the visual and physical impact on the setting of the contributory buildings and the streetscape.
- c) Carports or garages should generally be set back from the main facade.
- d) Carports or garages should not visually dominate the primary or secondary street frontage of the place;
- e) Carports or garages should comprise no more than 33% of the main frontage.
- f) The design of carports and garages or other outbuildings on land containing a contributory place should:

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- not extend design elements of a contributory place (such as verandahs, roof lines or historic detailing) at the same alignment as the main facade; and
  - not incorporate undercroft parking or other parking or access arrangements that are not in keeping with heritage character of the area.
- g) Larger carports, garages, hardstands and sheds can generally be located towards the rear of the site.

#### 2.10 COLOUR SCHEMES

Colour schemes should be complementary to the traditional character of both the house and the streetscape, while still retaining a level of diversity and interest.

- a) Painted surfaces can be repainted in any complementary colour scheme, but the use of a traditional colour scheme or reinstatement of the original colour schemes is encouraged.

Note: The simplest method of choosing a 'traditional' paint scheme for a contributory building is to refer to the 'heritage' paint charts provided by many of the commercial paint companies (particularly at their web sites) and/or to refer to other on-line sites that illustrate suitable paint schemes for different house styles and periods (recognising that different colours became available/popular at different times).

If owners are interested in undertaking additional research, there are many publications available that focus on houses of the Late Victorian, Federation and Inter-War eras and a small number that focus more specifically on heritage colour schemes (such as *Colour Schemes for Old Australian Houses* and *More Colour Schemes for Old Australian Houses*, both written by Evans, Lucas and Stapleton, and published by The Flannel Flower Press). Historical photographs of similar houses can also provide important information about the traditional colour variation across the different parts of a façade and the balance of light and dark. For example, in the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained.

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or "ladders" (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from 'heritage' paint charts can help owners approximate the original and later colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme.

If a fully authentic result is desired, professional advice and analysis is recommended.

- b) If a modern colour scheme is used this should sympathetically interpret traditional colour schemes (as discussed above), as relevant to the age and style of the place.
- c) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- d) Where some of the painted surfaces of a contributory building were traditionally unpainted careful removal of the paint and conservation of the underlying surface is

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encouraged, if practical. If the painted finish is to be retained, the selection of new paintwork that interprets the traditional colour balance across the different parts of the façade is encouraged.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork, with a lighter cream/buff colour for rendered areas such as window sills.

- e) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, overtly 'heritage' colour schemes are not required, and are generally not appropriate, for non-contributory buildings or modern infill.
- f) The applicant may be required to provide a detailed schedule of all finishes, including materials and colours in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.

#### 2.11 INCIDENTAL DEVELOPMENT

- a) Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the main street frontage(s). Where this may impact on the effectiveness of services such as solar panels then alternative measures, such as angled frames on rear skillions, should be used.

#### 2.12 PUBLIC REALM

The public realm (comprising the roadways, lanes, footpaths, verges, gutters, street trees, street lighting etc) has a major impact on the traditional streetscape character of a Residential Heritage Precinct.

- a) All private proposals for changes to the verge within a Residential Heritage Precinct must be submitted to the Shire for approval.

#### 2.13 MAINTENANCE

- a) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- b) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- c) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 2.2.
- d) A long-term lack of maintenance, which results in structural inadequacy (referred to as demolition by neglect), may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

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### 3 GORDON STREET RESIDENTIAL HERITAGE PRECINCT

#### 3.1 POLICY AREA

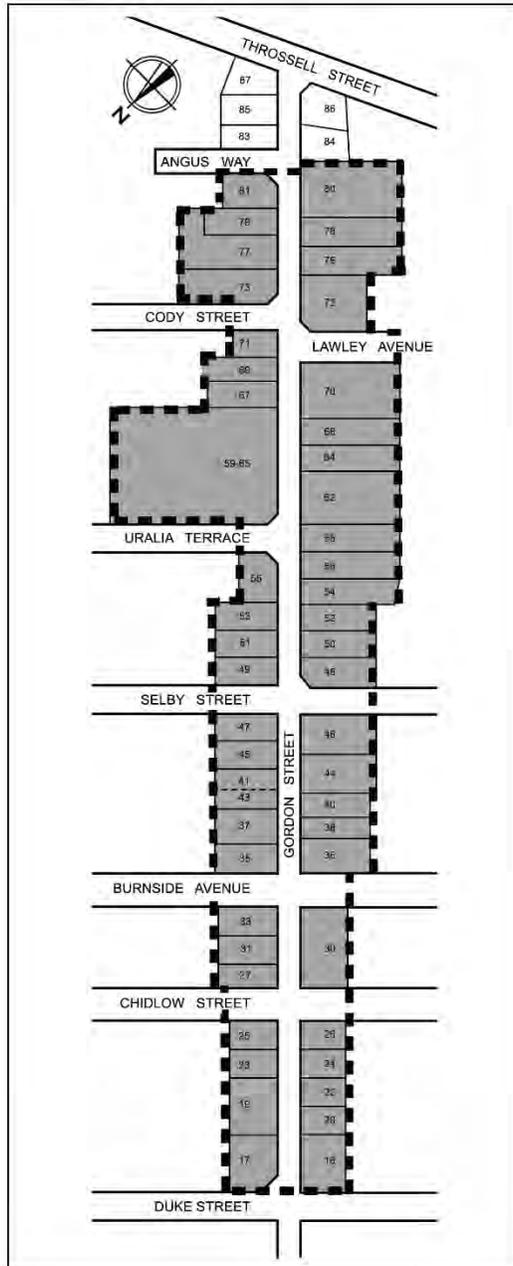


Figure 6: Gordon Street Residential Heritage Precinct

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### 3.2 HISTORICAL CONTEXT OF THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The town of Northam is situated approximately 100 kilometres east of Perth, in the Avon Valley. This fertile area, which was explored by Ensign Dale in 1830, attracted agricultural settlers from the Swan River Colony, who were eager to obtain large grants of land. Between 1830 and 1870, Northam developed as an important agricultural area and service centre for other Avon Valley towns.

Northam was established as a municipality in 1879, but the development of the town was slow until the 1890s, when Northam became the point of departure for the railway to the Western Australian goldfields. In the early twentieth century the population continued to increase as more land in the Avon Valley and the surrounding area was acquired by farmers, who used new methods to increase and improve agricultural yields from their properties.

Residential development within the *Gordon Street Residential Heritage Precinct* appears to have commenced at the beginning of the twentieth century. This included four large gentlemen's villas, which helped to establish the character of the street as a desirable place of residence – 'Cody House' (77 Gordon Street, constructed for Michael Cody, pre-1903); 'Uralia' (59-65 Gordon Street, constructed in 1903 for George Throssell); 'Belrieve' (30 Gordon Street, constructed in 1903 for James Byfield, now known as Byfield House); and A.W. Byfield's house (80 Gordon Street, constructed in c.1904 for Alfred William Byfield). Good quality homes were also built long the street other other local business and professional men, interspersed by a small number of modest cottages.

By c.1913 there were about 20 houses, plus the Freemasons Lodge, within the Precinct.

No further development appears to have taken place along this section of Gordon Street between 1914 and c.1922, after which infill development was encouraged by further subdivisions and land sales, including the Uralia estate (around Uralia Avenue) and Alfred Byfield's property (at the top of Gordon Street). By 1937 the number of houses within the Study Area had nearly doubled, with 19 houses along both the south-western and north-eastern sides of the street.

During that time, local business and professional men continued to be the owner/occupiers of new houses in Gordon Street, indicating that it had maintained its reputation as a desirable place of residence – and earning the street the colloquial name, 'Nobs Hill'.

Development then ceased until the post WWII era and 11 of the existing houses were constructed after 1945 – only one of which was constructed on the site of a former house (#50).

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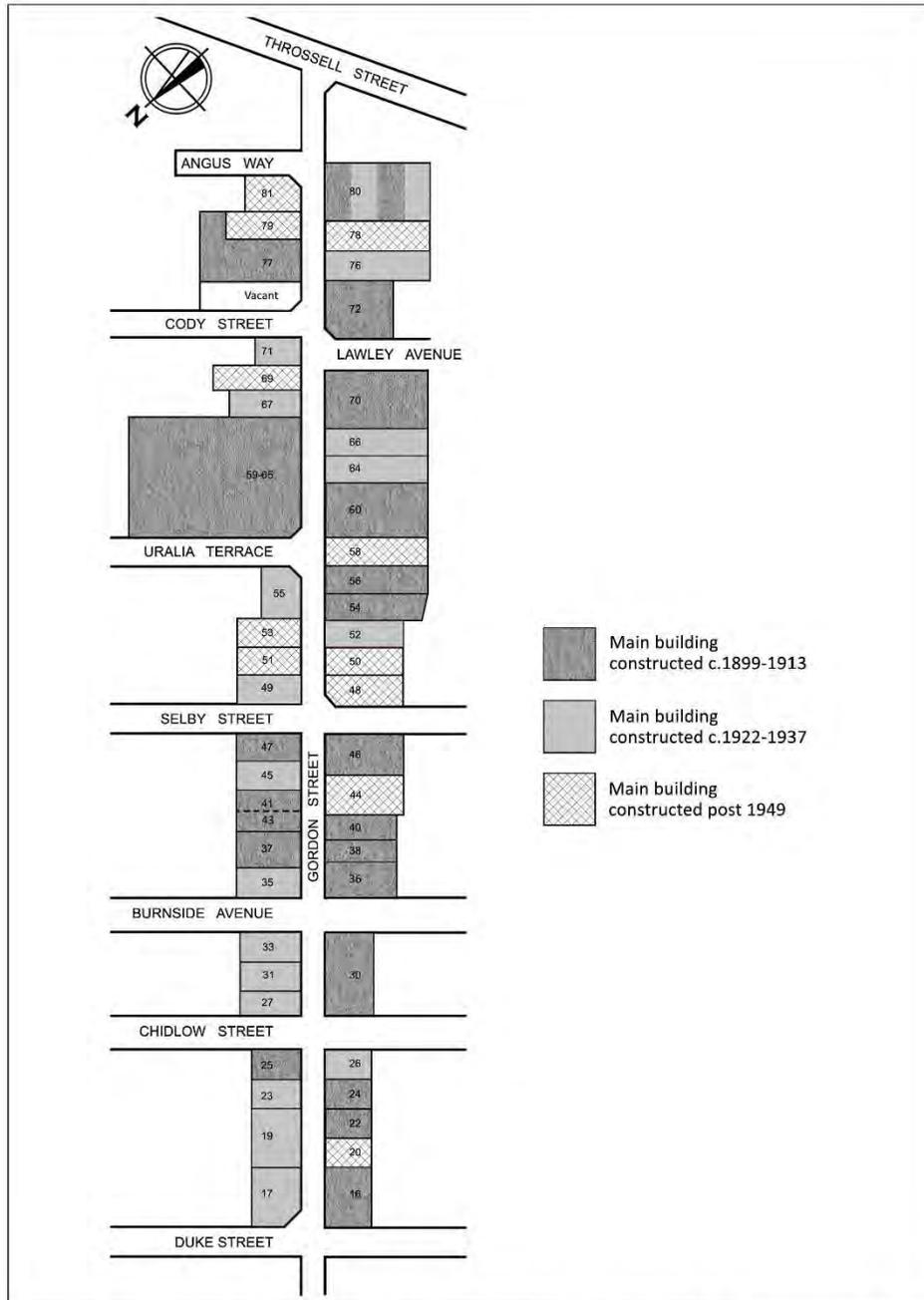


Figure 7: Gordon Street Residential Heritage Precinct - Sequence of development

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### 3.3 CULTURAL HERITAGE SIGNIFICANCE OF THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The cultural heritage values of the *Gordon Street Residential Heritage Precinct* include:

- Its role as the place as a desirable place of residence during the early twentieth century – as illustrated by the colloquial reference to this area as 'Nobs Hill';
- The historical, social and cultural values associated with its initial development with gentleman's villas on spacious estates, together with the suburban houses of local businessmen and public servants in the period c.1900-1913;
- Its direct association with a number of Northam's prominent business and professional men, plus local and state politicians, including:
  - James Byfield, wheelwright & coach builder, miller, farmer, and building contractor; Northam councillor, serving as mayor in 1893 (#30)
  - Alfred William Byfield, building contractor and farmer; Northam councillor, serving as mayor in 1916-1921 (80-82 Gordon Street. House severely damaged by fire, 1924).
  - Michael Cody, hotel proprietor (#77)
  - Albert Redvers George Hawke, MLA (#19)
  - Henry John Leeder, farmer, publican, breeder of thoroughbred horses and racing identity (#35)
  - Patrick Pearson Lyon, solicitor (#17)
  - James William Purslowe, wheelwright, carpenter and undertaker (#22)
  - Joseph Thomas Reilly, journalist and newspaper proprietor (#40)
  - James Albert Rogers, grocery and hardware merchant (#45)
  - James Spargo Nicholls, printer and newspaper proprietor (#46)
  - George Lionel Throssell, merchant and machinery importer (#59-65)
- The historical and aesthetic values associated with its consolidation as a desirable 'middle class' residential address, when further development (including subdivision of some of the larger estates) took place during the Inter-War era (and more specifically in the period c.1922-1937);

The post 1950 development is generally consistent in scale and form but does not contribute to the assessed cultural heritage values of the street.

### 3.4 LEVEL OF CONTRIBUTION OF PLACES WITHIN THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The buildings and spaces within the *Gordon Street Residential Heritage Precinct* are considered to have collective cultural heritage values that contribute to the statement of cultural heritage significance (above). Individually they range from highly significant buildings (some of which have been recognised through entry in the State Register of Heritage Places) through to places that make a general contribution to the history and traditional streetscape character of the area. Additionally, there are a number of places that do not contribute to the assessed heritage values, although most of these are still of a compatible scale and form.

A professional assessment of the historical and physical values of each of the following places determined their level of contribution to the traditional streetscape.

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#### Local Planning Policy for Residential Heritage Precincts in Northam

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Table 1: Gordon Street Residential Heritage Precinct - Levels of Contribution

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 16 Gordon Street</li> <li>• 17 Gordon Street</li> <li>• 19 Gordon Street</li> <li>• 22 Gordon Street</li> <li>• 27 Gordon Street</li> <li>• 30 Gordon Street</li> <li>• 31 Gordon Street</li> <li>• 33 Gordon Street</li> <li>• 35 Gordon Street</li> <li>• 36 Gordon Street</li> <li>• 37 Gordon Street</li> <li>• 40 Gordon Street</li> <li>• 49 Gordon Street</li> <li>• 52 Gordon Street</li> <li>• 56 Gordon Street</li> <li>• 59 Gordon Street</li> <li>• 67 Gordon Street</li> <li>• 70 Gordon Street</li> <li>• 72 Gordon Street</li> <li>• 71 Gordon Street</li> <li>• 77 Gordon Street</li> <li>• 80 Gordon Street</li> </ul>	<ul style="list-style-type: none"> <li>• 23 Gordon Street</li> <li>• 24 Gordon Street</li> <li>• 25 Gordon Street</li> <li>• 26 Gordon Street</li> <li>• 38 Gordon Street</li> <li>• 41-43 Gordon Street (semi-detached houses)</li> <li>• 45 Gordon Street</li> <li>• 46 Gordon Street</li> <li>• 47 Gordon Street</li> <li>• 54 Gordon Street</li> <li>• 55 Gordon Street</li> <li>• 60 Gordon Street</li> <li>• 66 Gordon Street</li> <li>• 76 Gordon Street</li> </ul>	<ul style="list-style-type: none"> <li>• 20 Gordon Street</li> <li>• 44 Gordon Street</li> <li>• 48 Gordon Street</li> <li>• 50 Gordon Street</li> <li>• 51 Gordon Street</li> <li>• 53 Gordon Street</li> <li>• 58 Gordon Street</li> <li>• 64 Gordon Street</li> <li>• 69 Gordon Street</li> <li>• 73 Gordon Street</li> <li>• 78 Gordon Street</li> <li>• 79 Gordon Street</li> <li>• 81 Gordon Street</li> </ul>

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#### Local Planning Policy for Residential Heritage Precincts in Northam

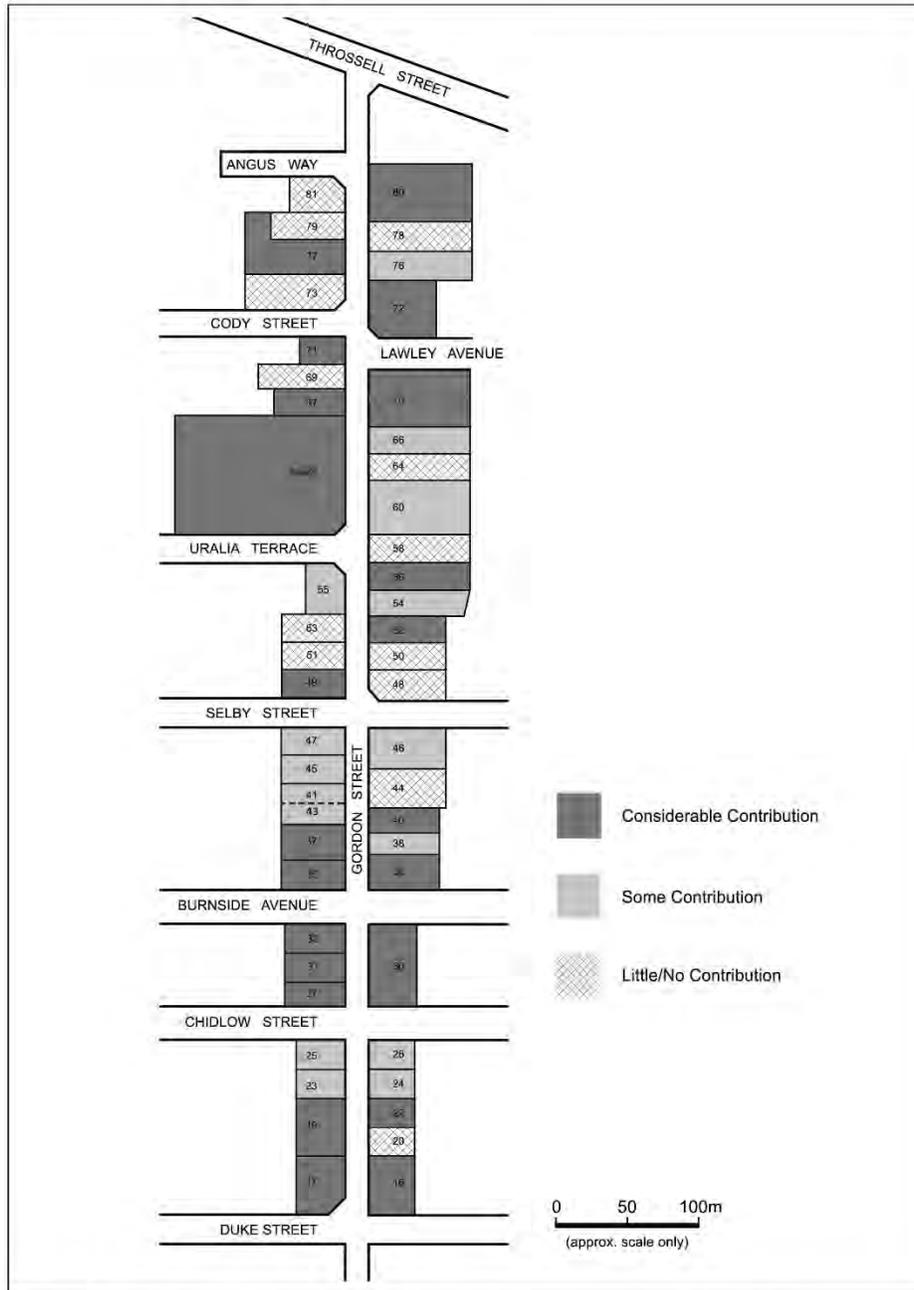


Figure 8: Gordon Street Residential Heritage Precinct - Levels of Contribution

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### 3.5 KEY FEATURES/ELEMENTS OF THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The following features/elements of the Policy Area form the basis for specific development guidelines.

#### 3.5.1 Key Positive Elements and Characteristics

The characteristics that underpin the traditional character of this streetscape include the:

- The historical and aesthetic contribution of landmark buildings dating from the beginning of the twentieth century, including the former Masonic Hall, Byfield House and Uralia;
- Relatively narrow road and wide verges;
- Use of brown gravel to the verges (which interprets traditional unsealed verges);
- Use of brown/red asphalt to the footpaths (interprets traditional compacted earth footpaths);
- Traditional street planting of Kurrajong trees;
- Typical use of low front fences, a small number of which are backed by tall hedges;

*Note: there is no consistent style of fencing, but examples such as simple timber pickets and timber post and rail with woven wire panels are consistent with the traditional development along the street. Low rendered walls with contrasting or projecting brick capping are also consistent with the Inter-War era.*

- Varied house designs

*Note: The house designs vary from modest symmetrical cottages to large asymmetrical Federation Queen Anne villas. However, overall the streetscape is unified by two primary periods of development: c. 1900-1913 and c. 1922-1937.*

*Key architectural themes include simple cottage, Federation Queen Anne villas, Federation Bungalows and Inter-War Bungalows.*

- Predominance of single storey houses;
- Breakdown of the apparent bulk of the main façade(s) through the varied use of design elements such as projecting wings, shallow projecting window bays and stepped, return or straight verandahs;
- Manner in which the residential development often responded to the extensive views over the town and surrounding countryside, particularly to the north-west and south-west;
- Traditional use of hipped or gable-hipped roofs;

*Note: These were enlivened by elements such as varied roof planes, decorative street-front gables (typically with half-timbered detailing), gablet vents and chimneys. They were traditionally finished with terracotta tiles or short-sheet corrugated iron sheeting.*

- Prominent chimneys

*Note: These vary according to the style and period of the houses, and make an important contribution to the picturesque roofscape.*

- Dark, random coursed stone walls with contrasting redbrick quoins for the larger villas dating from c.1900-1914;
- Red face-brick walls;

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*Note: the colour and texture of the brick was often contrasted against painted or roughcast rendered surfaces*

- Roughcast rendered walls;  
*Note: This was a popular finish in the Inter-war era and was typically used together with red face brickwork to provide varied colour and texture.*
- Front verandahs;  
*Note: All of the contributory houses have verandahs with either bullnose or raked roofs, each with distinctive detailing relating to the period of construction. Many of these were designed to return along one or both sides of the house, providing an outdoors living area and taking advantage of views.*
- Panelled entry doors, located under the front verandah or facing the side boundary under a return verandah;  
*Note: Four or five panel timber doors with moulded timber architraves were common in the Federation era. In the Inter-War period high waisted doors with vertically proportioned lower panels and glazed upper panels became popular, as did full-height glazing to single or double doors.*
- Narrow, vertical proportions to timber-framed double-hung or casement windows (set either individually or grouped);  
*Note: Stained glass (Federation era) and geometric patterned leadlight glass (Inter-War era) was commonly used for key windows, including sidelights and highlights to the main entrance.*
- Raked window hoods supported by timber brackets;  
*Note: These were typically used over the windows to projecting wings (where these were not set under the verandah) and were sometimes also used to shade side windows.*
- French doors or full-height double hung windows opening onto verandahs;
- Large, mature trees to private gardens;
- Predominant block width of about 18-20m, with larger blocks for some of the significant early villas.  
*Note: The block widths vary along the street from about 14-15m (some of the early cottages) to about 35-80m (the larger villa estates). However, the most typical block width is in the order of 18-20m.*
- Varied front and side setbacks.  
*Note: Front setbacks range from about 2.5m (some of the early cottages) to as much as 35-50m (the larger villa estates). However, the majority of the houses have front gardens that are in the order of 5-10m deep, laid out with lawns, shrubs and trees.*  
*Side setbacks also vary, but the over-riding character is of free-standing houses in a garden setting.*

#### 3.5.2 Key Negative Elements and Characteristics

The following elements do not necessarily reflect poor design, but are not sympathetic to the traditional character of the streetscape (as defined by the pre-1940 development)

- Gaps in the street trees;
- More recent street plantings of eucalypts and callistemon;

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- The painting or rendering of traditional face brick and/or stone finishes to the street front facades;
- The mid-twentieth century replacement of a number of roofs using metal sheeting pressed to replicate tiles;
- The mid-twentieth century replacement of some timber verandah posts with metal poles;
- Unsympathetic alterations to the doors and windows to the main façade(s);
- Use of cream, brown and salmon brick for new dwellings.

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**ATTACHMENT 2 – LPP NO.18**

*Shire of Northam Local Planning Scheme No.6*  
*Local Planning Policy No.18 – Heritage Precincts*

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**LOCAL PLANNING SCHEME NO.6**

**LOCAL PLANNING POLICY NO.18**  
**'Heritage Precincts'**

**1. PRELIMINARY**

**1.1 Authority to prepare and adopt a Local Planning Policy**

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'deemed provisions for local planning schemes' or 'deemed provisions') allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the deemed provisions.

**1.2 Relationship of this Policy to the Scheme and Part 3 of the deemed provisions for local planning schemes**

If a provision of this Policy is inconsistent with the Scheme and the deemed provisions, the Scheme and the deemed provisions prevail.

This Local Planning Policy is not part of the Scheme and the deemed provisions and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**1.3 Relationship of this Policy to State Planning Policy 3.5 – Historic Heritage Conservation**

If a provision of this Policy is inconsistent with *State Planning Policy 3.5 – Historic Heritage Conservation*, the State Planning Policy prevails.

**2. APPLICATION OF THE POLICY**

**2.1 Purpose**

The purpose of this Local Planning Policy is to ensure that additions or alterations to existing buildings and new development maintains and complements the traditional streetscape character of the Fitzgerald Street and Gordon Street Heritage Precincts.

**2.2 Application**

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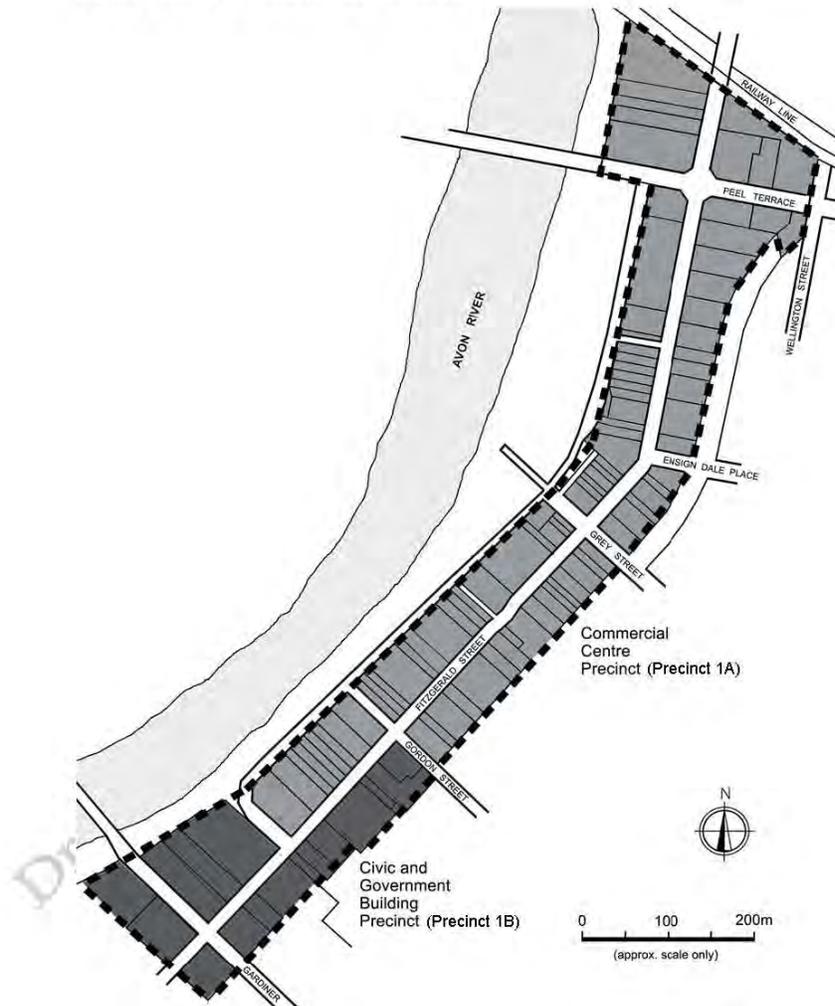
*Shire of Northam Local Planning Scheme No.6*  
*Local Planning Policy No.18 – Heritage Precincts*

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This Policy applies to all land within the: -

- Fitzgerald Street Commercial (Precinct 1A) & Civic Centre Heritage Precinct (Precinct 1B) Policy Area; and
- the Gordon Street Residential Heritage Precinct Policy Area.

**Figure 1:** Policy Area: Fitzgerald Street Commercial (Precinct 1A) & Civic Centre Heritage (Precinct 1B) Precincts



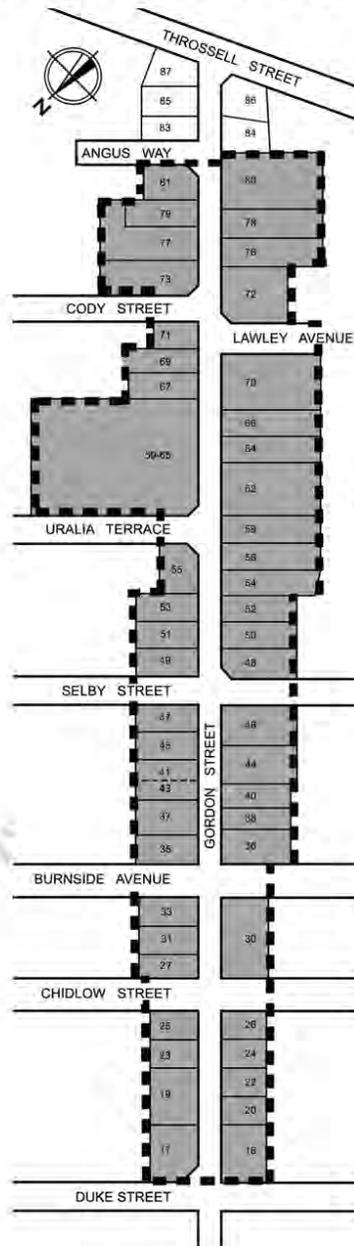
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**Figure 2: Policy Area: Gordon Street Residential Heritage Precinct (Precinct 2)**



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*Shire of Northam Local Planning Scheme No.6*  
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2.3 Relationship of this Policy to other Local Planning Policies, Municipal Heritage Inventory and Development Guidelines

This Policy is to be read in conjunction with: -

- Local Planning Policy No. 2 – Site Development and General Construction Guidelines;
- Local Planning Policy No. 16 – Signage;
- *Northam Municipal Heritage Inventory, September 2012*;
- Design Guidelines for the Fitzgerald Street Commercial & Civic Centre Heritage Precinct (refer Appendix 1 of this Policy); and
- Development Guidelines for the Gordon Street Residential Heritage Precinct (refer Appendix 2 of this Policy).

3. **POLICY OBJECTIVES**

The primary objectives of this Policy are to –

- a) Conserve and protect the cultural heritage significance of the respective Heritage Precinct Policy Areas;
- b) Ensure that new buildings, alterations and additions can be accommodated within the respective Policy Areas without adversely affecting the Policy Areas' significance;
- c) Conserve the contributory fabric of those places which have been identified as making a considerable or some contribution to the Policy Area's cultural heritage values and traditional streetscape character; and
- d) Provide improved certainty to landowners and community about the planning processes for development within the area.

4. **APPROVAL REQUIREMENTS**

4.1 Development Control Principles and Relevant Considerations for Development Assessment

In considering any Development Applications in relation to a place located within a Heritage Precinct, the Shire of Northam will apply and have regard to the: -

- matters set out in section 6.5 of the State Planning Policy 3.5 Historic Heritage Conservation;
- development control principles set out in sections 6.5 and 6.6 of the State Planning Policy 3.5 Historic Heritage Conservation;
- design guidelines set out in Appendix 1 and Appendix 2 of this Policy; and
- structural condition of a contributory place, and whether a place is reasonably capable of conservation.

4.2 Need for a Building Permit

**A Building Permit (and/or Demolition Permit) is required to be sought and issued for any structures prior to on-site works commencing.** Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

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#### 5. **PRECINCT 1 – FITZGERALD STREET COMMERCIAL AND CIVIC CENTRE HERITAGE PRECINCT**

##### 5.1 Background

This Policy highlights the importance of the *Fitzgerald Street Commercial & Civic Centre Heritage Precinct* as a focal point of the Shire of Northam's town centre. It outlines the heritage values of the area, lists the key features that underpin the traditional character of the streetscape (as developed in the period c.1890-1950), identifies the contributory places and elements, and provides guidelines to assist property owners and the Shire to achieve good development outcomes within an important heritage context.

Fitzgerald Street was a well-established and prosperous commercial street by the end of the first decade of the twentieth century and, despite highs and lows, continued to grow and prosper through the early interwar years. Development slowed dramatically with the onset of the Great Depression in 1929, but in the late 1930s projects such as the construction of a chain store by G J Coles Ltd and a new National Australia Bank illustrated renewed confidence in the importance of Northam as a regional centre. Further retail confidence was engendered by the establishment of a large military camp in Northam during World War II, and by the post-war influx of migrants and refugees.

Development undertaken since the mid-twentieth century has included demolition of a number of the early twentieth century buildings, and a mixture of sympathetic and unsympathetic alterations and new development. However, the underlying character of the traditional streetscape can still be readily understood and the aim of this policy is to ensure that additions or alterations to existing buildings and new developments maintain and complement the traditional streetscape character of the precinct.

##### 5.2 Statement of Significance

###### 5.2.1 *Precinct 1A – Fitzgerald Street Commercial Heritage Precinct*

The cultural heritage values of the section of Fitzgerald Street that extends from Beavis Place to the railway line to along the western side of the road and from Gordon Street to the railway line along the eastern side of the road include:

- Its role as the commercial heart of Northam since the beginning of the twentieth century;
- The traditional character of the core of this area as a largely continuous row of predominantly single storey shops and professional suites, interspersed by two storey banking chambers and hotels;
- The manner in which the contributory buildings illustrate the progressive development and prosperity of Northam during the early twentieth century and inter-war eras (c.1890-1950).
- The manner in which the streetscape contributes to a 'sense of place' for the Northam community – with reference to its aesthetic, historic and social values as the traditional town centre.

###### 5.2.2 *Precinct 1B – Fitzgerald Street Civic Centre Heritage Precinct*

The cultural heritage values of the section of Fitzgerald Street that extends from the Gairdner Street intersection to Beavis Place along the western side of the road and from the Gairdner Street intersection to Gordon Street along the eastern side of the road include:

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- The aesthetic, historic and cultural values associated with the development of the Northam Post Office and two substantial government office buildings in this area in the period c.1909-1913;
- The aesthetic, historic and cultural values associated with the development of the civic centre of Northam in this area from the late 1920s;
- The aesthetic, historic and cultural values associated with the development of other community service buildings in this area in the post WWII era (comprising the RSL Hall and Ambulance Station);
- The aesthetic and historic values associated with the progressive development of the Northam Flour Mill and the Avon Bridge Hotel adjacent to the Avon River Bridge since the mid-nineteenth century. This includes their landmark qualities at one of the primary entrances to the town centre.

#### 5.3 Levels of Contribution

Places within the Policy Area will fall into one of the following categories, as depicted in figures and tables below.

**Table 1: Precinct 1 – Fitzgerald Street Commercial (1A) & Civic Centre (1B) Heritage Precinct**

LEVEL OF CONTRIBUTION	DESCRIPTION	DESIRED OUTCOME
Considerable contribution	These places have generally retained clear evidence of their traditional external detailing, character and/or form to all or part of the street façade(s), are prominent streetscape elements and/or have important historical associations.	Conservation of the place is highly desirable.  Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Some Contribution	These places are generally more modest examples of the retail/commercial development of the early to mid-twentieth century and/or have undergone more substantial external alterations over time (particularly to the ground floor shopfronts and awnings).	Conservation of the place is desirable.  Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Little / No Contribution	These places have been assessed as making no particular contribution to the cultural heritage values of the Policy Area. They are typically buildings that were constructed after World War Two and include some buildings that were designed in a manner that is compatible with the traditional streetscape, as well as some that are intrusive (in form, scale, detailing and/or materials).	Existing fabric does not need to be retained.  Any new (replacement) development on the site should reinforce the significance of the area, in accordance with the Design Guidelines.

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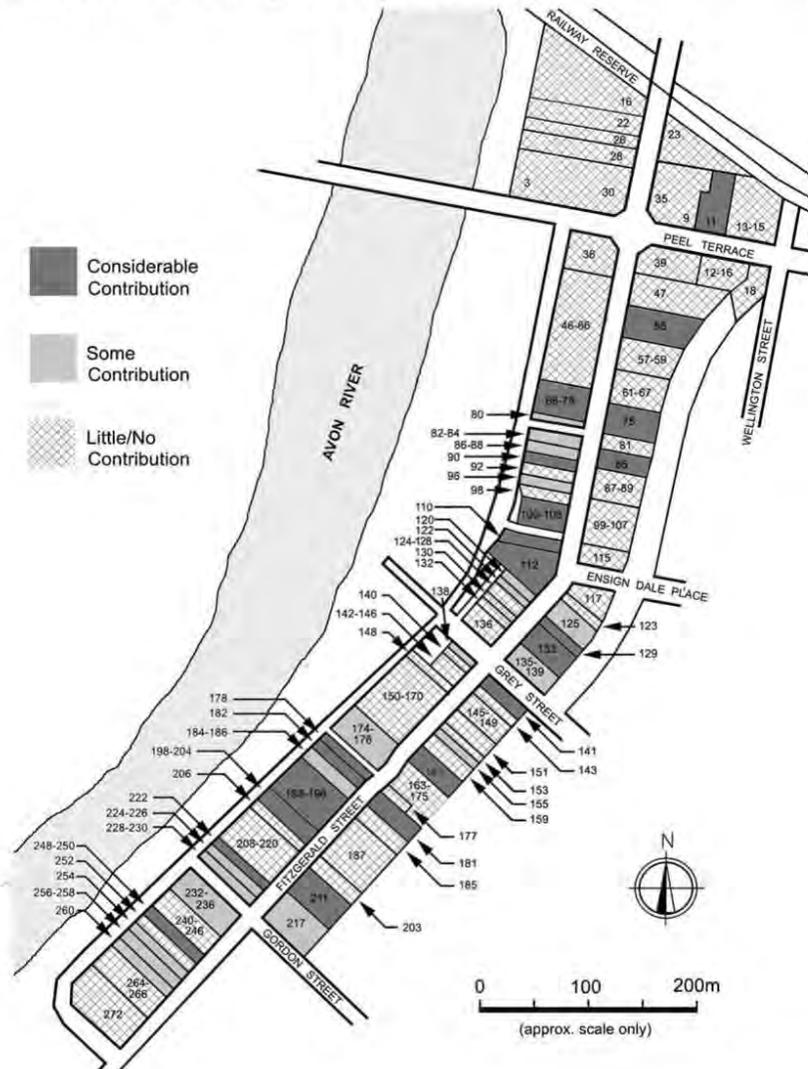
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**Figure 3: Precinct 1A – Commercial Precinct – Levels of Contribution** (to be read in conjunction with Table 2 below, which provides further information about how this relates to the component parts of each place).

Note: While some of the premises constructed since 1950 are sympathetic with the traditional streetscape these are not considered to be contributory places within the context of the cultural heritage values of the Commercial Precinct.



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**Table 2: Precinct 1A – Commercial Precinct - Levels of Contribution**

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 55 Fitzgerald Street</li> <li>• 68-78 Fitzgerald Street <i>This relates to the very early shopfront to #70 and the other traditional timber framed shopfronts to #s 74 &amp; 76.</i></li> <li>• 75 Fitzgerald Street</li> <li>• 85 Fitzgerald Street</li> <li>• 90 Fitzgerald Street <i>This relates to the building envelope and the detailing of the first floor façade. It also relates to its historical use by the Northam Road Board offices.</i></li> <li>• 100-108 Fitzgerald Street <i>This relates to the form and detailing of the parapet and early detailing to the shopfronts to #s 102 and 108.</i></li> <li>• 110 Fitzgerald Street</li> <li>• 112 Fitzgerald Street</li> <li>• 129 Fitzgerald Street</li> <li>• 133 Fitzgerald Street</li> <li>• 141 Fitzgerald Street</li> <li>• 161 Fitzgerald Street</li> <li>• 178 Fitzgerald Street</li> <li>• 181 Fitzgerald Street</li> <li>• 182 Fitzgerald Street <i>This primarily relates to the detailing of the mid-twentieth century shopfront.</i></li> <li>• 188-196 Fitzgerald Street</li> <li>• 198-204 Fitzgerald Street <i>This relates to the building envelope, the traditional form and detailing of the parapet and the early shopfront to #202.</i></li> <li>• 211-215 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 80 Fitzgerald Street <i>This relates to the building envelope, the detailing of the first floor façade, the Nind Street facade and the original parapet.</i></li> <li>• 82-84 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the shopfront to #82.</i></li> <li>• 86-88 Fitzgerald Street <i>This relates to the general building envelope and the openings to the first floor façade.</i></li> <li>• 96 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 120 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 122 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 125 Fitzgerald Street <i>This relates to the building envelope of the original house and shop and the original parapet.</i></li> <li>• 135-139 Fitzgerald Street <i>This relates to the general building envelope and surviving original detailing (noting that the authenticity of the place has been diminished by later alterations)</i></li> <li>• 138 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 155 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> <li>• 174-176 Fitzgerald Street</li> <li>• 177 Fitzgerald Street <i>This relates to the general building envelope and the historical associations of the</i></li> </ul>	<ul style="list-style-type: none"> <li>• 16 Fitzgerald Street</li> <li>• 22 Fitzgerald Street</li> <li>• 23-25 Fitzgerald Street</li> <li>• 26 Fitzgerald Street</li> <li>• 28 Fitzgerald Street</li> <li>• 30 Fitzgerald Street</li> <li>• 36 Fitzgerald Street</li> <li>• 39 Fitzgerald Street</li> <li>• 47 Fitzgerald Street</li> <li>• 46-48 Fitzgerald Street</li> <li>• 58-66 Fitzgerald Street</li> <li>• 57-59 Fitzgerald Street</li> <li>• 61-67 Fitzgerald Street</li> <li>• 81 Fitzgerald Street</li> <li>• 89 Fitzgerald Street</li> <li>• 92 Fitzgerald Street</li> <li>• 98 Fitzgerald Street</li> <li>• 99-107 Fitzgerald Street</li> <li>• 115 Fitzgerald Street</li> <li>• 117 Fitzgerald Street</li> <li>• 123 Fitzgerald Street</li> <li>• 124-128 Fitzgerald Street</li> <li>• 130 Fitzgerald Street</li> <li>• 132 Fitzgerald Street</li> <li>• 136 Fitzgerald Street</li> <li>• 140 Fitzgerald Street</li> <li>• 142-146 Fitzgerald Street</li> <li>• 143 Fitzgerald Street</li> <li>• 145-149 Fitzgerald Street</li> <li>• 148 Fitzgerald Street</li> <li>• 150-170 Fitzgerald Street</li> <li>• 151 Fitzgerald Street</li> <li>• 153 Fitzgerald Street</li> <li>• 159 Fitzgerald Street</li> <li>• 165-175 Fitzgerald Street</li> </ul>

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Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 222 Fitzgerald Street</li> <li>• 239 Fitzgerald Street</li> <li>• 245 Fitzgerald Street</li> <li>• 211-215 Fitzgerald Street <i>This relates to the form, detailing and materials of the parapet.</i></li> <li>• 263 Fitzgerald Street</li> <li>• 265 Fitzgerald Street</li> <li>• 305 Fitzgerald Street</li> <li>• 11 Peel Terrace</li> </ul>	<p style="text-align: center;"><i>place.</i></p> <ul style="list-style-type: none"> <li>• 184-186 Fitzgerald Street <i>This relates to the general building envelope and its Inter-War style adaptations.</i></li> <li>• 217 Fitzgerald Street <i>This relates to the building envelope and the traditional form and detailing of the parapet.</i></li> <li>• 224-226 Fitzgerald Street <i>This relates to the form and detailing of the parapet and the form and detailing of the shopfront to #224.</i></li> <li>• 232-236 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 228-230 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 254 Fitzgerald Street <i>This relates to the form and detailing of the parapet and to the end walls of the shopfront.</i></li> <li>• 256-258 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 260-262 Fitzgerald Street <i>This relates to the form and detailing of the parapet.</i></li> <li>• 269 Fitzgerald Street</li> <li>• 277 Fitzgerald Street</li> <li>• 325 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>• 185 Fitzgerald Street</li> <li>• 187 Fitzgerald Street</li> <li>• 203 Fitzgerald Street</li> <li>• 206 Fitzgerald Street</li> <li>• 208-220 Fitzgerald Street</li> <li>• 240-246 Fitzgerald Street</li> <li>• 243 Fitzgerald Street</li> <li>• 252 Fitzgerald Street</li> <li>• 264-266 Fitzgerald Street</li> <li>• 272 Fitzgerald Street</li> <li>• 281 Fitzgerald Street</li> <li>• 3 Peel Terrace</li> <li>• 9 Peel Terrace</li> <li>• 12-16 Peel Terrace</li> <li>• 13-15 Peel Terrace</li> <li>• 18 Peel Terrace</li> </ul>

**Figure 4: Precinct 1B – Civic Centre Precinct – Levels of Contribution** (to be read in conjunction with Table 3 below, which provides further information about how this relates to the component parts of each place).

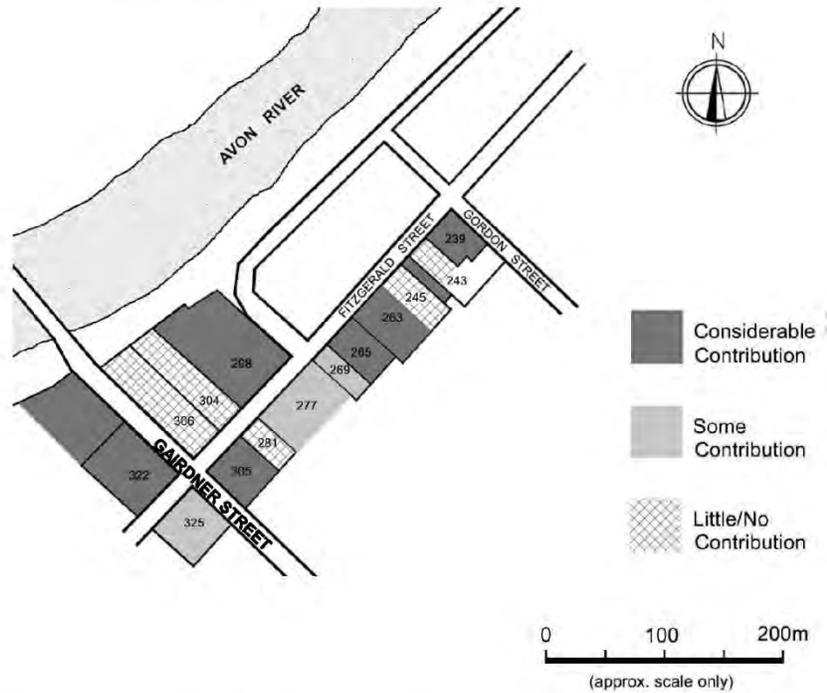
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**Table 3: Precinct 1A – Civic Centre Precinct - Levels of Contribution**

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>239 Fitzgerald Street</li> <li>245 Fitzgerald Street</li> <li>263 Fitzgerald Street</li> <li>265 Fitzgerald Street</li> <li>305 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>243 Fitzgerald Street</li> <li>269 Fitzgerald Street</li> <li>277 Fitzgerald Street</li> </ul>	<ul style="list-style-type: none"> <li>243 Fitzgerald Street</li> <li>Carpark attached to 263 Fitzgerald Street</li> <li>281 Fitzgerald Street</li> </ul>

## 6. **PRECINCT 2 – GORDON STREET RESIDENTIAL HERITAGE PRECINCT**

### 6.1 Background

The town of Northam is situated approximately 100 kilometres east of Perth, in the Avon Valley. This fertile area, which was explored by Ensign Dale in 1830, attracted agricultural settlers from the Swan River Colony, who were eager to obtain large grants of land. Between 1830 and 1870, Northam developed as an important agricultural area and service centre for other Avon Valley towns.

Northam was established as a municipality in 1879, but the development of the town was slow until the 1890s, when Northam became the point of departure for the railway to the Western Australian goldfields. In the early twentieth century the population continued to increase as more land in the Avon Valley

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and the surrounding area was acquired by farmers, who used new methods to increase and improve agricultural yields from their properties.

Residential development within the *Gordon Street Residential Heritage Precinct* appears to have commenced at the beginning of the twentieth century. This included four large gentlemen's villas, which helped to establish the character of the street as a desirable place of residence – 'Cody House' (77 Gordon Street, constructed for Michael Cody, pre-1903); 'Uralia' (59-65 Gordon Street, constructed in 1903 for George Throssell); 'Believe' (30 Gordon Street, constructed in 1903 for James Byfield, now known as Byfield House); and A.W. Byfield's house (80 Gordon Street, constructed in c.1904 for Alfred William Byfield). Good quality homes were also built along the street other local business and professional men, interspersed by a small number of modest cottages.

By circa 1913 there were about 20 houses, plus the Freemasons Lodge, within the Precinct.

No further development appears to have taken place along this section of Gordon Street between 1914 and c.1922, after which infill development was encouraged by further subdivisions and land sales, including the Uralia estate (around Uralia Avenue) and Alfred Byfield's property (at the top of Gordon Street). By 1937 the number of houses within the Study Area had nearly doubled, with 19 houses along both the south-western and north-eastern sides of the street.

During that time, local business and professional men continued to be the owner/occupiers of new houses in Gordon Street, indicating that it had maintained its reputation as a desirable place of residence – and earning the street the colloquial name, 'Nobs Hill'.

Development then ceased until the post WWII era and 11 of the existing houses were constructed after 1945 – only one of which was constructed on the site of a former house (#50).

#### 6.2 Statement of Significance

The cultural heritage values of the residential heritage area defined by 17-81 and 16-80 Gordon Street, Northam include:

- Its role as a desirable place of residence during the early twentieth century – as illustrated by the colloquial reference to this area as 'Nobs Hill';
- The historical, social and cultural values associated with its initial development with gentleman's villas on spacious estates, together with the suburban houses of local businessmen and public servants in the period c.1900-1913;
- Its direct association with a number of Northam's prominent business and professional men, plus local and state politicians, including:
  - James Byfield, wheelwright & coach builder, miller, farmer, and building contractor; Northam councillor, serving as mayor in 1893 (#30)
  - Alfred William Byfield, building contractor and farmer; Northam councillor, serving as mayor in 1916-1921 (80-82 Gordon Street. House severely damaged by fire, 1924).

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- Michael Cody, hotel proprietor (#77)
- Albert Redvers George Hawke, MLA (#19)
- Henry John Leeder, farmer, publican, breeder of thoroughbred horses and racing identity (#35)
- Patrick Pearson Lyon, solicitor (#17)
- James William Purslowe, wheelwright, carpenter and undertaker (#22)
- Joseph Thomas Reilly, journalist and newspaper proprietor (#40)
- James Albert Rogers, grocery and hardware merchant (#45)
- James Spargo Nicholls, printer and newspaper proprietor (#46)
- George Lionel Throssell, merchant and machinery importer (#59-65)
- The historical and aesthetic values associated with its consolidation as a desirable 'middle class' residential address, when further development (including subdivision of some of the larger estates) took place during the Inter-War era (and more specifically in the period c.1922-1937);
- The post 1950 development is generally consistent in scale and form but does not contribute to the assessed cultural heritage values of the street.

#### 6.3 Levels of Contribution

Places within the Policy Area will fall into one of the following categories, as depicted in Figure and List below.

**Table 4: Precinct 2 –Gordon Street Residential Heritage Precinct**

LEVEL OF CONTRIBUTION	DESCRIPTION	DESIRED OUTCOME
Considerable contribution	These places have generally retained clear evidence of their traditional external detailing, character and/or form, are prominent streetscape elements and/or have important historical associations.	Conservation of the place is highly desirable.  Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Some Contribution	These places are generally more modest examples of local residential (or associated) development and/or have undergone more substantial external alterations over time.	Conservation of the place is desirable.  Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Little / No Contribution	These places have been assessed as making no particular contribution to the Gordon Street Residential Heritage Precinct.	Existing fabric does not need to be retained.  Any new (replacement) development on the site should reinforce the significance of the area, in accordance with the Design Guidelines.

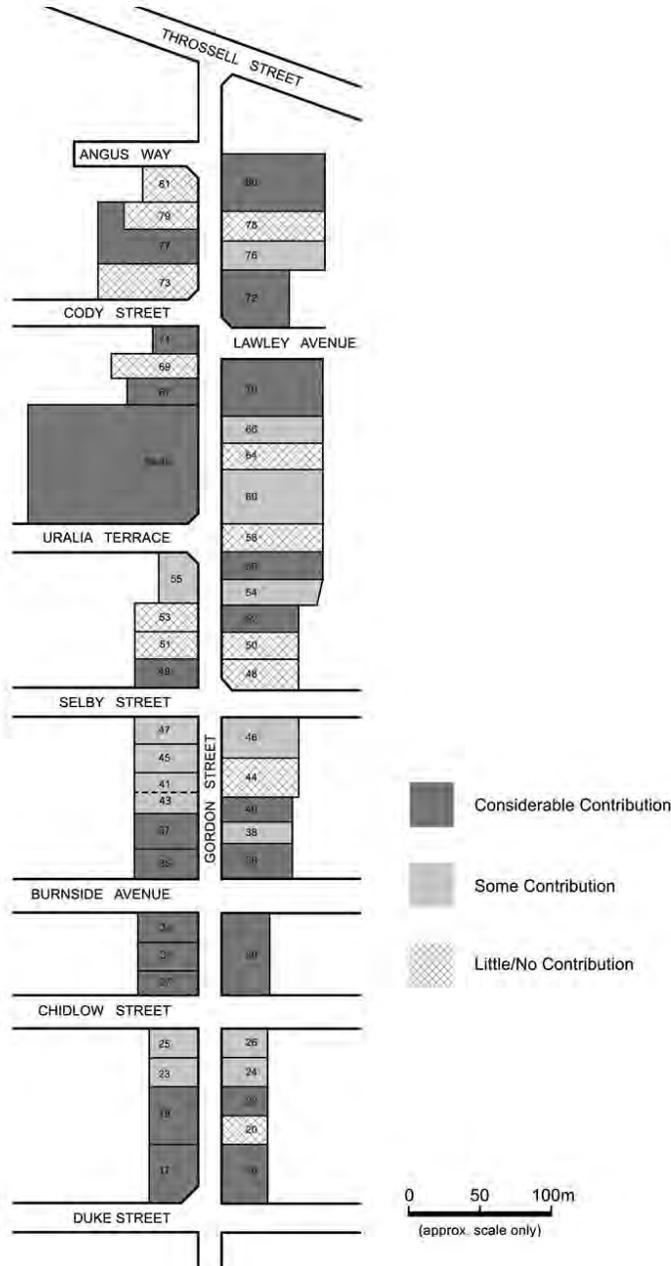
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**Figure 5: Precinct 2 – Gordon Street Residential Precinct – Levels of Contribution** (to be read in conjunction with Table 5 below, which provides further information about how this relates to the component parts of each place).



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**Table 5: Precinct 2 – Gordon Street Residential Heritage Precinct - Levels of Contribution**

Considerable Contribution	Some Contribution	Little/No Contribution
<ul style="list-style-type: none"> <li>• 16 Gordon Street</li> <li>• 17 Gordon Street</li> <li>• 19 Gordon Street</li> <li>• 22 Gordon Street</li> <li>• 27 Gordon Street</li> <li>• 30 Gordon Street</li> <li>• 31 Gordon Street</li> <li>• 33 Gordon Street</li> <li>• 35 Gordon Street</li> <li>• 36 Gordon Street</li> <li>• 37 Gordon Street</li> <li>• 40 Gordon Street</li> <li>• 49 Gordon Street</li> <li>• 52 Gordon Street</li> <li>• 56 Gordon Street</li> <li>• 59 Gordon Street</li> <li>• 67 Gordon Street</li> <li>• 70 Gordon Street</li> <li>• 72 Gordon Street</li> <li>• 71 Gordon Street</li> <li>• 77 Gordon Street</li> <li>• 80 Gordon Street</li> </ul>	<ul style="list-style-type: none"> <li>• 23 Gordon Street</li> <li>• 24 Gordon Street</li> <li>• 25 Gordon Street</li> <li>• 26 Gordon Street</li> <li>• 38 Gordon Street</li> <li>• 41-43 Gordon Street (semi-detached houses)</li> <li>• 45 Gordon Street</li> <li>• 46 Gordon Street</li> <li>• 47 Gordon Street</li> <li>• 54 Gordon Street</li> <li>• 55 Gordon Street</li> <li>• 60 Gordon Street</li> <li>• 66 Gordon Street</li> <li>• 76 Gordon Street</li> </ul>	<ul style="list-style-type: none"> <li>• 20 Gordon Street</li> <li>• 44 Gordon Street</li> <li>• 48 Gordon Street</li> <li>• 50 Gordon Street</li> <li>• 51 Gordon Street</li> <li>• 53 Gordon Street</li> <li>• 58 Gordon Street</li> <li>• 64 Gordon Street</li> <li>• 69 Gordon Street</li> <li>• 73 Gordon Street</li> <li>• 78 Gordon Street</li> <li>• 79 Gordon Street</li> <li>• 81 Gordon Street</li> </ul>

The buildings and spaces within the *Gordon Street Residential Heritage Precinct* are considered to have collective cultural heritage values that contribute to the statement of cultural heritage significance (above). Individually they range from highly significant buildings (some of which have been recognised through entry in the State Register of Heritage Places) through to places that make a general contribution to the history and traditional streetscape character of the area. Additionally, there are a number of places that do not contribute to the assessed heritage values, although most of these are still of a compatible scale and form.

A professional assessment of the historical and physical values of each of the following places determined their level of contribution to the traditional streetscape.

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**7. APPLICATIONS FOR PLANNING APPROVAL – ACCOMPANYING MATERIAL**

The Shire of Northam may require an applicant to provide one of more of the following to assist the local government in the determination of its application. This is additional to the requirement for accompanying material set out in Clause 63 of Part 8, Schedule 2 of the deemed provisions for local town planning schemes (*Planning and Development (Local Planning Schemes) Regulations 2015*).

**7.1 Heritage Impact Statement**

Consistent with the provisions of Clause 11 of Part 3, Schedule 2 of the deemed provisions for local planning schemes, if a proposal will have a substantial impact on the exterior fabric of a place of Considerable Contribution or Some Contribution, the local government may require a heritage impact statement to be submitted addressing three main questions:

- How will the proposed works affect the significance of the place and area?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

If a proposal affects a place that is entered in the State Register, or a large or complex place of Considerable significance, the local government may require a Conservation Plan to be prepared. Such cases will be rare.

**7.2 Structural Condition Assessment in the case of demolition**

If structural failure is cited as a justification for the demolition of a place of Considerable significance or Some significance, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or prohibitive costs.

**7.3 Archival Recording in the Case of Demolition**

If a proposal is for the demolition of a place of Considerable significance or Some significance, the local government may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the State Heritage Office's standard for archival recording.

**7.4 Council Owned Property**

The Shire of Northam will seek to lead by example by managing its own property within the Policy Areas in accordance with this Policy.

*Date Adopted:*

*Date Effective:*

*Date Reviewed:*

*Next Review:*

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**ATTACHMENT 3 – APPENDIX 1 TO LPP NO.18**

*Local Planning Scheme No.6*  
*Local Planning Policy No.18 – Heritage Precincts*  
*Appendix 1: Design Guidelines for the Fitzgerald Street Heritage Precinct*  Shire of Northam

**- APPENDIX 1 -**  
**LOCAL PLANNING POLICY NO.18**  
**'Heritage Precincts'**

**DEVELOPMENT GUIDELINES FOR**  
**THE FITZGERALD STREET HERITAGE PRECINCT**

**1. INTRODUCTION**

**1.1 Scope**

These Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, or redevelopment of these sites, impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

**1.2 Application of the Development Guidelines**

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape within the Policy Area, with the aim of achieving a high standard of development that protects/enhances contributory places and the traditional streetscape character. Issues to be considered on a case-by-case basis include the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

**2. CONSERVATION PRINCIPLES**

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the Fitzgerald Street Commercial & Civic Centre - Heritage Precinct should be retained and enhanced.
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.

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- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

For example. The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.
- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernible at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with The Australia ICOMOS Charter for Places of Cultural Significance (*The Burra Charter*).

Conservation of original interior detailing is generally encouraged as a positive heritage outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

### 3. **STREETSCAPE CHARACTER AND KEY FEATURES**

#### 3.1 **Commercial Centre Precinct**

The following key features underpin the traditional character of the streetscape:

- Largely continuous row of buildings at the core of the commercial streetscape;
- Mixture of single and two-storey facades dating from the Federation and Inter-War eras;
- Important landmark quality of the more substantial two-storey bank and hotel buildings scattered along the street;
- Prominent horizontal lines defined by elements such as parapets, string courses, verandahs/awnings (horizontal rhythms);
- Façade arrangements with prominent vertical elements and repeated vertical details, such as pilasters and window patterns (vertical rhythms);
- Roofs generally concealed by parapets from a close ground level view, but with important glimpses of elements such as chimneys in some instances;
- Articulated or highly articulated parapets with varied detailing;
- Use of verandahs and awnings across the street frontage of shops and hotels (notwithstanding that some of the present awning and verandah designs are inappropriate);

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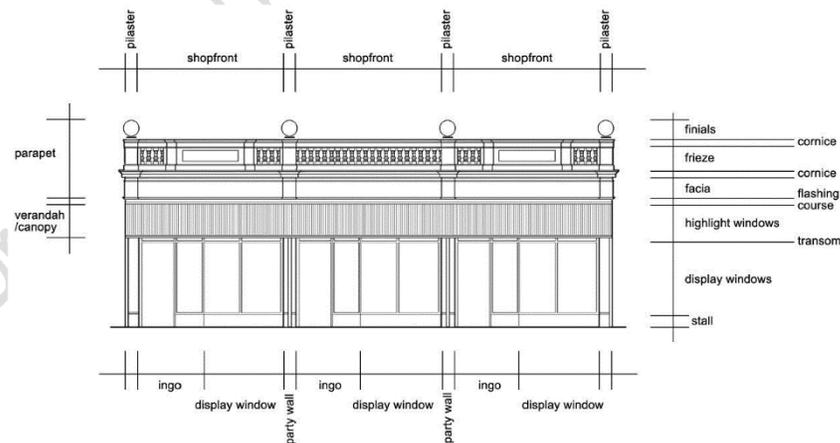
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- Traditional early twentieth century use of raked, bullnose or concave verandahs set on robust chamfered posts and the late Inter-War introduction of slimline suspended boxed awnings;
- Lack of verandahs and awnings across the street frontage of the monumental bank buildings and Federation Free style offices;
- High level of articulation to the traditional shopfronts, with particular reference to the use of recessed entries (ingos), pilasters, plinths/stalls and highlight windows;
- Traditional use of contrasting materials including red face-brick, part rendered and rendered walls and parapets;
- High ratio of window to wall to ground floor shopfronts;
- Lower ratio of window to wall for hotels and banking building;
- Building alignments at or near the street boundary;
- Varied block widths, but typically developed with a regular pattern of smaller shopfronts or bays;
- Transition to a more open, mixed streetscape at the northern end of the Study area, around Peel Terrace (reflecting the development of this area with a mixture of houses, motor garages, light engineering works and small factories in the early to mid-twentieth century); and
- Street trees (note these were an established part of the early twentieth century streetscape, although the original trees had been removed by the 1903s).

**Figure 1: Examples of the traditional elements that define the vertical and horizontal rhythms of the commercial streetscape**



The following key features detract from the traditional character of the streetscape:

- Painting or rendering of original face brick walls;

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- Use of strong, modern, corporate colours that detract from the traditional character and detailing of a Federation or Inter-War style building;
- Removal of verandah/balconies from two storey buildings that included this element as a key feature of the original design;
- Replacement of original verandahs with deep boxed awnings (particularly to shopfronts dating from the pre-1930 era and where this conceals some of the traditional parapet detailing from pedestrian views);
- Addition of new verandahs that are inconsistent with the date and style of the building (considering issues such as traditional proportions, alignments and/or detailing);
- Use of plain shopfronts that sit flush to the street and do not interpret the articulation and detailing of the traditional shopfronts;
- Modern developments that have:
  - Long frontages that do not interpret the traditional vertical and horizontal rhythms of the streetscape
  - Large setbacks from the street frontage(s)
  - A low ratio of window to wall along the ground floor street frontage (and which otherwise fail to interpret this important element);
  - Large plain parapets with little or no articulation
  - Facade materials that do not complement the traditional building materials (such as large areas of cream brick), and/or
  - Colour schemes that do not harmonise with the traditional streetscape.
- Low level of maintenance to some parapets and shopfronts;
- Large open carparks.

#### 3.2 Civic Centre Precinct

The following key features underpin the traditional character of the streetscape:

- Free-standing buildings of varied sizes and building envelopes;
- Varied setbacks;
- Varied block widths;
- Manner in which these buildings illustrate the changing design of civic and government buildings from c.1910 to the present day;
- Key early twentieth century landmark buildings including the:
  - Northam Post Office, 239 Fitzgerald Street
  - Northam Lands Office (fmr), 263 Fitzgerald Street
  - Goldfields Water Supply (fmr), 305 Fitzgerald Street
  - Avon Bridge Hotel, 322 Fitzgerald Street
  - Northam Flour Mill, 6 Gardiner Street
- Key mid-late twentieth century landmark buildings, being the:
  - Northam Town Council Offices & Library, 298 Fitzgerald Street
  - RSL Hall, 265 Fitzgerald Street
  - St John Ambulance Building, 269 Fitzgerald Street

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#### 4. KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric, ameliorate any previous unsympathetic alterations, and avoid any adverse visual or physical impacts on the traditional streetscape presentation. It should be noted however, that some of these constraints also create positive business and tourism opportunities relating to the heritage character of the individual place and the town centre.

For those places that have been assessed as making little/no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- Street front development should remain at one to two storeys, as defined by the traditional floor to ceiling and parapet heights along the street;
- Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views.
- The design of new buildings and major additions, as visible from the main street frontage(s), should respond to, and complement, the vertical and horizontal rhythms and the other key positive features/elements of the traditional streetscape.

It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

#### 5. GENERAL GUIDELINES

##### 5.1 Subdivision and Amalgamation

Further subdivision or amalgamation of sites within the Policy Area will not generally be supported by the Shire unless it is satisfied that:

- a) The proposal will not adversely impact on the traditional character of the streetscape.
- b) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- c) The development proposal for the subdivided/amalgamated site reflects the patterns and proportions of the traditional development in that part of the Policy Area and is consistent with the guidelines for new development in this Planning Policy.
- d) The proposal will not adversely impact on the contributory fabric or setting of any contributory place.

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#### 5.2 Demolition

In considering an application for demolition the Shire shall have due regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Policy Area.
- b) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.
- c) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).

In these cases, the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.

- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.
- e) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- f) Demolition of non-contributory buildings may be permissible, however, the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

#### 5.3 Alterations – general principles for contributory buildings

The detailing of parapets, verandah/awnings, shopfronts, first floor facades and roofscapes, are all dominant features of both the current and traditional streetscape.

In considering an application for alterations to contributory buildings, the Shire shall have due regard to the following:

- a) New works should not distort an understanding of the original design.
- b) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works or as essential to meet universal access requirements or other current building standards). This includes, but is not limited to, works impacting on parapets or visible roof forms; materials; wall finishes and details; windows and window openings; and doors and door openings.
- c) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.

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- d) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades and verandahs/awnings to their original form and detailing is encouraged, where practical. This should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place.

In the absence of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- e) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.
- f) As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.

#### 5.4 Additions to contributory buildings

New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.

Where additions to the side of a contributory place are the only feasible option, they should be set back from the main façade by a minimum of 1.2m.

Where upper storey additions to a contributory place are the only feasible option, they should be set below the line of sight from the opposite side of the street.

If any proposed additions will be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building and its relationship to a line of sight for a pedestrian standing on the opposite footpath. If the addition will be clearly visible in such views (either above or to the side of the building), or if it may adversely impact on public views to another near-by contributory building, the Shire may require a Heritage Impact Statement to be prepared by the applicant.

Additions that are visible from the main street frontage(s) should be carefully designed to:

- a) Respect the scale, massing, proportions and materials of the existing building and its key design elements;
- b) Enable the traditional design and scale of the contributory place to be readily understood;
- c) Ensure the original part of the building remains the prominent element in streetscape views to the site;
- d) Not adversely impact on public views of this or other near-by contributory buildings.

**Figure 2: Indicative sight lines for upper floor additions to contributory places.**

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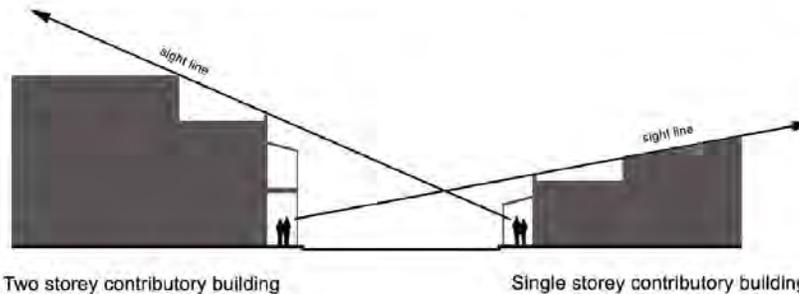
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#### 5.5 Change of use for contributory buildings

Where a change of use is proposed, particular care needs to be taken to ensure that any required works do not adversely impact on the contributory fabric. In particular, the traditional rhythm and detailing of the doors and windows, and the proportion of openings to walls, should be maintained.

For example: If a former shop is being adapted as an office, the shop-front windows should not be blocked up or removed, and alternative methods for achieving the required level of privacy should be considered (such as using the window bay as an information display area or for other community purposes, such as historical displays or public art).

Similarly, if a former bank or office is adapted for retail purposes it may not be appropriate to increase the level of street front exposure by widening window openings or creating new openings.

#### 5.6 New development and alterations/additions to non-contributory buildings

The heritage values of the Policy Area are embodied in the contributory buildings. New development on non-contributory sites and alterations/additions to non-contributory buildings present an opportunity for good modern design that complements the traditional streetscape character in that area and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

In designing new buildings, it should be noted that different styles were traditionally used for shops, hotels, offices and banks. Subject to the visual impact on the traditional streetscape, this can be used to influence new design and maintain the diversity and vitality of the Policy Area.

- a) When relevant new works are proposed, consideration should be given to adapting or replacing features that are intrusive within the context of the traditional streetscape character with more sympathetic detailing.

This should be informed by the list of the key features that contribute to or detract from the traditional character of the streetscape under Sections 2.2 (Civic and Government Building Precinct) and 2.3 (Commercial Precinct).

For example: a simple modern interpretation of a traditional verandah/awning or of a traditional shopfront can have a significant impact on the manner in which a non-contributory building complements the streetscape.

- b) The construction of a new building will generally only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).

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- c) At the street frontage, new development and alterations/additions should generally be single storey (although well-designed two-storey buildings could help to reinforce some of the corner sites on the main cross roads).
- d) New buildings and additions should not adversely impact on public views to any near-by contributory buildings.

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- e) Where visible, side facades were typically of a simple, functional design and largely free of decorative detailing, unless designed to formally address a cross street. This should generally be reflected in new development.
- f) 'Reproduction' heritage designs and ornate 'heritage' detailing (such as turned timber verandah posts, Victorian era iron lacework or Federation era timber valances, overtly classical mouldings etc) detract from an understanding and appreciation of the original buildings and will generally not be supported.

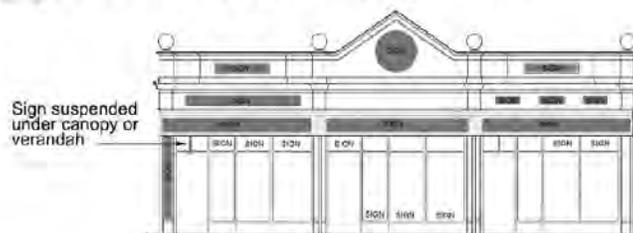
For example: a slimline boxed awning or simple raked verandah is generally more appropriate for a modern building than a bullnose verandah.

#### 5.7 Signage

Within the Policy Area it is important to strike a balance between the needs of businesses to have adequate exposure, and the need to ensure that new signage does not become a dominant element that detracts from the aesthetic qualities of the area.

The location and design of retail and commercial signage in the early to mid-twentieth century was highly diverse. For example, panels or painted signs were located on the face of parapets, over or under verandahs, on the leading edge of awnings, to stall boards, on side walls, etc. Painted signs were also applied to roofs, shopfront display windows and to the glazing of upper floor windows. Diversity is therefore supported, but new signage should still be carefully designed as a complementary element of both the individual place and the streetscape.

**Figure 3: Examples of appropriate signage locations**



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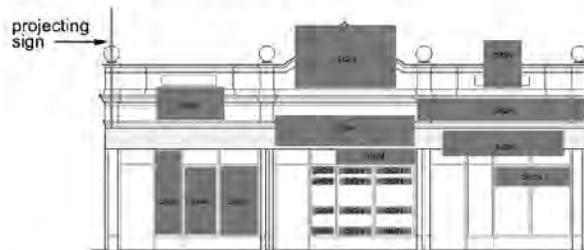
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**Figure 4: Examples of inappropriate signage**



Where a provision of the Shire of Northam Local Planning Policy No.16 – Signage is inconsistent with the guidelines for the *Fitzgerald Street Commercial & Civic Centre - Heritage Precinct*, this Policy prevails:

- a) The design of new signage should be complementary to the traditional streetscape in terms of size, location, colour, proportions, etc.
- b) Simple modern signage is generally appropriate. Unless it is based on historical evidence, or directly linked to the function of the building, elaborate "olde worlde" styles and typefaces are not generally appropriate.
- c) New signs should not obscure or detract from a significant feature of, or streetscape views to, any contributory place.
- d) Signage should be designed in size and proportion to complement the proportions of the place and the element on which they are mounted (e.g. laid out symmetrically within the face of an awning, within a plain panel to the parapet or vertically along the face of an otherwise plain pier).
- e) Signage on shop windows should be designed to retain open views into the shop and/or to displays of goods within the shopfront area (e.g. windows should not be painted out or views obscured by large or multiple decals).
- f) The mounting of new signs should not require the removal of, or undue damage to, any contributory fabric. Any fixing holes etc should be able to be satisfactorily repaired when the sign is removed at a future date.

#### 5.8 Colour Schemes

Colour schemes should be complementary to the traditional character of the streetscape while still retaining a level of diversity and interest (see also Section 3.4.9, Public Art).

- a) Where repainting of contributory facades is proposed, reinstatement of original colour schemes is encouraged. Any new colour scheme should sympathetically interpret traditional colour schemes, as relevant to the age and style of the place.

Note: In the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained with fewer colours used, although strong contrast was often provided by the use of glazed tiles in colours such as dark red, brown or dark green.

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Historical photographs of shop fronts dating from the first half of the twentieth century can also provide important information about 'typical' colour variation across the different parts of a façade and the balance of light and dark.

The range of paint colours was relatively limited prior to World War II, and the simplest method of choosing a 'traditional' paint scheme for a contributory building is to refer to the 'heritage' paint charts provided by many of the commercial paint companies (particularly at their web sites).

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or "ladders" (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from 'heritage' paint charts can help owners approximate the original and later colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme.

If a fully authentic result is desired, professional advice and analysis is recommended.

- b) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- c) Where some of the painted surfaces of a contributory building were traditionally unpainted careful removal of the paint and conservation of the underlying surface is encouraged, if practical. If the painted finish is to be retained, any new paintwork should aim to interpret the traditional colours to the different parts of the façade. This includes differentiation between the main wall finish and original detailing such as contrasting stringcourses, nameplates, quoins, plinths etc.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork.

- d) Where there is more than one shop within a single original development, the parapet or upper level should have a unified colour scheme. Expression of individual identity should be reflected in signage and shop displays rather than wall colour.
- e) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, 'heritage' colour schemes are not required, and are generally not appropriate, for non-contributory buildings or modern infill.
- f) Visually prominent 'corporate' colour schemes that are inconsistent with the traditional character of the streetscape will generally not be supported.

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- g) Painted signs should not be applied to face-brick walls to the main façade of any building.
- h) Modern company and business signs and logos should not dominate the façade of a contributory building or detract from an appreciation of the traditional character of the street. Such signs may need to be adapted to be consistent with these guidelines.
- i) Externally mounted illuminated signs are generally not appropriate.
- j) Large projecting or tethered signs are generally not appropriate.
- k) Evidence of early signage adds to the heritage value of contributory places and should generally be conserved. For example, this could include moulded lettering to parapets, lettering to shopfronts or evidence of old painted signs to side walls.
- l) Advertising by means of the painting of building facades in bold corporate colour schemes will generally not be supported.

#### 5.9 Public Art

- a) The theme of public art within the Fitzgerald Street Commercial & Civic Centre - Heritage Precinct should aim to interpret aspects of the history of the area in a manner that conveys information, encourages interest and/or inspires imagination about the past, as well as adding to the vibrancy of the streetscape.
- b) If public art is proposed in the form of murals, this should generally be restricted to non-contributory buildings. For contributory buildings murals should only be considered for previously painted surfaces and should generally be restricted to areas such as side walls (where these are visible to side streets or the side of two storey buildings).

#### 5.10 Off street parking

Specific requirements for the Commercial Precinct include:

- a) Where required, off-street parking should be located towards the rear of the site or otherwise landscaped/screened to minimise the impact on the main street frontage
- b) Access to parking areas should generally be from side streets or rear lanes
- c) Treatment of any essential access-ways off Fitzgerald Street should be based on the streetscape in the immediate area. For example, where a sense of nil side setbacks is warranted, then details such as well-designed gates set within a continuous façade may be appropriate design techniques for new development.
- d) Where the Shire is satisfied that a requirement for off-street car parking for a new development cannot be achieved without adversely impacting on the traditional streetscape character of the Commercial Precinct, the Shire may approve a variation of these requirements if this will achieve a positive heritage outcome.

#### 5.11 Incidental development

- a) Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the

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main street frontage(s).

- b) Roof mounted services and plants rooms should be located towards the rear of the place or concealed behind parapets.

#### 5.12 Maintenance

- a) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- b) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- c) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 3.2.
- d) A long-term lack of maintenance, which results in structural inadequacy, may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

#### 6. PRECINCT-SPECIFIC DEVELOPMENT GUIDELINES

##### 6.1 Civic and Government Offices Precinct

The nature of this area as a collection of diverse landmark heritage buildings, does not lend itself to the development of specific streetscape guidelines.

All new works should be consistent with the general guidelines set out in Section 5.

##### 6.2 Commercial Precinct – Central Commercial Area

###### 6.2.1 Development Pattern

The significance of the core of the Commercial Precinct (to the south of Peel Terrace), and of the individual contributory places, relies in part on the traditional pattern of development along the street. Consistent front boundary building alignments are a key feature of the core of this area. Block widths vary, but the facades are generally articulated in a manner that reflects the development of continuous rows of small shops, interspersed by two storey bank and hotel buildings and a small number of two storey shops and offices.

- a) New development should generally incorporate a nil setback to the street front boundary, with the exception of recessed entries that interpret traditional ingos (see Figure 7).
- b) Shopfronts and shopfront offices should have a full width verandah or canopy, extending over the footpath.
- c) Side setbacks should generally be nil, as viewed from the street frontage.
- d) All new development should be oriented at right angles to Fitzgerald Street.
- e) New, open pedestrian access ways between the street and rear areas will only be permitted if this is essential for an otherwise compatible development and there are no other alternatives. In this case the access way should be carefully designed as a secondary streetscape element and not disrupt the overall sense of continuity of the street facades.
- f) New vehicular access off Fitzgerald Street will not generally be supported.
- g) Off-street car parking areas should not be visible from Fitzgerald Street.

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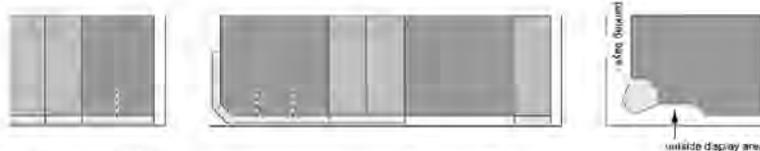
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**Figure 5: Examples of appropriate and inappropriate development patterns**



**Appropriate development**

- larger premises articulated as narrower bays at the street frontage
- continuous row of verandahs and canopies
- traditional corner treatments

**Inappropriate development**

- lots developed without reference to the traditional building or bay widths
- disruption of continuous verandah/awnings
- increased, irregular setbacks
- off street carparking visible from the main street frontage
- open air display areas to the street frontage

#### 6.2.2 Contributory Buildings

Refer also the general guidelines under Section 5.

#### 6.2.3 Alterations – shopfronts

In the period leading up to and through the inter-war era shopfronts commonly had large window display areas that were framed between a solid stall (a plinth of approximately 300-600mm high) and a row of, often multi-paned, highlight windows (above door height). The early examples had timber or brass window frames, but chrome-plated frames had also become more common by the inter-war era. Stall boards had a variety of finishes including render, timber panelling and tiles. Until at least the 1920s the entrance was usually recessed with splayed sides (increasing the effective display area of the shop front windows) and either placed centrally or at one side

Full height windows, large expanses of unframed toughened glass, very wide doorways, or large areas of solid walling to the ground floor street frontage are generally inconsistent with the detailing used in this era.

Note: Good examples of traditional shopfronts include #s 70, 74, 76, 82, 102, 108, 192-196 and 202.

Good examples of later Inter-War and early Post-WWII shopfronts include #s 178 and 182.

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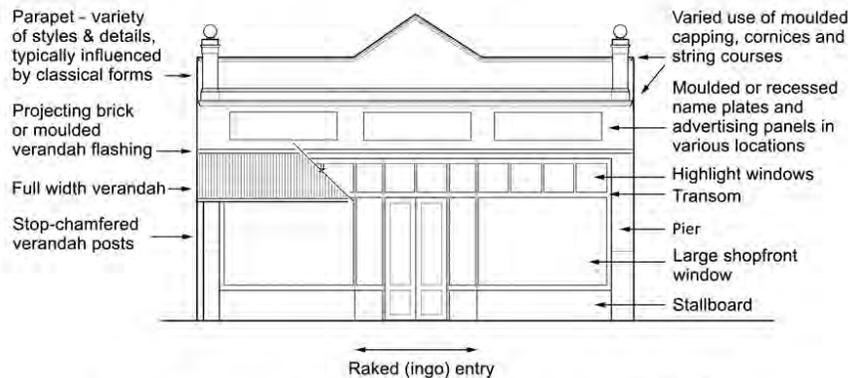
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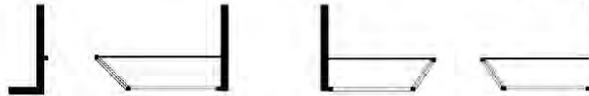
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**Figure 6: Traditional shopfront details**



**Figure 7: Traditional shopfront entries**



Early twentieth century shops traditionally had raked recessed entries, which were either located on one side of the shopfront or centrally. Known as an ingo, the raked entry increased the shopfront display area and added variation and interest to the streetscape.

The majority of the ground floor shopfronts have been altered over time and often bear little relationship with the character of surviving original detailing to the parapets/upper floors. In order to complement the traditional streetscape character and reinforce the sense of place, the surviving original/early shopfronts should be conserved and the progressive replacement of unsympathetic shopfronts is encouraged.

a) Contributory shopfront detailing should be conserved.

Removal or major alterations will not generally be supported where a shopfront is original to the building or where a later shopfront displays valued design features.

b) If the shopfront is not significant and a new shopfront is proposed, any of the following options are acceptable:

- Reinstatement to a known earlier state (based on historical or physical evidence);
- Conjectural reconstruction based on an informed analysis of other places of the same age, style, scale and level of detail;
- A simple modern interpretation of traditional shopfront proportions and detailing.

c) If two or more shops are amalgamated as one business, care should be taken to retain/interpret the original rhythm of the earlier separate shopfronts.

d) If modification is essential to reasonably meet universal access or other

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health and safety requirements, the works should involve the minimum possible alteration to original fabric and be detailed to complement the original design.

#### 6.2.4 Alterations – verandahs/awnings

Verandahs and awnings are important elements that make a major contribution to the character of the Commercial Precinct and the amenity of the footpaths, but the early to mid-twentieth century examples have generally been extensively altered over time. This reflects a trend throughout Australia in the 1950s and 60s, when verandah posts were perceived as a traffic hazard and the original verandahs were progressively removed and/or replaced with deep, boxed awnings. Modern engineering solutions can now permit the reinstatement of verandahs or traditional cantilevered awnings in a manner that addresses safety concerns.

- a) Reconstruction of verandahs to a known earlier appearance is generally encouraged, noting that the design will need to be sympathetically adapted as required to meet current engineering and safety standards.
- b) Where there is evidence that a verandah previously existed, but the details are not fully known, either of the following options will be supported:
  - Conjectural reconstruction, based on the available evidence and an informed analysis of other places of the same age, style, scale and level of detail;
  - A simple modern interpretation of the traditional verandahs and awnings along the street in a design that complements the contributory place.
- c) Verandahs/awnings should not be attached to the street façade of contributory buildings that did not traditionally have this feature, unless:
  - It will achieve other important functional requirements; and
  - It can be demonstrated by the applicant that the new work will not unduly impact on the cultural heritage values of the place.

If a new verandah/awning is supported under these circumstances, it should be of a simple modern design that is compatible with the traditional streetscape, and does not confuse an understanding and appreciation of the original design of the place.

When reconstructing/recreating verandahs, particular care should be taken to ensure that the roof form is compatible with the design of the façade; the verandah springs from an appropriate height below the parapet (often marked by a slightly protruding brick course which acted as part of the flashing); posts are a traditional size; and that any detailing (such as friezes and brackets) is authentic. It should also be noted that a variety of roof forms were used for single storey buildings (see Figure 11), while two-storey shops and hotels usually had verandah/balconies with timber or decorative cast iron balustrades, brackets and valances – adding diversity and interest to the streetscape. Gutters were typically ogee profile (set over timber scotias) and downpipes were round. PVC downpipes are not appropriate.

Verandahs with stop-chamfered timber posts were the norm during the first part of the twentieth century, but from the 1920s, cantilevered awnings began to become more common. The fascias of the early boxed awnings were thinner than the deep boxed awnings that became popular in the post-war era – giving them a lighter feel when viewed from the street and allowing better views of the

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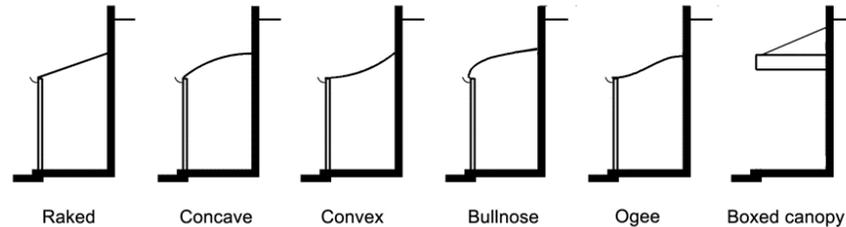
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parapet detailing. Another common feature of early boxed awnings was the use of decorative pressed metal soffits, which enlivened the pedestrian area.

**Figure 8: Traditional verandah roofs**



#### 6.2.5 Alterations – parapets, first floor facades and roofscapes

Parapets and first floor facades generally retain a relatively high level of original detailing, which embodies much of the heritage character of the streetscape. Original parapets, raised pediments, pilasters, finials (in forms such as balls and urns), name-plates or recesses, cornices and string courses, rendered/face-brick finishes, first floor openings, chimneys etc. are all important elements.

- a) Contributory detailing to the parapets, upper floors and roofscapes should be conserved. Removal or major alterations will not generally be supported where the form and/or detailing is original to the building.
- b) Conservation of deteriorated, altered or missing elements (including restoration and well informed reconstruction) is encouraged where practical.

#### 6.2.6 New development and additions to non-contributory buildings

Refer also the general guidelines under Section 5.

- a) Within the Commercial Precinct, new development and additions to non-contributory buildings should respond sympathetically to the following key issues in order to maintain and reinforce the traditional streetscape character:
  - Largely consistent front boundary building alignments;
  - Traditional prominence of zero side setbacks;
  - Traditional prominence of one-two storey verandahs and cantilevered awnings;
  - Traditional prominence of well-articulated parapets;

Note: For long frontages these utilise repetitive and/or feature bays rather than large expanses.

- Use of a variety of detailing, which achieves a level of vitality and emphasises the identity of the individual buildings, while still creating a cohesive streetscape;
- Articulation of the facades of shops and offices, with particular reference to:

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- Vertical rhythms, as defined by elements such as party walls, parapet panels, pilasters and first floor windows (see Figure 3);
- Horizontal rhythms, as defined by elements such as parapets, floor levels, verandahs, awnings, and window sills (see Figure 3);
- High ratio of window to wall on the ground floor and articulated shopfronts (including elements such as recessed entries, framed display windows, highlight windows and stalls);
- Lower ratio of window to wall on upper floors, with vertically proportioned openings;
- Traditional use of a mixture of dark-red face-brick, rendered, and part rendered walls.

Note: New development can use traditional materials or a careful use of modern materials that interprets these in a complementary manner (considering texture, balance and colour).

- b) Frontages to Fitzgerald Street should be designed to provide a strong engagement with the street at all times. Large areas of plain walling or obscure glass, windows that are largely covered with signage, roller doors and shutters are generally discouraged.

#### 6.3 Commercial Precinct – Area Adjacent to and North of Peel Terrace

The character of this area is quite distinct from the nearby core of the commercial precinct. In particular, its nature as a more open, mixed streetscape reflects its varied development with houses, motor garages, light engineering works and small factories in the early to mid-twentieth century.

All new works in this area should be consistent with the general guidelines set out in Section 3.2 (as relevant to the existing development on each site and in the immediate area). Within this context, particular care should be taken to conserve Northam House (11 Peel Terrace) as one of the original substantial shops in the town, and to support the development of an appropriate streetscape setting for this place.

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**ATTACHMENT 4 – APPENDIX 2 TO LPP NO.18**

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**- APPENDIX 2 -**  
**LOCAL PLANNING POLICY NO.18**  
**'Heritage Precincts'**

**DEVELOPMENT GUIDELINES FOR**  
**THE GORDON STREET RESIDENTIAL HERITAGE**  
**PRECINCT**

**1. INTRODUCTION**

**1.1 Scope**

These Development Guidelines:

- a) Relate specifically to the parts of each place that impact on the character of the traditional streetscape;
- b) Address the conservation and development of contributory places;
- c) Address the manner in which alterations to non-contributory places, redevelopment of these sites, or infill development impacts on the traditional streetscape character.

Alterations, additions or other works that are not visible from the street do not need to comply with these guidelines.

Explanatory notes and examples have been included in separate text boxes.

**1.2 Application of the Development Guidelines**

These guidelines need to be carefully considered as part of the design process for any works that impact on the streetscape, with the aim of achieving a high standard of development that protects/enhances contributory places within, and the traditional streetscape character of, a Residential Heritage Precinct. Issues to be considered on a case-by-case basis include the assessed cultural heritage values and traditional streetscape character of the specific Residential Heritage Precinct, the level of significance of the subject place and the nature of the place and its detailing. Consideration also needs to be given to the level of contribution and character of nearby places and the manner in which the new development will visually impact on their setting and the local streetscape views.

An underlying principle of these guidelines is that loss of, or unsympathetic alteration to, the surviving traditional elements of contributory buildings and/or the construction of new unsympathetic building fabric, would erode the heritage significance and character of the area as a whole. Variation to these guidelines will therefore generally only be considered where the applicant submits a Heritage Impact Statement that satisfactorily demonstrates that the outcome will be consistent with the overall intent of the Planning Policy.

Note: Where places have been entered in the State Register of Heritage Places, the Shire of Northam must also seek the input from the State Heritage Office. In these cases, additional development conditions may be applied (to both external and internal works) in order to achieve an appropriate conservation outcome.

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#### 2. CONSERVATION PRINCIPLES

The following principles should be applied to all works affecting the street facades of contributory buildings:

- a) The key positive features/elements of the Residential Heritage Precinct should be retained and enhanced.
- b) When undertaking repairs or alterations to a contributory place, change as little of the contributory fabric as possible.
- c) Where conservation works are necessary, match the traditional techniques, materials, profiles and finishes as far as practical.

For example: The aesthetic qualities of traditional face-brick work are often diminished by mortar repairs that do not match the style, colour and quality of finish of the traditional mortar joints. Physical damage can also be caused by the use of modern cement rich mortars to replace softer lime-rich mortars, as this can accelerate fretting of the brickwork where there is a problem with penetrating damp.

- d) When undertaking reconstruction of missing or severely deteriorated heritage fabric, base the new works on an investigation of any physical and documentary evidence, and/or a sound understanding of the traditional detailing of comparable structures.

For example: If the verandah of an early twentieth century house was replaced in a different style in the mid-late twentieth century, looking at other similar, but more intact, houses in Northam will help to identify the detailing that would be appropriate for a more sympathetic new verandah. Key elements include the style of the posts, the shape and materials of the roof, the design of any end panels and the height of the verandah.

- e) When upgrading or replacing non-contributory elements, the work should either reconstruct the place to a known earlier state (as above) or interpret the traditional detailing in a sympathetic modern manner (reinforcing the key positive features/elements of the precinct).
- f) New building fabric should be discernable at close inspection, and should not obscure an understanding of the original scale and design of the place.

In general, it is recommended that conservation works be undertaken in accordance with The Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter).

Conservation of original interior detailing is generally encouraged as a positive heritage outcome, but alterations, additions or other works that do not impact on the streetscape are not covered by these guidelines.

#### 3. KEY FEATURES / ELEMENTS OF THE GORDON STREET RESIDENTIAL HERITAGE PRECINCT

The following features/elements of the Policy Area form the basis for specific development guidelines.

##### 3.1 Key Positive Elements and Characteristics

The characteristics that underpin the traditional character of this streetscape include the:

- The historical and aesthetic contribution of landmark buildings dating from the beginning of the twentieth century, including the former Masonic Hall, Byfield House and Uralia;

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- Relatively narrow road and wide verges;
- Use of brown gravel to the verges (which interprets traditional unsealed verges);
- Use of brown/red asphalt to the footpaths (interprets traditional compacted earth footpaths);
- Traditional street planting of Kurrajong trees;
- Typical use of low front fences, a small number of which are backed by tall hedges;

*Note: there is no consistent style of fencing, but examples such as simple timber pickets and timber post and rail with woven wire panels are consistent with the traditional development along the street. Low rendered walls with contrasting or projecting brick capping are also consistent with the Inter-War era.*

- Varied house designs

*Note: The house designs vary from modest symmetrical cottages to large asymmetrical Federation Queen Anne villas. However, overall the streetscape is unified by two primary periods of development: c.1900-1913 and c.1922-1937.*

*Key architectural themes include simple cottage, Federation Queen Anne villas, Federation Bungalows and Inter-War Bungalows.*

- Predominance of single storey houses;
- Breakdown of the apparent bulk of the main façade(s) through the varied use of design elements such as projecting wings, shallow projecting window bays and stepped, return or straight verandahs;
- Manner in which the residential development often responded to the extensive views over the town and surrounding countryside, particularly to the north-west and south-west;
- Traditional use of hipped or gable-hipped roofs;

*Note: These were enlivened by elements such as varied roof planes, decorative street-front gables (typically with half-timbered detailing), gabled vents and chimneys. They were traditionally finished with terracotta tiles or short-sheet corrugated iron sheeting.*

- Prominent chimneys

*Note: These vary according to the style and period of the houses, and make an important contribution to the picturesque roofscape.*

- Dark, random coursed stone walls with contrasting redbrick quoins for the larger villas dating from c.1900-1914;
- Red face-brick walls;

*Note: the colour and texture of the brick was often contrasted against painted or roughcast rendered surfaces*

- Roughcast rendered walls;

*Note: This was a popular finish in the Inter-war era and was typically used together with red face brickwork to provide varied colour and texture.*

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- Front verandahs;

*Note: All of the contributory houses have verandahs with either bullnose or raked roofs, each with distinctive detailing relating to the period of construction. Many of these were designed to return along one or both sides of the house, providing an outdoors living area and taking advantage of views.*

- Panelled entry doors, located under the front verandah or facing the side boundary under a return verandah;

*Note: Four or five panel timber doors with moulded timber architraves were common in the Federation era. In the Inter-War period high waisted doors with vertically proportioned lower panels and glazed upper panels became popular, as did full-height glazing to single or double doors.*

- Narrow, vertical proportions to timber-framed double-hung or casement windows (set either individually or grouped);

*Note: Stained glass (Federation era) and geometric patterned leadlight glass (Inter-War era) was commonly used for key windows, including sidelights and highlights to the main entrance.*

- Raked window hoods supported by timber brackets;

*Note: These were typically used over the windows to projecting wings (where these were not set under the verandah) and were sometimes also used to shade side windows.*

- French doors or full-height double hung windows opening onto verandahs;

- Large, mature trees to private gardens;

- Predominant block width of about 18-20m, with larger blocks for some of the significant early villas.

*Note: The block widths vary along the street from about 14-15m (some of the early cottages) to about 35-80m (the larger villa estates). However, the most typical block width is in the order of 18-20m.*

- Varied front and side setbacks.

*Note: Front setbacks range from about 2.5m (some of the early cottages) to as much as 35-50m (the larger villa estates). However, the majority of the houses have front gardens that are in the order of 5-10m deep, laid out with lawns, shrubs and trees.*

*Side setbacks also vary, but the over-riding character is of free-standing houses in a garden setting.*

#### 3.2 Key Negative Elements and Characteristics

The following elements do not necessarily reflect poor design, but are not sympathetic to the traditional character of the streetscape (as defined by the pre-1940 development)

- Gaps in the street trees;
- More recent street plantings of eucalypts and callistemon;
- The painting or rendering of traditional face brick and/or stone finishes to the street front facades;

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- The mid-twentieth century replacement of a number of roofs using metal sheeting pressed to replicate tiles;
- The mid-twentieth century replacement of some timber verandah posts with metal poles;
- Unsympathetic alterations to the doors and windows to the main façade(s);
- Use of cream, brown and salmon brick for new dwellings.

#### 4. KEY DEVELOPMENT CONSTRAINTS AND OPPORTUNITIES

For those places that have been assessed as contributory, opportunities for alterations and additions are constrained by the need to conserve contributory fabric and avoid any adverse visual or physical impacts on the traditional streetscape presentation.

For those places that have been assessed as making no contribution, redevelopment is generally permissible, but is constrained by a requirement to complement the traditional streetscape character of the Policy Area.

Over time this will help to protect and enhance the amenity and heritage character of the area.

The key development constraints are summarised below:

- Contributory buildings should not generally be demolished;
- The contributory fabric and traditional streetscape character of contributory buildings should be conserved;
- Conservation works (as relevant to this policy) should generally form an integral part of any major works proposals for contributory buildings;
- New development should respect the bulk, scale, setbacks and detailing of nearby contributory buildings and not adversely impact on streetscape views to those places;
- The height of street front development should be consistent with the traditional eave and ridge heights of nearby contributory houses. Any higher development should be set back from the street and designed so that it does not unduly impact on streetscape views;
- The design of new buildings and major additions, as visible from the main street frontage(s), should be in harmony with the key positive features/elements of the traditional streetscape.
- Other development constraints, such as small lot size or limited opportunities for under-cover off-street parking, will not be accepted as a justification for variation of these guidelines, if such variation is to the detriment of the heritage significance or traditional streetscape character of the Residential Heritage Precinct.

It is not the intention of this policy that new development should mimic the contributory buildings, but rather that high quality modern design should be applied in a complementary manner. Innovative solutions should be investigated, as necessary, to achieve the desired development outcomes without adversely impacting on heritage values.

#### 6. DEVELOPMENT GUIDELINES

##### 5.1 Subdivision and Amalgamation

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Further subdivision or amalgamation of sites within a Residential Heritage Precinct will not generally be supported by the Shire unless it is satisfied that:

- a) The new lot(s) are capable of being developed in a manner that is compatible with the key features/elements of the Residential Heritage Precinct and in a manner that is in harmony with the nearby contributory buildings (inclusive of scale and setbacks).
- b) The proposal will not adversely impact on the traditional character of the streetscape or on the contributory fabric or setting of any contributory place.
- c) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.

The development proposal for the subdivided/amalgamated site is consistent with the guidelines for new development in this Planning Policy.

#### 5.2 Demolition

In considering an application for demolition the Shire shall have due regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the Residential Heritage Precinct.
- b) Demolition of part of the rear section of a contributory place may be acceptable, but this must include the retention of a meaningful section of the front portion of building. Retention of the façade only (as a 'skin' to a new building) will generally not be considered.
- c) If it is considered that conservation is not viable due to the degree of structural deterioration, the Shire may consider demolition approval for all or part of a contributory building on the grounds of structural inadequacy, as demonstrated by a detailed structural condition assessment (to be prepared by a qualified structural engineer at the expense of the applicant).

In these cases, the Shire may also seek their own independent advice from a structural engineer with experience in the conservation of heritage buildings.

- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.
- e) Demolition approval will not generally be considered for a contributory building solely on the grounds of economic/other gain for redevelopment of the land.
- f) Demolition of non-contributory buildings will generally be permissible, however the Shire may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.

#### 5.3 Alterations and Additions

##### 5.3.1 *General Principles for Contributory Buildings*

In considering an application for alterations to contributory buildings within a

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Residential Heritage Precinct, the Shire shall have due regard to the following:

- a) New works should not distort an understanding of the original design.
- b) Alterations should not generally remove, change or obscure contributory fabric or detailing (except as part of required conservation works). This includes, but is not limited to, works impacting on original materials; roof forms and details; wall finishes and details; verandahs; windows and window openings; and doors and door openings.

For example, works that will not generally be supported include:

- Altering the form of the visible roofline (minor, compatible, variations may be acceptable to accommodate additions that are otherwise consistent with this Local Planning Policy).
- Removing prominent chimneys (such works will generally only be supported if a structural report demonstrates that the chimney is unsafe or cannot be reasonably retained for other structural reasons).
- Replacing timber-framed windows with metal-framed windows (where replacement of timber joinery is required the affected elements should be selectively replaced with new, timber joinery to the same profile);
- Painting of previously unpainted surfaces (such as face brick walls);
- Replacing original tiled roofs in corrugated metal sheeting or vice versa,
- Fully or partly enclosing front verandahs.

- c) Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.

For example:

- A simple raked verandah should not be replaced by a new bull-nosed verandah, unless there is documentary or physical evidence that shows that the latter was the original detail.

Note: Careful inspection of the building can sometime reveal evidence of original detailing. For example, if a verandah has been removed or altered, marks on a return walls may reveal the profile of a moulding or the shape of a former roof.

- Ornate friezes, brackets and/or turned timber posts should not be added to the verandahs of simple cottages where there is no evidence that this was part of the original design.

Note: Repaired nail holes and old paint lines to original posts may show the sites of former brackets, timber friezes or handrails.

- Ornate terracotta finials (in the more decorative forms of dragons etc) and decorative crested ridge-capping should not be introduced where there is no evidence that this was part of the original roof design.

- d) Where original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street facades to their original form and detailing is encouraged, where practical.

Where possible, this should be based on evidence such as remaining traces of earlier fabric and/or old photographs of the place. In the absence

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of sufficient physical or historical information about the individual place, conjectural reconstruction of a missing element or a complementary modern interpretation of the element is generally supported. Conjectural reconstruction or interpretation should be based on an informed analysis of other places of the same age, style, scale and level of detail.

- e) If contributory fabric has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.

For example:

- A corrugated iron roof may be replaced with corrugated iron, Zinalume, or pre-painted corrugated steel in a colour comparable to a traditional painted finish (such as dark red) or unpainted finish (such as light-mid grey).
- New gutters and downpipes shall use traditional profiles, but can be of modern materials that are similar to galvanised iron, such as Zinalume, or pre-painted steel.

*As far as practical, restoration/reconstruction of damaged or missing detailing should be undertaken as an integral part of any major development/works programs.*

#### 5.3.2 Additions to Contributory Buildings

The heritage values of a Residential Heritage Precinct are embodied in the contributory buildings. In considering an application for additions to such places, the Shire shall have due regard to the following:

- a) New additions should ideally be located at the rear of a contributory building and not impact on streetscape views.
- b) No additions or new structures (including patios, carports, garages, gazebos etc) are permitted within the front setback of the existing building, unless it can be clearly demonstrated that the new structure will not:
- Dominate the contributory building;
  - Obscure streetscape views of the original building, or a nearby contributory building;
  - Adversely impact on the traditional streetscape character of the Residential Heritage Precinct.
- c) In terms of detailing, materials and finishes, additions that are visible from the street may be in the same general style as the existing building or designed in an openly contemporary, but still sympathetic, manner.

For example:

- Additions to a face brick dwelling could use matching face brickwork, a complementary traditional finish, such as rendered brick, or be constructed of carefully detailed contrasting fabric, such as glass and steel.
- Framed additions to a timber framed, weatherboard clad dwelling could use matching weatherboards, flat fibrous cement sheets or a modern contrasting cladding, such as pre-painted corrugated steel sheeting.

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Note: Where visible from the street, roofs of alterations or additions should generally be clad in materials that match the existing.

- d) Additions that are visible from the main street frontage(s) should be carefully designed to:
- Ensure the original part of the building remains the prominent element in streetscape views to the site and that its original design and scale can be readily understood;
- Respect the scale, massing, proportions and materials of the existing building and its key design elements, including consideration of the original:
- Plan form
  - Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
  - Height of the wall plate
  - Proportions of door and window openings
  - Balance of walls to openings
  - Balance of different materials and colours;
- Involve the least possible alteration to the contributory fabric, and not remove or obscure significant elements/details;
- Not adversely impact on public views of this or other near-by contributory buildings.
- e) Where additions to the side of a contributory place are the only feasible option, the new fabric should be set back from the main façade by a minimum of 1.2m from the closest section of the existing front wall. This includes structures such as carports, garages, patios and new verandahs. Two storey additions to the side of a contributory single storey residence will not generally be supported.
- f) Where second storey additions to a contributory place are the only feasible option, they should be located towards the rear of the building and should not be prominent in pedestrian views from the opposite side of the street. Second storey additions over the main roofline of the original house (excluding rear wings or rear skillion additions) will not generally be supported.
- g) Loft additions may be constructed where there is sufficient space within the existing roof, and where any required alterations to the roofline (including dormer windows or skylights) will not be prominent in streetscape views. Any associated alterations to the original roofline should generally be located on the rear roof plane or towards the rear of side roof planes.
- h) Any new garages or carports visible from the street frontage(s) of existing buildings shall be designed as secondary elements that do not obscure views of the building or negatively impact on streetscape views.
- i) If any proposed additions may be visible from the street, the Development Application will need to clearly document the bulk of the proposed addition in relation to the contributory building.

The applicant may also be requested to submit a continuous street

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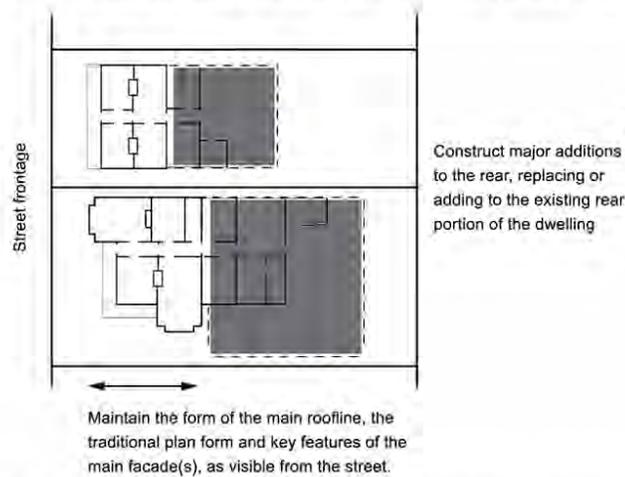
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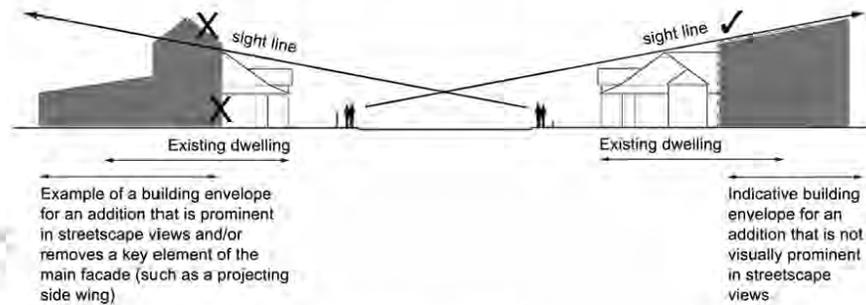
elevation that includes the buildings on either side of the subject site, in accordance with Clause 63 of the deemed provisions for local planning schemes.

- j) If an addition may adversely impact on public views to the contributory building, or a near-by contributory building, the Shire may also require a Heritage Impact Statement to be prepared by the applicant.

**Figure 1: General location for additions (indicative sketch only)**



**Figure 2: General location for additions - sightlines (indicative sketch only)**



#### 5.3.3 Alterations / Additions to Non-Contributory Buildings

Alterations and additions to non-contributory places provide an opportunity to improve the aesthetic qualities of the area by respecting and interpreting the key features and elements of the Residential Heritage Precinct.

- a) Additions should not change the bulk, scale or proportions of a non-contributory place in a manner that increases its visual impact on the immediate streetscape.

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The aim of this is to ensure that streetscape views focus on the nearby contributory buildings and, in general, it means that large additions should be located towards the rear of the site.

- b) When new works are proposed for a place that was constructed in the same period as the contributory buildings, but which has been extensively altered over time, then alterations that will help to return the place towards an earlier (contributory) state are encouraged. Alternatively, new works may aim to modernise the place in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).
- c) When alterations and additions are proposed for non-contributory buildings that have no historical association with the assessed cultural heritage values of the Residential Heritage Precinct, no attempt should be made to confuse an understanding of the area by adapting these places in a reproduction 'heritage' style.

Where alterations and additions are proposed for such places consideration should be given to the following points:

- If the scale, form and materials of the place are broadly compatible with the traditional streetscape then the new works can be based on the original design of the place or adapt it in a manner that is sympathetic with the traditional streetscape (based on the principles for new development).
- If the place (or any of its component parts) is intrusive within the streetscape, then the new works should aim to adapt the place in a manner that is more sympathetic with the traditional streetscape.

#### 5.4 New Development

New development on non-contributory sites presents an opportunity for good modern design that complements the traditional streetscape character and harmonises with the nearby contributory buildings, without overtly mimicking heritage styles or detailing.

Where appropriate opportunities exist for the development of a new building (or prominent additions to a non-contributory building), innovative solutions are encouraged, subject to the following guidelines.

##### 5.4.1 *General*

- a) The construction of a new building will only be considered where the guidelines for subdivision/amalgamation and demolition and have been met, as relevant (see above).
- b) New buildings and additions to non-contributory places should not adversely impact on public views to any near-by contributory building(s).

For example: if a large new building is proposed adjacent to a small single storey contributory building, the bulk, scale, setbacks and detailing at the street frontage should be carefully designed to ensure that it does not overwhelm the contributory place.

- c) Contemporary designs should respond to, and interpret, the articulation and detail of nearby contributory buildings in a modern and sympathetic way. This requires careful attention to design aspects such as the:

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- Roof form (including the height of the ridgeline, roof pitch, and the width and style of eaves overhangs)
  - Height of the wall plate;
  - Street front plan form and width;
  - Use of front verandahs;
  - Location of main entries;
  - Proportions of door and window openings
  - Balance of walls to openings
  - Balance of different materials and colours.
- d) 'Reproduction' heritage styles and applied 'heritage' detailing detract from an understanding and appreciation of the contributory buildings and will generally not be supported.

For example: decorative detailing such as turned timber verandah posts, turned timber finials, Victorian style iron lacework and Federation style timber brackets and valances, should generally not be applied to new dwellings in a heritage area.

- e) The applicant may be requested to submit a schedule of finishes and/or a continuous street elevation that includes the buildings on either side of the subject site, in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.

#### 5.4.2 Orientation and setbacks

- a) Where visible from the street, the orientation of new buildings (or prominent additions to non-contributory places) must match the traditional orientation of nearby contributory buildings.
- b) If intersecting streets are both included in a Residential Heritage Precinct, any new development or major additions on a corner block shall respect the traditional pattern of development and streetscape character of both frontages (acknowledging the traditional development of a primary and secondary façade).
- c) New buildings should be constructed with setbacks from the front boundaries similar to the typical setbacks of nearby contributory buildings.
- d) A new building should not be built forward of an adjacent contributory building, unless it can be clearly demonstrated that this will not adversely impact on the traditional streetscape values of the Residential Heritage Precinct and/or views to the adjacent and nearby contributory buildings.
- e) For the extent that side boundaries are clearly visible from the street, they should be similar to the typical side setbacks for nearby contributory buildings.

*Figure 3: Setbacks for new buildings (Indicative sketch only)*

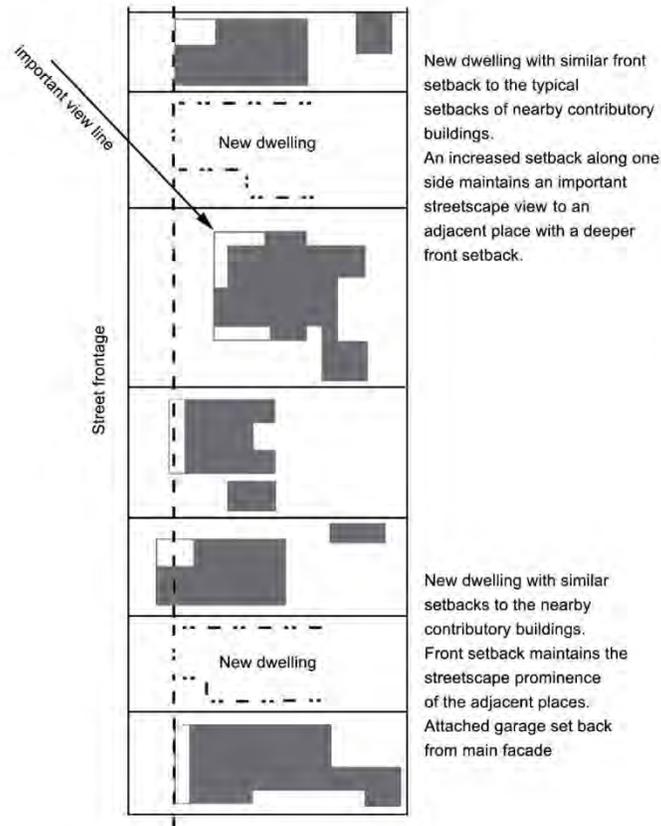
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#### 5.4.3 Scale and Form

- a) New buildings, as viewed from the street frontage(s), should be of similar form, bulk, scale, proportions, height and level of articulation as the contributory buildings in the Residential Heritage Precinct.

In particular, the manner in which articulation is used, and the height, size and shape of the roof, are key elements that can help a contemporary building blend into a heritage streetscape.

- b) If the traditional streetscape is predominantly single storey, new buildings that present as two storeys to the street frontage will not generally be permitted. In this case, any two-storey section(s) should not be visually prominent in pedestrian views from the opposite side of the street (similar to the principles illustrated in Figure 2).

**Figure 4: Example of a broad design envelope for a new building**  
*(Indicative sketch only)*

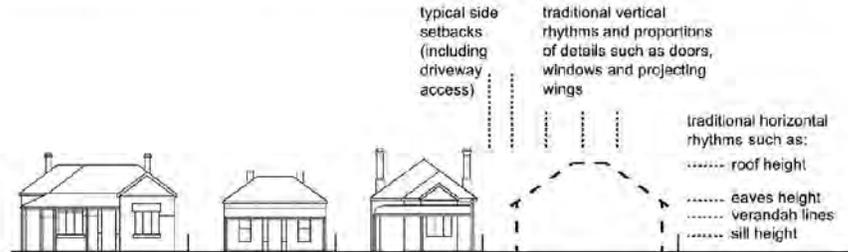
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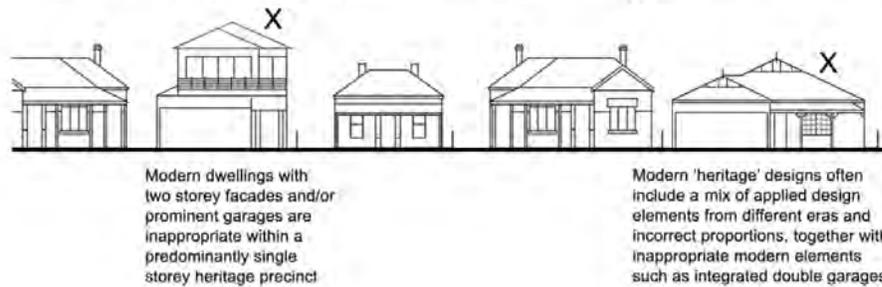
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Within this general building envelop, a modern interpretation of the traditional articulation, detailing, materials and finishes of nearby contributory houses will need careful consideration for a successful outcome (including the points noted above)

**Figure 5: Examples of inappropriate infill within a heritage precinct (Indicative sketch only)**



#### 5.5 Boundary Fences

The treatment of the front boundary and of the return boundaries (back to the front walls of the house) makes a major impact on the streetscape character of a Residential Heritage Precinct.

- a) Fencing is required where this has been a traditional development characteristic of the streetscape.
- b) All new fences shall be designed to complement the style of the existing building and the traditional streetscape character.

Fences in traditional styles (appropriate to the age, style and scale of the building) are preferred for contributory buildings. Modern fence styles of a simple design are preferred for non-contributory buildings.

For example: Subject to the nature of the associated place, traditional fencing can include styles such as timber post and rail with woven wire panels; timber pickets with gothic or acorn shaped heads (for early twentieth century places); timber pickets with square heads, with a flat or stepped design and/or a top rail (from the early twentieth century and into the Inter-War era); low pier and plinth masonry (for later Inter-War houses); masonry piers with spear-head palisades (early twentieth century); masonry piers with wrought iron panels (Inter-War era).

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All of the above were sometimes backed by clipped hedges.

- c) New fences should be designed to retain clear public views to the front of each house and open streetscape views.
- d) Boundary walls or fences that are located forward of the building line shall be no more than 1.2 metres high.
- e) The main panels of masonry walls and plinths should be limited to approximately 300-600mm above footpath level.
- f) Large masonry posts will only be acceptable where used for traditional fence styles to the street frontage of a large villa on a wide block.
- g) High masonry walls and high solid panels are not permitted along the front and return boundaries in a Residential Heritage Precinct.

#### 5.6 Off Street Parking

The following points must be considered in addition to the guidelines for additions and new development (above):

- a) As far as possible, access for carports or garages should be along side driveways or, where available, from side streets or rear lanes.
- b) Any new driveways and hardstands at or near the front of the site should be designed to minimise the visual and physical impact on the setting of the contributory buildings and the streetscape.
- c) Carports or garages should generally be set back from the main facade.
- d) Carports or garages should not visually dominate the primary or secondary street frontage of the place;
- e) Carports or garages should comprise no more than 33% of the main frontage.
- f) The design of carports and garages or other outbuildings on land containing a contributory place should:
  - not extend design elements of a contributory place (such as verandahs, roof lines or historic detailing) at the same alignment as the main facade; and
  - not incorporate undercroft parking or other parking or access arrangements that are not in keeping with heritage character of the area.
- g) Larger carports, garages, hardstands and sheds can generally be located towards the rear of the site.

#### 5.7 Colour Schemes

Colour schemes should be complementary to the traditional character of both the house and the streetscape, while still retaining a level of diversity and interest.

- a) Painted surfaces can be repainted in any complementary colour scheme, but the use of a traditional colour scheme or reinstatement of the original colour schemes is encouraged.

Note: The simplest method of choosing a 'traditional' paint scheme for a contributory building is to refer to the 'heritage' paint charts provided by many

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of the commercial paint companies (particularly at their web sites) and/or to refer to other on-line sites that illustrate suitable paint schemes for different house styles and periods (recognising that different colours became available/popular at different times).

If owners are interested in undertaking additional research, there are many publications available that focus on houses of the Late Victorian, Federation and Inter-War eras and a small number that focus more specifically on heritage colour schemes (such as *Colour Schemes for Old Australian Houses* and *More Colour Schemes for Old Australian Houses*, both written by Evans, Lucas and Stapleton, and published by The Flannel Flower Press). Historical photographs of similar houses can also provide important information about the traditional colour variation across the different parts of a façade and the balance of light and dark. For example, in the early twentieth century, light to medium colours were typically used for painted walls, with either lighter or darker contrasting colours for mouldings, verandah posts and trim. For complex trim or rendered moulding, additional complementary colours were sometimes used to accentuate the detailing. During the inter-war years, however, paint schemes were generally more restrained.

In many cases, physical evidence of former paint schemes can be investigated by paint scrapes (using a sharp scalpel to cut diagonally through the paint layers), by careful sanding or by applying successive layers of chemical strippers to small areas to reveal the layers of old paint. The aim of the last two methods is to carefully reveal the various layers of paint by working in either concentric circles or "ladders" (retaining sections of each level for comparison). As different colours are likely to have been applied to various features, the investigation should consider the different parts of the building – noting that surface colours may have faded over time and that the lowest layer, and possibly some intervening layers, are likely to have been undercoats.

A comparison of the findings of these investigations with colours from 'heritage' paint charts can help owners approximate the original and later colour schemes. This can then be used as the basis for reinstating an early colour scheme, interpreting that scheme to suit personal preferences, or selecting a complementary modern scheme.

If a fully authentic result is desired, professional advice and analysis is recommended.

- b) If a modern colour scheme is used this should sympathetically interpret traditional colour schemes (as discussed above), as relevant to the age and style of the place.
- c) Contributory fabric that is unpainted (such as face-brick walls) should not be rendered or painted.
- d) Where some of the painted surfaces of a contributory building were traditionally unpainted careful removal of the paint and conservation of the underlying surface is encouraged, if practical. If the painted finish is to be retained, the selection of new paintwork that interprets the traditional colour balance across the different parts of the façade is encouraged.

For example: Painted brick walls could be repainted in a dark brown or red, selected to closely match the colour of the original brickwork, with a lighter cream/buff colour for rendered areas such as window sills.

- e) Where repainting of non-contributory buildings is proposed, this should use a palette that is complementary to both the overall streetscape and the style of the individual place. However, overtly 'heritage' colour schemes are not required, and are generally not appropriate, for non-

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contributory buildings or modern infill.

*The applicant may be required to provide a detailed schedule of all finishes, including materials and colours in accordance with Clause 9.3 of the Shire of Northam Local Planning Scheme No 6.*

5.8 Incidental Development

Any new solar systems, climate control systems, telecommunications equipment, exhaust vents, or other modern services should be to be installed in locations that are not intrusive in views to the place from the main street frontage(s). Where this may impact on the effectiveness of services such as solar panels then alternative measures, such as angled frames on rear skillions, should be used.

5.9 Public Realm

The public realm (comprising the roadways, lanes, footpaths, verges, gutters, street trees, street lighting etc) has a major impact on the traditional streetscape character of a Residential Heritage Precinct.

All private proposals for changes to the verge within a Residential Heritage Precinct must be submitted to the Shire for approval.

5.10 Maintenance

- a) Where issues relating to current or potential deterioration of the contributory fabric are identified, maintenance or repair is encouraged, but is not required as a stand-alone project under this Planning Policy.
- b) If major works are proposed to a contributory building, maintenance (and any other urgent conservation works) should generally be undertaken as an integral part of the project.
- c) Where maintenance of contributory fabric is undertaken the work should be in accordance with the conservation principles under Section 2.2.
- d) A long-term lack of maintenance, which results in structural inadequacy (referred to as demolition by neglect), may lead to a requirement for reconstruction of the contributory fabric as an integral part of any new development proposal.

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**13.2.4 REQUEST TO ADOPT FOR FINAL APPROVAL LOCAL PLANNING POLICY NO.19 'RESIDENTIAL DESIGN GUIDELINES FOR THE RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONES'**

Name of Applicant:	N/A
Name of Owners:	N/A
File Ref:	7.2.4.1
Officer:	Chadd Hunt / Kobus Nieuwoudt
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple Majority
Date:	5 February 2016

**PURPOSE**

For Council to consider adopting, with modification, Shire of Northam Local Planning Policy No.19 *'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'* for final approval.

**BACKGROUND**

Council resolved to adopt for advertising draft Shire of Northam Local Planning Policy No.19 *'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones'* at the November 2015 Ordinary Council Meeting as follows:

*"That Council prepare Local Planning Policy No.19 'Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones' for the purposes of advertising for public comment under Part 2, Division 2, subclause 4(1)(a) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 in accordance with the document that formed the subject of Attachment 1 of this report."*

Advertising in accordance with clause 4(1)(a) of the deemed provisions for local planning schemes occurred from 24<sup>th</sup> November 2015, with notices published in *The Advocate* of 24<sup>th</sup> November 2015. In addition, a copy of the notice including a copy of the draft Policy was on display in the foyer area at the Council office. The Policy was also advertised on the Shire's website from 24<sup>th</sup> November 2015 until 15 December 2015.

Submissions on the draft policy were invited up to and including 15<sup>th</sup> December 2015.

One submission was received.

The submission generally raises concerns of a general nature, claiming that the guidelines *are too general and their implementation would prove to be open to excessive*

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*discretion by shire officers. A copy of the Schedule of Submissions is attached (refer Attachment 1).*

**STATUTORY REQUIREMENTS**

*Procedure for making local planning policy*

If a local government resolves to prepare a local planning policy, the local government must follow the procedure under clause 4(1) up to and including clause 4(6) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

- “(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
- (a) Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) the subject and nature of the proposed policy; and*
    - (ii) the objectives of the proposed policy; and*
    - (iii) where the proposed policy may be inspected; and*
    - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
  - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) After the expiry of the period within which submissions may be made, the local government must —*
- (a) review the proposed policy in the light of any submissions made; and*
  - (b) resolve to —*
    - (i) proceed with the policy without modification; or*
    - (ii) proceed with the policy with modification; or*
    - (iii) not to proceed with the policy.*
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) A policy has effect on publication of a notice under subclause (4).*

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- (6) *The local government —*
- (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
  - (b) *may publish a copy of each of those local planning policies on the website of the local government.”*

Council is now required to review the Policy in light of the submissions made and resolve to –

- (i) Proceed with the Policy without modification;
- (ii) Proceed with the Policy with modification; or
- (iii) Not to proceed with the Policy.

### **PUBLIC CONSULTATION**

As outlined under the ‘Background’ section of this report, the Draft Policy was advertised in accordance with clause 4(1)(a) of the deemed provisions for local planning schemes from 24<sup>th</sup> November 2015, with notices published in *The Advocate* of 24<sup>th</sup> November 2015.

A copy of the notice including a copy of the draft Policy was on display in the foyer area at the Council office. The Policy was also advertised on the Shire’s website from 24<sup>th</sup> November 2015 until 15 December 2015.

One submission was received.

### **CONFORMITY WITH COMMUNITY STRATEGIC PLAN**

OBJECTIVE RG1: Provide accountable and transparent leadership.

STRATEGY G1.1: Continue to develop Council’s policy framework to guide decision making.

### **BUDGET IMPLICATIONS**

The cost of advertising the adoption notice in a local newspaper will be approximately \$300.00.

### **OFFICER’S COMMENT**

With respect to the submission received by the submitter in that the guidelines *are too general and their implementation would prove to be open to excessive discretion by shire officers*, officers wish to advise that a perception or personal opinion that the Policy is not needed, is not normally a determining factor as to whether the Council should proceed with the policy or not.

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It should be noted that development proposals are assessed by qualified and trained planning officers in accordance with current Council delegations. Assessment templates are used to ensure consistent considerations are maintained and decisions are recorded.

Furthermore, Clause 3 of the deemed provisions for local planning schemes establishes that a local government may prepare a local planning policy in respect of any matter related to the planning and development of its Scheme area.

One of the key elements of the subject policy is *to provide design guidelines that achieve both sustainable housing design and high quality aesthetics within the Rural Residential and Rural Smallholding Zones as identified by the Scheme* (refer Part 2.1 of draft LPP19).

The Shire has an obligation to facilitate and manage land use and the built environment in a way that contributes positively to the wellbeing of individuals and communities, and the natural and built environment on which they rely.

It is considered the preparation of the Policy is an important step towards improving urban and regional form and balancing/achieving social, economic and environmental outcomes in the Shire of Northam's rural living areas.

It is also considered draft LPP19 is consistent with the objectives of the Rural Residential and Rural Smallholding zones of the Scheme, which is to provide for the use of land for rural living purposes in a rural setting whilst preserving the amenity of such areas and to ensure landscape protection and conservation and controlling land use impacts.

However, in order to address the submitter's concerns and with a view to avoid potential confusion and/or misinterpretation of Part 5 – Development Guidelines of the Policy, Council's planning officers have restructured this section of the Policy by creating a table consisting of two (2) columns to assist proponents in preparing their designs and applications as follows:

Development Controls

The Development Controls column(s) in Part 5 of draft LPP19 are mandatory for all development proposals. They will collectively ensure that the objectives of the policy are met.

Applicants may provide alternative design solutions to these requirements if they can successfully demonstrate that the objectives of the policy are met or exceeded.

Design Guidance

The Design Guidance column(s) recommend some additional measures by which a development can achieve a higher level of sustainable design. The Design Guidance

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recommendations are not mandatory, however, it is considered adherence to these recommendations will ensure a 'Best Practice' outcome.

A copy of the draft revised Policy is attached (refer **Attachment 2**).

With respect to boundary fencing, the submitter claims that the policy contradicts the Shire's own Fencing Local Law and that there is no requirement to fence boundaries under State policies.

First of all, officers wish to point out that the provisions of Clause 5.6 of the Policy does not contradict the Shire's *Fencing Local Law 2008*.

While it is not a requirement to fence boundaries under state legislation, the intent of this provision in the Policy is to cite the Shire's 'minimum standard' for fenced boundaries in the Rural Residential and Rural Smallholding zones. Council is reminded that this policy does not apply to land in the rural area or any other zone in the Scheme area.

While modifications have been made to the draft Policy (as advertised), nothing substantial has been added to or deleted from the Policy that would warrant the readvertising of the draft revised Policy.

It is therefore recommended Council resolves to proceed with the Policy with modification and publish a notice of the Policy (as modified) in a local newspaper.

**RECOMMENDATION**

**That Council:**

- 1. Receive the Schedule of Submissions that formed the subject of Attachment 1 to this Report;**
- 2. Determine the submissions by resolving to adopt the recommendations in the Schedule of Submissions that formed the subject of Attachment 1 to the Report;**
- 3. Amend Proposed Local Planning Policy No.19 in the light of the submissions in accordance with the attached modified document that formed the subject of Attachment 2 to the Report;**
- 4. Adopt Local Planning Policy No.19 (as modified) that formed the subject of Attachment 2 to the report.**
- 5. Publish a notice of Local Planning Policy No.19 (as modified) in a newspaper circulating in the Scheme area.**

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**COUNCIL DECISION**

**Minute No: C.2643**

**Moved: Cr Hughes**

**Seconded: Cr Antonio**

**That the matter lie on the table and be presented at the next Ordinary Council meeting to be held on 16 March 2016.**

**CARRIED 5/4**

Reason for Change to Officers Recommendation

The Council requested that staff hold a workshop with the Elected Members prior to the next Ordinary Council meeting on 16 March 2016 in order to resolve any queries in regards to this Policy.

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**ATTACHMENT 1**

**SUMMARY OF SUBMISSIONS**  
**PROPOSED LOCAL PLANNING POLICY NO. 19**

*Prepared 2 February 2016*

No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
1.	<p><b>5.1 <u>House Orientation and Location</u></b>  <i>Siting of a house on a lot should demonstrate the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Location within the approved building envelope for the property (where required by the Scheme for a particular Zone Area);</i></li> <li>• <i>Orientation of the house so that it maximises northern light into living areas;</i></li> <li>• <i>Providing adequate cross ventilation from summer breezes;</i></li> <li>• <i>Maximising enjoyment of views to inland ranges;</i></li> <li>• <i>Avoid, where practicable, blocking of the views or potential views of surrounding properties;</i></li> <li>• <i>Minimise the removal of vegetation and significant trees on the property;</i></li> <li>• <i>Minimising the overlooking and loss of privacy into adjoining properties by utilising existing vegetation as a</i></li> </ul>	<p>Orientation of the house for northern light, make use of cross breezes and enjoyment of views affect the land owner only and have no off-site impacts. These decisions should remain with the person(s) who have paid to own the property and are paying for the development.</p> <p>Orientation to prevent blocking views of neighbours or to prevent the loss of privacy of an adjoining property does involve off site impact and may need to be controlled. However these guidelines are too general and their implementation would prove to be open to excessive discretion by shire officers. Compare these (lack of) guidelines with what is contained in the R-codes dealing with these issues. Is this an existing issue within the shire? Are there real life examples within the shire where these guidelines are needed?</p>	<p>Noted.</p> <p>A perception / personal opinion that the policy is not needed, is not a relevant planning consideration.</p> <p>Clause 3 of the deemed provisions (refer Planning and Development (Local Planning Schemes) Regulations 2015) determines that a local government may prepare a local planning policy in respect of <u>any</u> matter related to the planning and development of its Scheme area.</p> <p>One of the key elements of the subject policy is <i>to provide design guidelines that achieve both sustainable housing design and high quality aesthetics within the Rural Residential and Rural Smallholding Zones as identified by the Scheme</i> (refer Part 2.1 of draft LPP19).</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
	<p><i>buffer or by increased boundary setbacks.</i></p>		<p>The Shire has an obligation to facilitate and manage land use and the built environment in a way that contributes positively to the wellbeing of individuals and communities, and the natural and built environment on which they rely.</p> <p>It is considered the preparation of LPP19 is an important step towards improving urban and regional form and balancing/achieving social, economic and environmental outcomes in the Shire of Northam's rural living areas.</p> <p>It is also considered draft LPP19 is consistent with the objectives of the Rural Residential and Rural Smallholding zones of the Scheme, which is to provide for the use of land for rural living purposes in a rural setting whilst preserving the amenity of such areas and to ensure landscape protection and conservation and controlling land use impacts.</p> <p>However, in order to address the submitter's concerns and so as to avoid potential confusion and/or misinterpretation of Part 5 –</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
			<p>Development Guidelines of the policy, Council's planning officers have restructured this section of the policy by creating a table consisting of two (2) columns to assist proponents in preparing their designs and applications as follows:</p> <p><u>Development Controls</u>  The Development Controls column(s) in Part 5 of draft LPP19 are mandatory for all development proposals. They will collectively ensure that the objectives of the policy are met.</p> <p>Applicants may provide alternative design solutions to these requirements if they can successfully demonstrate that the objectives of the policy are met or exceeded.</p> <p><u>Design Guidance</u>  The Design Guidance column(s) <u>recommend</u> some additional measures by which a development can achieve a higher level of sustainable design. The Design Guidance recommendations are not mandatory, however, it is considered adherence to these recommendations</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
			will ensure a 'Best Practice' outcome.
2.	<p><b>5.2 <u>Setbacks</u></b>  <i>Minimum setbacks to property boundaries are as stipulated for the relevant Zone Area contained in Table 2: Site and Development Requirements Table of the Scheme.</i>  <i>Notwithstanding the minima applicable, a house should be sited to achieve the requirements of section 5.1 of this Policy.</i></p>	<p>This gives too much discretion to officers. Basically seems to say that setbacks are a minimum value and shire officers can vary them (increase) totally at their discretion.</p>	<p>Noted.</p> <p>Personal opinion and therefore not a valid consideration. It is not clear from the submitter's submission which aspect of this provision in the policy gives officers "too much discretion".</p> <p>It should be noted that development proposals are assessed by qualified and trained planning officers in accordance with current Council delegations. Assessment templates are used to ensure consistent considerations are maintained and decisions are recorded.</p> <p>In order to address the submitter's concerns, and so as to avoid potential confusion or misinterpretation of Part 5 – Development Guidelines of the policy, Council's planning officers have restructured this section of the draft policy to assist proponents in preparing their designs and applications. Refer officer's response above under submission No. 1.</p>
3.	<p><b>5.3 <u>Materials and Colours</u></b></p>	<p>No definite guidelines and open to too much</p>	<p>Noted.</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
	<p><i>The materials and colours used on exterior surfaces of all buildings are to blend in with the surrounding landscape and environment.</i></p> <p><i>The use of 'Zincalume' roof sheeting is permitted, however, care must be taken to ensure the location of the house and the roof pitch used does not produce a glare nuisance to surrounding properties or passing traffic.</i></p>	<p>interpretation by individual shire officers.</p>	<p>Subjective view. Not a relevant planning consideration.</p> <p>Development proposals are assessed by qualified and trained planning officers in accordance with current Council delegations. Assessment templates are used to ensure consistent considerations are maintained and decisions are recorded.</p> <p>In order to address the submitter's concerns, and so as to avoid potential confusion or misinterpretation of Part 5 – Development Guidelines of the policy, Council's planning officers have restructured this section of the draft policy to assist proponents in preparing their designs and applications. Refer officer's response above under submission No. 1.</p>
4.	<p><b>5.4 <u>Streetscape</u></b>  <i>In order to achieve an attractive streetscape that is in keeping with the surrounding rural landscape, all houses are to provide verandahs, porches, porticos or other architectural relief on the</i></p>	<p>The design of a house should be with the person paying for it. Whilst the aim is laudable what a shire officer finds appealing others may not or even a different shire officer may have a different opinion. Is this a "real" problem?</p>	<p>Noted.</p> <p>Subjective view. Not a relevant planning consideration.</p> <p>The intent of Development Guideline no.</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
	<i>elevations that are viewed from the street.</i>		<p>5.4 is integrated into the provision itself, i.e. <i>"In order to achieve an attractive streetscape that is in keeping with the surrounding rural landscape, ..."</i></p> <p>Development proposals are assessed by qualified and trained planning officers in accordance with current Council delegations. Assessment templates are used to ensure consistent considerations are maintained and decisions are recorded.</p> <p>In order to address the submitter's concerns, and so as to avoid potential confusion or misinterpretation of Part 5 – Development Guidelines of the policy, Council's planning officers have restructured this section of the draft policy to assist proponents in preparing their designs and applications. Refer officer's response above under submission No. 1.</p>
5.	<p>5.4 <u>Private Open Space</u>  Each house is to be provided with a private open space area that meets the following criteria:</p> <ul style="list-style-type: none"> <li>• Located behind the house and</li> </ul>	<p>The design of a house should be with the person paying for it. There is no off-site impact. How is this an issue that the shire should be involved in?</p>	<p>Noted.</p> <p>Subjective view. Not a relevant planning consideration.</p>

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	<p>screened from public view from the street;</p> <ul style="list-style-type: none"> <li>• Directly accessible from a habitable room, such as a living room or dining room; and</li> <li>• Provides sufficient space for utilities, such as clothes drying, in a location that maximises winter sun access and screened from public view.</li> </ul> <p>Private open space areas can incorporate covered outdoor living areas, such as patios, pergolas and verandahs.</p>		
6.		<p>Boundary fencing. This policy contradicts the shire's own local law on fencing. How does this policy interact with the shires own local law and the dividing fences act? There is no requirement to fence boundaries under state policies.</p> <p>Modern fencing is much more involved than the 1960's approach of using ring-lock. For example the fencing noted as the "minimum standard" prevents the movement of native animals leading to their injury and extensive fence damage. I have been a veterinarian for 35 years and it is also the most dangerous for horses. If the shire insists on this type of fencing and a horse suffers a de-</p>	<p>Noted.</p> <p>The provisions of Clause 5.6 of the policy does <u>not</u> contradict the Shire's <i>Fencing Local Law 2008</i>.</p> <p>While it is not a requirement to fence boundaries under state legislation, the intent of this provision in the local planning policy is to cite the Shire's 'minimum standard' for fenced boundaries in the Rural Residential and Rural Smallholding zones. It should be noted that this policy does not apply to land in the Rural or any other zone in the Scheme area.</p>

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		<p>gloving injury of a leg, hopefully the owner will sue the shire. Why should the owner of a 40Ha (100acre) property with agroforestry have the expense of this fencing? What is less than the minimum standard of fencing?</p> <p>Fencing is a very involved subject and an expensive outlay. It warrants much more thought than what has obviously gone into this item. If shire staff think it is necessary to have more control over how residents spend their own money they may wish to revisit the fencing local law.</p> <p>Solid Panel Fencing. I agree with shire officers, I do not like the appearance of solid panel fencing either. But it is the owner's property &amp; the owner's money and off-site impact is minimal. Is this a real life problem in the shire?</p> <p>This section on fencing should be deleted for the above reasons.</p>	
7.		5.7 Driveways. Isn't this covered, in whole or in part, in shire policy/local laws elsewhere?	<p>Noted.</p> <p>The answer to the submitter's question is 'no'.</p>
8.		5.8 Carpark. This is an issue for individual	Noted.

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		land owners and has no off-site impact. It should be deleted.	Subjective view. Not a relevant planning consideration.
9.		5.9 Rural Street Numbers. I have been unsuccessful in obtaining these as have many people. This is very disappointing as they are not simply convenient but are vitally important in emergencies, particularly medical emergencies. The shire administration needs to ensure they have an effective system in place to allocate these numbers rather than put an item such as this in a policy that appears to put the responsibility on the landholder. To simply state "contact the shire" and when you do your query is not dealt with is not acceptable. Consider developing an application form for a rural street number, it is important enough to do that.	Noted.  Subjective view. Not a relevant planning consideration.
10		5.10 Transportables. As it states here this issue is dealt with elsewhere. Delete it due to being superfluous. Having it here may lead to confusion.	Noted.  Subjective view. Not a relevant planning consideration.  The heading and text to remain in the Policy for clarity.
11		5.11 Outbuildings. As it states here this	Noted.

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
.		issue is dealt with elsewhere. Delete it due to being superfluous. Having it here may lead to confusion.	Subjective view. Not a relevant planning consideration.  The heading and text to remain in the Policy for clarity.
12 .		5.12 Ancillary Accommodation. It doesn't state here that this issue is dealt with elsewhere, but it is. Delete it due to being superfluous. Having it here may lead to confusion.	Noted.  Subjective view. Not a relevant planning consideration.  Agree to remove superfluous text from the Policy duplicated by Local Planning Policy No.13 – Ancillary Accommodation.  The heading and text to remain in the Policy for clarity.
13 .		5.13 Bush fire prone areas. As of the beginning of December this is controlled under state legislation. Placing a few lines in this policy about this issue may only confuse applicants.	Noted.  Subjective view. Not a relevant planning consideration.
14 .		This policy contains a number of items (6) dealt with elsewhere either by the shire or state government – 5.6, 5.7, 5.10, 5.11, 5.12 & 5.13. There is a strong possibility of this	Noted.  It is considered this point is a repeat of the matters the submitter have raised

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		<p>leading to inconsistencies over time and it has not achieved anything that is not already being achieved. They should be deleted.</p> <p>There are other items dealing with issues that have no or minimal off-site impact and should remain the responsibility of the owner not the local government bureaucracy – 5.3, 5.4, 5.5, &amp; 5.8. By including these items you are relying on the decision making and “taste” of the shire officer who happens to be employed at the time. Is someone who works in an office and may never have even owned their own home best placed to make decisions regarding properties of up to 40Ha? These items diminish ownership rights for no justifiable reason and should be deleted.</p> <p>Item 5.9 has no place in this policy and requires action by the administration on internal systems to achieve the objective. It should be deleted.</p> <p>Item 5.2 Increase of setbacks gives too much discretion to shire officers and a significant lack of certainty to land-owners. It should be deleted.</p> <p>Item 5.1. The portion of this relating to maintenance of adjoining landholders views and privacy has potential for significant off-site impact and might be retained. But is it a</p>	<p>under points 1 to 13 of the Schedule of Submissions. As such, the issues raised under this point is not discussed/considered further.</p>

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No	Policy Provision	Submitter's Comments (one submission received - name and address provided)	Officer's Response and Recommendation
		<p>real problem?</p> <p>If this policy is implemented it would lead to a significant increase in shire officer's time administering it as well as the amount of applicant's time taken up dealing with it. Hardly a formula for a new efficient Australia of the 21st century.</p> <p>It attempts to deal with a large number of complex issues in a very limited and not well thought out way. This will lead to a large proportion of non-complying applications going before council and at what cost? How much does it cost ratepayers (not the applicant) for an item to come before council? It would be in the thousands of dollars. This policy has significant budget implications and will undoubtedly lead to employment of extra staff incurring additional salary and associated costs.</p> <p>The more involved you make it for new residents to move to Shire of Northam and spend their money the less likely they are to do it. The aims of the policy are laudable the effect of the actual policy is very negative for the reasons given above.</p>	

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**ATTACHMENT 2**

*Shire of Northam Local Planning Scheme No.6*  
*Local Planning Policy No.19 – Residential Design Guidelines for the Rural*  
*Residential and Rural Smallholding Zones*

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**LOCAL PLANNING SCHEME NO.6**

**LOCAL PLANNING POLICY NO.19 –  
RESIDENTIAL DESIGN GUIDELINES FOR THE  
RURAL RESIDENTIAL AND RURAL  
SMALLHOLDING ZONES**

**1. PRELIMINARY**

**1.1 Authority to prepare and adopt a Local Planning Policy**

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

**1.2 Relationship of this Policy to the Scheme**

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails.

This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

**2. APPLICATION OF THE POLICY**

**2.1 Purpose**

The purpose of this Local Planning Policy is to provide design guidelines that achieve both sustainable housing design and high quality aesthetics within the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

**2.2 Application**

This Policy applies to new housing in the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

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**2.3 Exemptions**

This Policy does not affect new housing outside of the Rural Residential and Rural Smallholding Zones as identified by the Scheme.

**2.4 Relationship of this Policy to other Local Planning Policies**

This Policy is to be read in conjunction with the following Local Planning Policies:

- Local Planning Policy No.1 'Outbuildings';
- Local Planning Policy No.2 'Site Construction, General Development and Subdivision Guidelines';
- Local Planning Policy No.3 'New Transportable, Relocated and Second Hand Dwellings';
- Local Planning Policy No.5 'Use of Sea Containers & Other Similar Storage Structures'; and
- Local Planning Policy No.13 'Ancillary Accommodation'.

**3. POLICY OBJECTIVES**

The primary objectives of this Policy are to:

1. Achieve a level of integration and consistency with the surrounding landscape and environment in architectural design;
2. Ensure appropriate standards of amenity for all dwellings;
3. Protect the amenity of adjoining properties; and
4. Provide a procedure for considering variations to building envelopes.

**4. APPROVAL REQUIREMENTS**

**4.1 Delegated Development Approval**

The Regulations require all development (works and use) in the Rural Residential and Rural Smallholding Zones to obtain Development Approval. Where a single house is proposed that meets the requirements of this Policy, it will be granted Development Approval by Council's Chief Executive Officer or Council's Executive Manager Development Services under Delegated Authority from Council.

An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid.

Council's Chief Executive Officer or the Executive Manager Development Services may place conditions on the approval to ensure relevant provisions of this Policy are met by the development.

Approval of the Development Approval application will be required prior to issue of a Building Permit and on-site works commencing.

**4.2 Full Council Development Approval required for all other proposals**

Where a single house is proposed that does not meet one or more of the **mandatory** requirements (**'Development Controls'**) of this Policy, the application

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*Shire of Northam Local Planning Scheme No.6*  
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will require the approval of full Council. An Application for Development Approval is required to be lodged in accordance with Council's requirements and the scheduled fee paid. A written justification of the variation to the Policy sought is required to be lodged for consideration together with the Application.

Council will take into account the likely impact on the amenity of the locality and adjoining properties when considering granting approval to a development that varies a provision of this Policy. Where Council considers the proposed variation will adversely impact on the amenity of the locality and adjoining properties, it may place conditions on the approval to ensure the development complies with this Policy or refuse the application outright.

Approval of the application by full Council will be required prior to issue of a Building Permit and on-site works commencing.

4.3 Need for a Building Permit

A **Building Permit is required to be sought and issued for any structures prior to on-site works commencing**. Building Permit fees and levies are payable in accordance with the current Shire of Northam Fees and Charges.

4.4 Variations to Building Envelopes

In some Zone Areas the Scheme requires Building Envelopes (or building exclusion areas) to be approved for each property. In most cases, the envelopes were identified and approved at the subdivision stage.

Clause 5.30.7 of the Scheme allows Council to vary a previously approved building envelope where the relocated envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.

Should a property owner require the approved building envelope to be varied, Council's approval is required prior to issue of a Building Permit.

4.4.1 Variation Procedure

Council will use the following procedure to consider Applications for Building Envelope Variation:

1. The Application is to be in the form as prescribed in *Schedule 1* of this Policy;
2. The completed form is to be lodged with Council together with two (2) copies of a scaled site plan for the property showing the location of existing (approved) and proposed building envelopes;
3. The plan is to show dimensions of the property, building envelopes and distances between the proposed envelope and property boundaries. Where known, the location of proposed buildings inside the envelope is to be shown;
4. Council will consider the impact of the Building Envelope Variation against the criteria contained in section 5.1 of this Policy as well as the following criteria:
  - The modified building envelope has regard to the placement of a dwelling and outbuildings on a lot relative to adjoining lots and buildings contained thereon (for the purpose of maintaining separation and protection of amenity in a rural setting);

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- the area of the modified building envelope is similar in size to the original building envelope; and
  - the modified building envelope accords with the setback distances prescribed in *Table 2: Site and Development Requirements Table* of the Scheme.
5. Council's determination of the application will be made in the form as Prescribed in *Schedule 2* of this Policy.

#### 5. DEVELOPMENT GUIDELINES

##### 5.1 House Orientation and Location

Siting of a house on a lot should demonstrate the following:

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>• Location within the approved building envelope for the property (where required by the Scheme for a particular Zone Area)</li> <li>• Minimise the removal of vegetation and significant trees on the property</li> </ul>	<ul style="list-style-type: none"> <li>• Orientation of the house so that it maximises northern light into living areas</li> <li>• Providing adequate cross ventilation from summer breezes</li> <li>• Maximising enjoyment of views to inland ranges</li> <li>• Avoid, where practicable, blocking of the views or potential views of surrounding properties</li> <li>• Minimising the overlooking and loss of privacy into adjoining properties by utilising existing vegetation as a buffer or by increased boundary setbacks</li> </ul>

##### 5.2 Setbacks

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>• Minimum setbacks to property boundaries are as stipulated for the relevant Zone Area contained in <i>Table 2: Site and Development Requirements Table</i> of the Scheme.</li> <li>• Notwithstanding the minima applicable, a house should be sited to achieve the mandatory</li> </ul>	

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requirements of section 5.1 of this Policy.

#### 5.3 Materials and Colours

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
	<ul style="list-style-type: none"> <li>The materials and colours used on exterior surfaces of all buildings are to blend in with the surrounding landscape and environment.</li> <li>The use of ‘Zincalume’ roof sheeting is permitted, however, care must be taken to ensure the location of the house and the roof pitch used does not produce a glare nuisance to surrounding properties or passing traffic.</li> </ul>

#### 5.4 Streetscape

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>In order to achieve an attractive streetscape that is in keeping with the surrounding rural landscape, all houses are to provide verandahs, porches, porticos or other architectural relief on the elevations that are viewed from the street.</li> </ul>	

#### 5.5 Private Open Space

Each house is to be provided with a private open space area that meets the following criteria:

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>Located behind the house and screened from public view from the street</li> </ul>	<ul style="list-style-type: none"> <li>Directly accessible from a habitable room, such as a living room or dining room</li> <li>Provides sufficient space for utilities, such as clothes drying, in a location that maximises winter sun access and screened from public view.</li> </ul>

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- Private open space areas can incorporate covered outdoor living areas, such as patios, pergolas and verandahs

#### 5.6 Fencing

Where boundary fencing is proposed, the following minimum requirements will apply:

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>• Boundary fencing, where permitted by the Scheme for a particular Zone Area, is to be standard 5-strand ‘Ringlock’ type farm fencing with steel pickets and timber or steel strainer posts <u>as a minimum specification</u>. The use of barbed wire is not permitted.</li> <li>• Solid panel fencing is not permissible on property boundaries.</li> <li>• Solid panel fencing around private areas of the house and immediate yard is permitted. Fencing between the house and the street is to be visually permeable (i.e. not solid panels) so as not to detract from the streetscape and to allow surveillance of the street and approaches to the house.</li> </ul>	

#### 5.7 Driveways

Driveways are to meet the following criteria:

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>• Constructed to a standard that allows for wet weather access <u>and emergency vehicles</u></li> <li>• A minimum width of 3.0m</li> </ul>	<ul style="list-style-type: none"> <li>• Allow for both entry to and exit from the property in forward gear</li> <li>• Located to ensure noise and dust generated by traffic on the driveway does not adversely affect neighbouring properties</li> </ul>

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*Shire of Northam Local Planning Scheme No.6  
Local Planning Policy No.19 – Residential Design Guidelines for the Rural  
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- Verges crossover to be constructed to the specification of Council, including the use of pipe culverts if required to facilitate road drainage
- Located to minimise the impact on vegetation and to avoid removal of significant trees
- One (1) driveway access is permitted per property

#### 5.8 Car Parking

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
<ul style="list-style-type: none"> <li>• A car parking area is to be provided for each house. This area is to be a gravel hardstand area in close proximity to an entry to the dwelling as a minimum standard</li> <li>• The construction of detached carports and garages is to comply with Council’s Local Planning Policy No.1 ‘Outbuildings’</li> <li>• Garages and carports attached to the house are to be constructed of similar materials and colours as the main dwelling</li> </ul>	

#### 5.9 Rural Street Numbers

Development Controls (mandatory)	Design Guidance (‘Best Practice’ outcomes)
	<ul style="list-style-type: none"> <li>• To assist emergency services and service providers, it is recommended that the formal property street address be prominently displayed at the front of the property. Property street addresses <u>are not</u> the Lot Number for the property and can be obtained by contacting the Shire of Northam</li> </ul>

#### 5.10 New Transportable and Relocated Second-hand Dwellings

The relocation and use of Second-hand Dwellings is controlled by Local Planning Policy No.3 ‘New Transportable, Relocated and Second Hand Dwellings’.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.3.

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*Local Planning Policy No.19 – Residential Design Guidelines for the Rural Residential and Rural Smallholding Zones*

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5.11 Outbuildings

The development of outbuildings on a property in a particular Zone Area is controlled by Local Planning Policy No.1 'Outbuildings'.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.1.

5.12 Ancillary Accommodation

The development of ancillary accommodation, where permitted on a property in a particular Zone Area, is controlled by Local Planning Policy No.13 'Ancillary Accommodation'.

All relevant provisions of this Policy are to be read in conjunction with Local Planning Policy No.13.

5.13 Structures located in bushfire-prone areas

**Development Controls**  
(mandatory)

**Design Guidance**  
(Best Practice outcomes)

- Dwellings including ancillary accommodation units located in identified bushfire-prone areas shall be constructed to AS3959
- An application for development approval within an identified bushfire-prone area must be accompanied by a bushfire attack level assessment, which informs how development must respond to bushfire risk

*Date Adopted:*

*Date Effective:*

*Date Reviewed:*

*Next Review:*

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**SHIRE OF NORTHAM**  
**APPLICATION FOR BUILDING ENVELOPE VARIATION**  
*Local Planning Scheme No.6*

*Local Planning Policy No.19 - Schedule 1*

**NOTE:** This is **not** an application for Development Approval.

Application for Building Envelope Variation only.

If you are in doubt about whether application should be made on this form, please consult the Council's planning officers.

**Owner / Applicant Details**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

All owners must sign this form or an attachment if there is not sufficient space. State your position where signing on behalf of a company. This application will not proceed otherwise.

**Property Details**

Lot No: \_\_\_\_\_ House/Street No: \_\_\_\_\_

Street Name: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

**Reason for Variation**

\_\_\_\_\_  
\_\_\_\_\_

**PLEASE ATTACH SITE PLAN SHOWING LOCATIONS  
FOR EXISTING BUILDING ENVELOPE AND  
PROPOSED BUILDING ENVELOPE**

**Office Use Only**

Accepting officer's initials: \_\_\_\_\_ Date received: \_\_\_\_\_

Application No: \_\_\_\_\_

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*Shire of Northam Local Planning Scheme No.6  
Local Planning Policy No.19 – Residential Design Guidelines for the Rural  
Residential and Rural Smallholding Zones*

*Local Planning Scheme No.6 Local Planning Policy No.19 Schedule 2*



**SHIRE OF NORTHAM**  
**NOTICE OF APPROVAL/REFUSAL TO BUILDING  
ENVELOPE VARIATION**

<b>Property Location:</b> _____
<b>Property Owner(s):</b> _____
<b>Postal Address:</b> _____

**Approval to Building Envelope Variation in accordance with the Application for Building Envelope Variation dated \_\_\_\_\_ and the submitted plans is APPROVED / REFUSED subject to the following conditions / due to the following reasons:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<small>Note 1: Should the applicant be aggrieved by this decision, a right of review by the State Administrative Tribunal may exist under Part 14 of the <i>Planning and Development Act 2005</i> (as amended). An application must be lodged within 28 days of receipt of this decision.</small>
---

**Date:** \_\_\_\_\_ **Signed** \_\_\_\_\_

**For and on behalf of the Shire of Northam**

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*Cr U Rumjantsev declared and "Impartiality" interest in item 13.2.5 - Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook as Mark Wilding is known to him for many years (as a brigade members) non-social.*

*Cr T M Little declared and "Impartiality" interest in item 13.2.5 - Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook as he has known one of the persons (owner) mentioned (Simon Wilding).*

*Cr S B Pollard declared and "Impartiality" interest in item 13.2.5 - Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook as Simon & Mark Wilding are known to him.*

*Cr C R Antonio declared and "Impartiality" interest in item 13.2.5 - Subdivision of Lot 151 (978) and Lot 384 Spencers Brook Road, Spencers Brook as the applicants are known to him.*

**13.2.5 SUBDIVISION OF LOT 151 (978) AND LOT 384 SPENCERS BROOK ROAD,  
 SPENCERS BROOK**

Name of Applicant:	AJ Marsh Pty Ltd
Name of Owner:	John Wilding, Simon Wilding & Mark Wilding
File Ref:	A896/152938
Officer:	Chadd Hunt/Courtney Wynn
Officer Interest:	Nil
Policy:	Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No.6 Local Planning Strategy State Planning Policy 2.5 - Land Use Planning in Rural Areas Development Control Policy 3.4 - Subdivision of Rural Land State Planning Policy 3.7 - Planning in Bushfire Prone Areas
Voting:	Simple Majority
Date:	5 February 2016

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**PURPOSE**

For Council to consider its advice to the Western Australian Planning Commission (WAPC) regarding referral of a proposed 22 lot subdivision of Lot 151 and Lot 384 Spencers Brook Road, Spencers Brook.

**BACKGROUND**

The WAPC has referred for Council's comment an application relating to the creation of a freehold 22 lot subdivision of Lots 151 and 384 Spencers Brook Road, Spencers Brook (the subject sites).

The proposed subdivision was previously granted conditional approval by the WAPC on 13<sup>th</sup> April 2007, under previous State and Planning Policies that at the time of approval in 2007 when it was possible to subdivide the lots to into smaller lots with a minimum lot size of 50 hectares. However as no works were undertaken on the subdivision, the approval lapsed on 13<sup>th</sup> April 2011 and is no longer valid and the subject sites continued to be used for agricultural purposes.

The Proposal

The subject sites are zoned 'Rural' under Local Planning Scheme No.6 with frontage to Spencers Brook Road. Lot 151 has been developed with a single house (known as the Mokine Station Master's House) listed on the Shire's Municipal Heritage Inventory along with ancillary outbuildings. Lot 384 is severed by Spencers Brooks itself and Spencers Brook Road and is comprised of cleared farm land and native bush land.

The lots are wholly located within Special Control Area 2 - Landscape Protection under Local Planning Scheme No.6 and Lot 384 is partially located within the 1 in 100 year flood plain ad identified by Department of Water mapping. Both lots are also located within a designated Bushfire Prone Area and Lot 384 contains significant native vegetation identified in the Shire's Local Biodiversity Strategy.

The subject sites are approximately 78 hectares and 1569 hectares respectively. It is proposed to subdivide the two existing lots into 22 freehold lots ranging between 50 and 244 hectares in size. Access to the proposed lots would require the construction of new roads and shown in Attachment 1.

The proposal is being referred to Council as Officer's believe that the proposal is of a significant scale that warrants consideration by Council. The proposal is also being referred to Council due to the proposal's significant inconsistencies and non-compliance with the Shire's strategic planning documents and State Planning Policies.

**STATUTORY REQUIREMENTS**

The *Planning and Development Act 2005* controls the subdivision process in Western Australia. The WAPC is responsible for approving all subdivision applications.

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The WAPC refer subdivision proposals to any affected local government, public authority or utility services provider for comment, including the Department of Water, Western Power and Department of Environment Regulation where relevant.

Council as the relevant local government authority can request conditions to be placed on a subdivision approval to ensure compliance with its Local Planning Scheme (including all relevant Local Planning Policies), as well as ensure local government services, such as roads, laneways and public open space are adequately addressed.

**SHIRE OF NORTHAM LOCAL PLANNING SCHEME NO 6**

As stated under 'Background' of this report, the subject site is zoned Rural under Local Planning Scheme No.6 and is located within Special Control Area 2 - Landscape Protection Area.

Clause 4.2.8 of the Scheme identifies the following objectives for the Rural Zone:

- *To provide for horticulture, extensive and intensive agriculture, agroforestry, local services and industries, extractive industries and tourist uses which ensure conservation of landscape qualities in accordance with the capability of the land.*
- *To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural area.*
- *To control the fragmentation of broad-acre farming properties through the process of subdivision.*
- *To protect land from land degradation and further loss of biodiversity by:*
  - (i) *Minimising the clearing of remnant vegetation and encouraging the protection of existing remnant vegetation;*
  - (ii) *Encouraging the development of and the protection of corridors of native vegetation;*
  - (iii) *Encouraging the development of environmentally acceptable surface and sub-surface drainage works; and*
  - (iv) *Encouraging rehabilitation of salt affected land.*

Clause 6.3.1 of the Scheme outlines the purpose of the Landscape Protection Special Control Area as follows:

**6.3.1 Purpose**

The purpose of the Landscape Protection Special Control Area is to -

- (a) *Preserve the visual amenity and landscape quality of the area;*
- (b) *Avoid development which would negatively impact upon the ecological values and landscape qualities of the area; and*
- (c) *Ensure that land use in the area, including grazing, mining activities and recreational activities does not degrade the area.*

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6.3.3 Relevant Considerations

6.3.3.1 *In considering any rezoning request, subdivision or development application the local government will have regard to the following -*

- (a) It is considered that subdivision may be possible within this area in accordance with the Shire of Northam Local Planning Strategy.*
- (b) The local government may consider supporting subdivision applications where -*
  - (i) the subdivision is for the use of land which is in accordance with the Shire of Northam Local Planning Strategy and has been zoned appropriately;
  - (ii) the subdivision is for a boundary realignment, rationalisation of landholdings or lots created for management purposes; and
  - (iii) the subdivision is consistent with the policies of the Western Australian Planning Commission.

The proposed subdivision is inconsistent with the objectives and purpose outlined in Clause 4.2.8 and Clause 6.3 of the Scheme and cannot be supported.

SHIRE OF NORTHAM LOCAL PLANNING STRATEGY

The subject sites are located within the 'Avon West Precinct' and are identified as 'Landscape Protection' in the Shire's Local Planning Strategy. The objectives for the 'Avon West Precinct' are as follows:

- *Protect and expand existing nature conservation values.*
- *Preserve and enhance the environment and natural resources including areas of landscape protection as depicted.*
- *Support the continuation of sustainable agricultural production.*
- *Further subdivision of rural land is not supported.*
- *Limit any further subdivision development in the Spencers Brook locality that has potential to have a negative impact upon the Spencers Brook floodplain area and apply special controls to all future land use and development.*

The proposal is inconsistent with the objectives and intentions identified in the Shire's Local Planning Strategy which specify that the further subdivision of rural land cannot be supported.

STATE PLANNING POLICY 2.5 - LAND USE PLANNING IN RURAL AREAS

State Planning Policy 2.5 applies to rural land and rural land uses in Western Australia with the purpose to preserve and protect WA's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values.

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The policy states that it is the view of the WAPC that the creation of new rural lots through ad-hoc, unplanned subdivision will not be permitted. In contemplating subdivision proposals on rural land, WAPC policy is:

- (a) the creation of new or smaller rural lots will be by exception and in accordance with Development Control Policy 3.4: Subdivision of rural land;*
- (b) the creation of new or smaller rural lots by exception may be provided for in legislation, other State Planning Policies and/or a local planning strategy or scheme;*
- (c) no other planning instruments besides those listed at (a) or (b) can provide for the subdivision of rural land; and*
- (d) the introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring.*

**DEVELOPMENT CONTROL POLICY 3.4 - SUBDIVISION OF RURAL LAND**

Development Control Policy 3.4 outlines the circumstances under which rural subdivision may be considered by the WAPC as follows:

- (a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) To protect and actively conserve places of cultural and natural heritage;*
- (c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) In the Homestead lot policy area, to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation;*
- (e) For the other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.*

The proposed subdivision does not appear to fit under any of the above circumstances in which the subdivision of these lots can be considered.

**STATE PLANNING POLICY 3.7 - PLANNING IN BUSHFIRE PRONE AREAS**

State Planning Policy 3.7 applies to all subdivision proposals located in designated bushfire prone areas. The policies specifies that any subdivision application is to be accompanied by Bushfire Attack Level (BAL) assessment information such as a BAL contour map prepared by an accredited Bushfire Planning Practitioner against the bushfire protection requirements contained with the Guidelines. The BAL information is required in order to determine the level of bushfire risk for the proposed subdivision.

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Although the subject sites are located within a designated bushfire prone area, the proponent has failed to address the bushfire risk in the subdivision application submitted.

**CONFORMITY WITH STRATEGIC COMMUNITY PLAN**

OBJECTIVE R1: Provide and support an effective and efficient transport network;

OBJECTIVE P1: Promote a diverse mix of development opportunities throughout the Shire; and

OBJECTIVE P2: Accessible and legible communities.

OBJECTIVE N2: Enhance the health and integrity of the natural environment.

**BUDGET IMPLICATIONS**

There are no direct budget/financial implications of the recommendations of this report.

**OFFICER'S COMMENT**

According to the Shire's Local Planning Strategy, in 2005 less than 13% of the Shire's rural landholdings were greater than 100 hectares in area. The Strategy identifies the subject sites which have a combined area of more than 1600 hectares as part of an area that has the most significant potential for broad acre agricultural production in the Shire. The subdivision of a rural broad acre agricultural land holdings is an identified in the Strategy as a major threat to the viability of productive agricultural land in the Shire of Northam. Smaller land holdings often result in a predominantly residential lifestyle land uses with fragmented land ownership that undermines the productive value of agricultural land.

The Strategy also identified the need to encourage the continued use of the Shire's agricultural land for predominantly grazing and cropping and to protect productive agricultural land from ad-hoc subdivision, incompatible development and land degradation due to its significance to the local, regional and State economies.

The Strategy states that the Shire should only support the further subdivision of agricultural land in limited circumstances which comply with all relevant WAPC policies applicable at the time whilst maintaining the general presumption that subdivision of land zoned 'Rural' under Local Planning Scheme No.6 will not be supported. As discussed above, the proposal fails to demonstrate compliance with the relevant WAPC policies.

The landscape qualities of the Shire contribute greatly to its sense of place and distinct local identity. The Landscape Protection area where the subject sites are located has been designated in recognition of the areas high landscape values and scenic qualities and the potential for these resources to attract residents and visitors to the Shire. Spencers Brook Road is a 'tourist route' where the visual landscape values and characteristics should be preserved. Rural living development has significant potential to have a negative impact upon local landscape character and quality.

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Whilst the demand for rural living opportunities in the Shire are expected to continue, however, there is a need to ensure that this type of subdivision and development only occurs in areas with reduced agricultural value which are designated as suitable for 'Future Rural Living Development' in the Shire's Local Planning Strategy and appropriately zoned under the Scheme.

Conclusion

Whilst it is acknowledged that the proponent has previously been granted approval, this approval has since lapsed, the application must be assessed against the provisions in place at the time of the current application was received. In this regard, it should be noted that both State and Shire Planning Policies and Regulations have changed significantly over the past nine years to afford greater protection against the subdivision of rural zoned lots.

In considering the previous application Council referred to the previous local planning strategy which included different provisions within the "Avon West Precinct". In essence the previous strategy included provisions that potentially supported subdivision to a minimum lot size of 50 hectares provided a number of criteria were met. These provisions were not permitted within the current strategy.

The proponent has failed to demonstrate that the proposed subdivision will not compromise the agricultural productive capacity and result in the loss of productive agricultural land. The proposal also fails to have due regard for its potential impact on the natural environment, bush fire risk and essential servicing requirements as a local structure plan has not been prepared in accordance with the *Planning and Development Regulations 2015*.

The proposed subdivision is inconsistent with the objectives and intentions of rural land identified for landscape protection outlined in the Shire's Strategic Planning documents and would result in the fragmentation of a large broad-acre farming property, detract from the visual amenity of the rural landscape intended to be protected, reduce the viability of the land for intensive agricultural uses and require the clearing of native vegetation identified as of significance in the Shire's Local Biodiversity Strategy.

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**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2644**

**Moved: Cr Rumjantsev**

**Seconded: Cr Hughes**

**That Council advise the Western Australian Planning Commission that the application for subdivision of Lot 151 and Lot 384 Spencers Brook Road, Spencers Brook (WAPC Ref. No. 152938) cannot be supported due to the following reasons:**

- 1. The use is inconsistent with the orderly and proper planning of the locality.**
- 2. The proposal is inappropriate having regard to the objectives of the Rural Zone as outlined under Clause 4.2.8 and Clause 6.3 of the *Shire of Northam Local Planning Scheme No.6*.**
- 3. The proposal is inconsistent with State Planning Policy 2.5 and State Development Control Policy 3.4.**
- 4. The proposal fails to demonstrate due regard for its potential impact upon the natural environment, bushfire risk and essential servicing requirements.**
- 5. The proposal is inappropriate having regard for the objectives of the Shire's Local Planning Strategy for the 'Avon West Precinct'.**
- 6. The use would be detrimental to the rural amenity of the area by reasons of -**
  - (a) its incompatibility with the rural character of the locality;**
  - (b) its incompatibility with the aesthetic importance of the scenic landscape and the potential to detrimentally change the scenic rural character of the locality.**

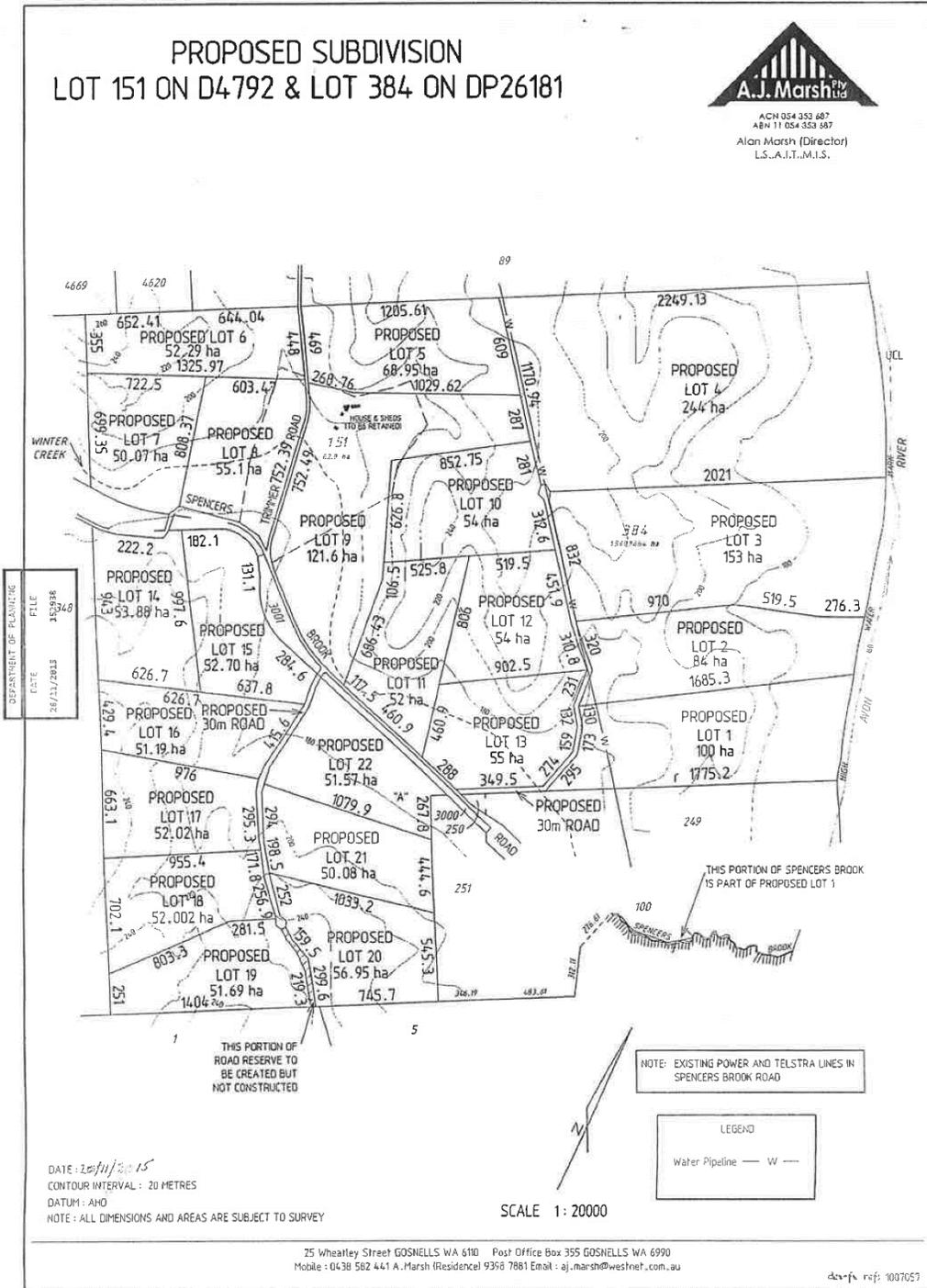
**CARRIED 9/0**

# SHIRE OF NORTHAM

## MINUTES

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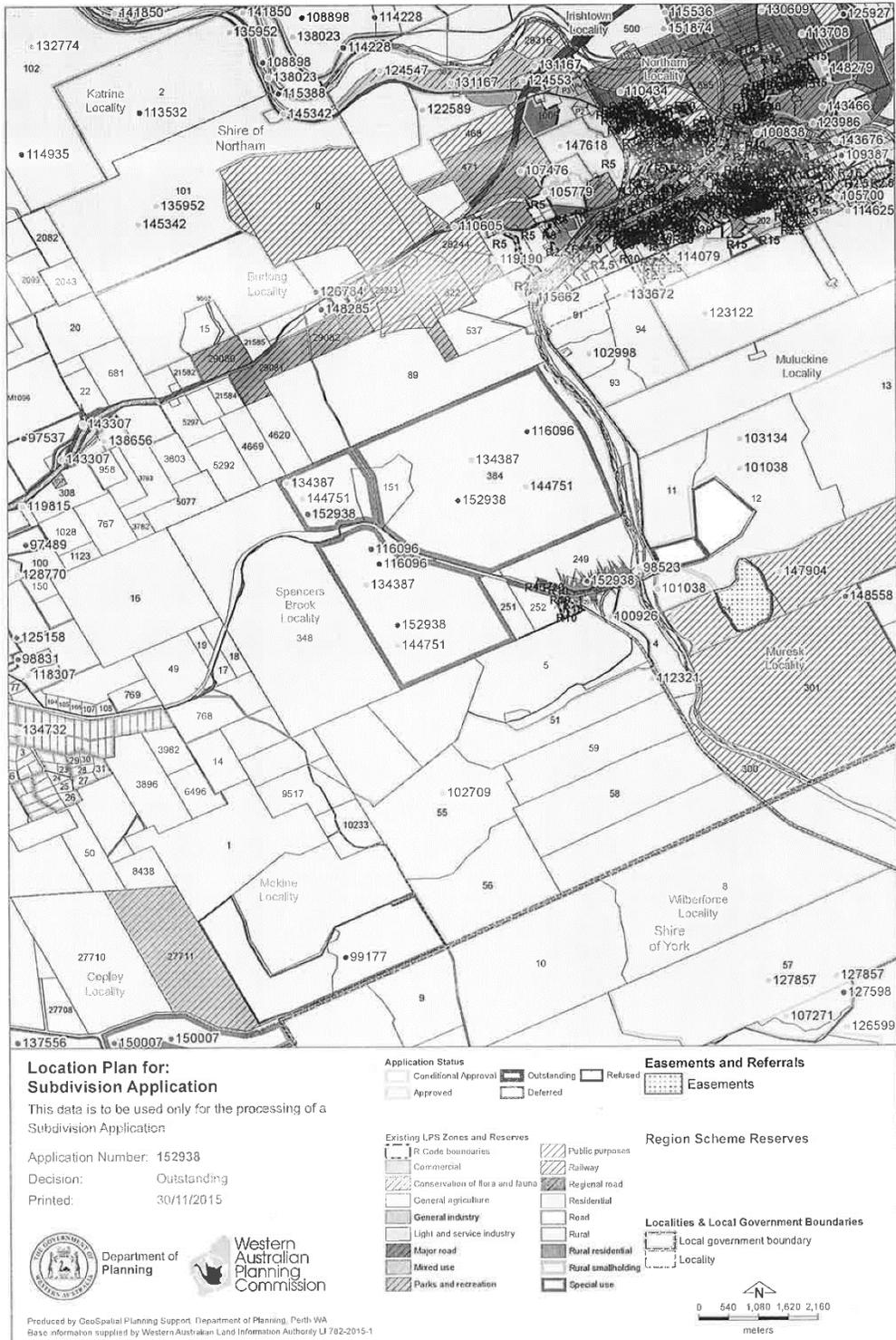
#### ATTACHMENT 1



# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016



**SHIRE OF NORTHAM**  
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REGISTER NUMBER <b>384/DP26181</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
**UNDER THE TRANSFER OF LAND ACT 1893**

VOLUME **2213** FOLIO **698**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

  
**REGISTRAR OF TITLES** 

**LAND DESCRIPTION:**

LOT 384 ON DEPOSITED PLAN 26181

**REGISTERED PROPRIETOR:**  
**(FIRST SCHEDULE)**

SIMON THOMAS SHERLOCK WILDING OF 5 BARNFIELD ROAD, CLAREMONT  
 IN 550/650 SHARE  
 MARK BRIAN SHERLOCK WILDING OF LOT 139 ROSE TERRACE, SPENCERS BROOK  
 IN 100/650 SHARE  
 AS TENANTS IN COMMON  
 (XA H858200) REGISTERED 3 SEPTEMBER 2001

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
**(SECOND SCHEDULE)**

1. H829487 MORTGAGE TO JOHN HENRY WILDING, MARY HOSKING WILDING, BOTH OF "JUADINE", SPENCERS BROOK AS TO THE 550 UNDIVIDED 650TH SHARES OF SIMON THOMAS SHERLOCK WILDING ONLY. REGISTERED 3.8.2001.
2. \*K185964 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD REGISTERED 10.5.2007.

**Warning:** A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
 \* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
 Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP26181.  
 PREVIOUS TITLE: 2089-614.  
 PROPERTY STREET ADDRESS: 978 SPENCERS BROOK RD, SPENCERS BROOK.  
 LOCAL GOVERNMENT AREA: SHIRE OF NORTHAM.

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING K185964

END OF PAGE 1 - CONTINUED OVER

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Mr K Nieuwoudt and C Wynn departed the Council Chambers at 6.33pm.

**13.2.6 SHIRE OF NORTHAM LOCAL BIODIVERSITY STRATEGY**

Name of Applicant:	Internal
Name of Owner:	Shire of Northam
File Ref:	7.2.1.18
Officer:	Chadd Hunt
Officer Interest:	Nil
Policy:	Draft Local Biodiversity Strategy
Voting:	Simple
Date:	2 February 2016

**PURPOSE**

For Council to consider funding to support the implementation of the recently adopted Local Biodiversity Strategy for the Shire of Northam.

**BACKGROUND**

Council adopted the Local Biodiversity Strategy (LBS) at its meeting held on 19<sup>th</sup> August 2015 where it resolved the following-

*That Council;*

- 1. Formally adopts the Shire of Northam Local Biodiversity Strategy subject to the weed Tribulus Terrestris (Calthrop/Caltrop) being added as a priority weed on Table 6, Page 39 and 40 of the Biodiversity Strategy as attached; and*
- 2. Acknowledges that the endorsed action strategy therein be actioned over a five year period in close consultation with the identified partner agencies and within the parameters of existing staff numbers and capacity, which will be reviewed as part of the 2016/17 budget process.*
- 3. Contact the key agencies identified in the Local Biodiversity Strategy to assist with the delivery of the action strategy.*

Following this resolution funding options have been explored to assist with the delivery of the key actions within the strategy. Council officers have submitted a funding proposal through the Community Capability Grants available by the Natural Resource Management Program. Council is required to consider the required co-contribution to the application to ensure that funds are available if the grant was successful.

**STATUTORY REQUIREMENTS**

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Section 1.3(3) of the Local Government Act 1995 states that *“In carrying out its functions, a Local Government is to use its best endeavors to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.”*

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN**

OBJECTIVE N2:	Enhance the health and integrity of the natural environment.
STRATEGIC INITIATIVE N2.1	Identify vulnerable environments or areas in need of protection
ACTION	Develop a Shire of Northam Biodiversity Strategy in liaison with Wheatbelt NRM

**BUDGET IMPLICATIONS**

The total cost of the project over a three year period is \$386,400. The funding applied from the grant is \$192,700 with the remainder being funding through either in-kind and cash contribution from Council/Wheatbelt NRM.

The current application will require a cash contribution from Council of approximately \$31,000 per annum (salary, superannuation, vehicle expenses) and an-kind contribution of \$31,000 per annum (office space, administration support, project management)

**OFFICER’S COMMENT**

The general proposal as submitted in the grant is to employ an environmental officer over a three year period to assist with the delivery of the key actions contained within the biodiversity strategy. The manner in which the environmental officer is employed is still subject to further refinement however the figures included above give an indication of the scope of funding required to deliver the outcomes of the strategy.

The purpose of this report is to seek Council’s commitment to the co-funding of the grant to ensure that the grant application can proceed in accordance with the recommended funding strategy included therein.

Alternately if Council does not wish to support the application, or the funding model included therein the application should be withdrawn from further consideration.

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**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2645**

**Moved: Cr Antonio**

**Seconded: Cr Little**

**That Council supports the application submitted through the Community Capability component of the Natural Resource Management Program including the funding mechanism contained therein for the three year timeframe of the grant.**

**CARRIED 9/0**

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**13.2.7 KURINGAL VILLAGE REFURBISHMENT**

Name of Applicant:	Internal Report
Name of Owner:	Shire of Northam
File Ref:	A325
Officer:	Nathan Gough / Chadd Hunt
Officer Interest:	N/A
Policy:	N/A
Voting:	Absolute Majority
Date:	5 February 2016

**PURPOSE**

For Council to approve additional expenditure on the refurbishment of one unit in the Kuringal Village Aged Accommodation complex.

**BACKGROUND**

Council owns and operates the Kuringal Village in Wundowie and budgets for both general maintenance for all of the units and also makes an annual allocation of \$11,000 for the refurbishment of one unit prior to a new tenant entering that unit.

It is apparent that given the age of the units the current allocation for the refurbishment will be required to be increased in the future. In addition there is extenuating circumstances for additional costs associated with the refurbishment of this unit.

**STATUTORY IMPACTS**

N/A

**CONFORMITY WITH THE STRATEGIC COMMUNITY PLAN / CORPORATE PLAN**

STRATEGIC INITIATIVE C1.5: Facilitate provision of services for aged persons and people with disabilities

ACTION: Manage & Maintain Kuringal Village (8units)

**FINANCIAL IMPLICATIONS**

As indicated Council has allocated \$11,000 within the 2015/16 Budget for the refurbishment of one unit. Staff now seek to increase this amount to \$35,890 as per the table presented below;

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<b>Kuringal Village Unit Refurbishment</b>	
	<b>Total</b>
Original Budget	\$11,000
Additional Transfer from Aged Care Reserve	\$18,390
Additional Insurance Income	\$6,500
<b>Total Refurbishment Expenditure</b>	<b>\$35,890</b>

The Aged care reserve currently has a budgeted closing balance of \$236,309 as off the 30<sup>th</sup> June 2016, the closing balance after the above transaction will be \$225,309. The above changes will be carried out as part of the budget review process that will be presented at the ordinary meeting of Council on the 16<sup>th</sup> March 2016.

**OFFICER'S COMMENT**

The proposed refurbishment includes the following works –

- Remove all the existing furniture including kitchen cabinets, flooring and bathroom fixtures (completed);
- Thorough cleaning of entire unit (completed);
- Replace the cabinets in kitchen and laundry/ bathroom;
- Retile the bathroom;
- Replace toilet pan and cistern;
- Replace taps in bathroom and kitchen;
- Replace gas stove;
- Paint throughout; and
- Install floor coverings and blinds.

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2646**

**Moved: Cr Rumjantsev**  
**Seconded: Cr Hughes**

**That Council;**

- 1. Authorise the increase in expenditure of the Kuringal Village Unit Refurbishment (GL 09242003) to \$35,890 within the 2015/16 Budget; and**
- 2. Authorise the transfer from the Aged Accommodation Reserve of an additional \$18,390.**

**CARRIED 9/0**  
**BY ABSOLUTE MAJORITY**

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**13.3. CORPORATE SERVICES**

**13.3.1 ACCOUNTS AND STATEMENTS OF ACCOUNTS – JANUARY 2016**

Name of Applicant:	Internal Report
Name of Owner:	N/A
File Ref:	2.1.3.4
Officer:	Kathy Scholz / Colin Young
Officer Interest:	Nil
Policy	Nil
Voting	Simple Majority
Date:	5 February 2016

**PURPOSE**

The Accounts due and submitted to the Ordinary Council Meeting on 17 February 2016 are attached.

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2647**

**Moved: Cr Hughes**  
**Seconded: Cr Antonio**

**That Council endorse the payments for the period 1 January 2016 to 31 January 2016, as listed, which have been made in accordance with the delegated authority reference number (M/F/F/Regs LGA 1995 S5.42).**

<b>Municipal Bank Vouchers 34408 – 34434</b>	<b>\$ 124,405.90</b>
<b>Municipal Bank Electronic Fund Transfer EFT21898 to EFT22154</b>	<b>\$ 1,082,754.75</b>
<b>Trust Bank Electronic Fund Transfer Direct Debit Fund Transfer 9404.1 and 9437.1 to 9437.13 and 9462.1 and 9478.1 to 9478.13</b>	<b>\$ 63,121.31</b>
<b>Municipal Bank Electronic Fund Transfer Payroll 12/01/2016</b>	<b>\$ 197,879.15</b>
<b>Municipal Bank Electronic Fund Transfer Payroll 26/01/2016</b>	<b>\$ 203,181.55</b>
<b>TOTAL</b>	<b>\$ 1,671,342.66</b>

**CARRIED 9/0**

**SHIRE OF NORTHAM**  
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<b>LIST OF ACCOUNTS DUE &amp; SUBMITTED TO COUNCIL JANUARY 2016</b>				
<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b> \$
EFT21898	07/01/2016	AUSTRALIAN TAXATION OFFICE - PAYG	PAYG PAYRUN 16/12/2015 TO 29/12/2015.	- 51,952.00
EFT21899	07/01/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	- 463.72
EFT21900	07/01/2016	CHRIS DAVIDSON	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,906.37
EFT21901	07/01/2016	CHRISTOPHER RICHARD ANTONIO	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,785.75
EFT21902	07/01/2016	DENIS GRAHAM BERESFORD	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,726.55
EFT21903	07/01/2016	DESMOND ARNOLD HUGHES	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,726.55
EFT21904	07/01/2016	JENNIFER ANN BECKER	REIMBURSEMENT OF CERTIFICATE IV IN ACCOUNTING.	- 1,890.00
EFT21905	07/01/2016	JOHN PROUD	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,726.55
EFT21906	07/01/2016	JRC BUILDING & CONSTRUCTION PTY LTD	LANDSCAPING AT DOCTOR SURGERY.	- 7,176.18
EFT21907	07/01/2016	JULIE ELLEN WILLIAMS	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,726.55
EFT21908	07/01/2016	KRISTY HOPKINS	REIMBURSEMENT OF 50% POOL SEASON PASS FOR STAFF.	- 156.75
EFT21909	07/01/2016	MAXXIA PTY LTD	PAYROLL DEDUCTIONS	- 514.32
EFT21910	07/01/2016	MICHAEL JOHN NEWTON	REIMBURSEMENT FOR PRE-EMPLOYMENT NATIONAL POLICE CLEARANCE.	- 61.80
EFT21911	07/01/2016	PAUL R MELIA	CASH REGISTER FOR WUNDOWIE SWIMMING POOL.	- 1,500.00
EFT21912	07/01/2016	POLLARD FAMILY SUPERANNUATION FUND T/A POLLARD ENTERPRISES PTY LTD	COUNCILLOR MONTHLY SUPERANNUATION CONTRIBUTION DECEMBER 2015.	- 2,500.00
EFT21913	07/01/2016	ROBERT WAYNE TINETTI	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,726.55
EFT21914	07/01/2016	STEVEN BRUCE POLLARD	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 2,846.15
EFT21915	07/01/2016	TERRY MATTHEW LITTLE	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 2,489.80
EFT21916	07/01/2016	ULO RUMJANTSEV	COUNCILLOR MONTHLY PAYMENTS DECEMBER 2015.	- 1,978.15
EFT21917	08/01/2016	DEPARTMENT OF FIRE & EMERGENCY SERVICE (DFES) OF WESTERN AUSTRALIA	2015/16 ESL QUARTER 2 CONTRIBUTION.	- 134,096.01
EFT21918	15/01/2016	JR & A HERSEY PTY LTD	DISPOSABLE EARPLUGS FOR DEPOT.	- 106.70

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EFT21919	15/01/2016	SHIRE OF TOODYAY	AVON VALLEY WRITING FESTIVAL 2015 FUNDING.	-	1,650.00
EFT21920	15/01/2016	ADAMSON CONCRETING PTY LTD	REINSTATE CONCRETE DRIVEWAY'S FROM PATHWAY TO BOUNDARY ON DOCTORS DRIVE.	-	13,178.00
EFT21921	15/01/2016	ANDY'S PLUMBING SERVICE	REPAIRS TO VARIOUS SHIRE BUILDINGS.	-	1,710.50
EFT21922	15/01/2016	APPLIED INDUSTRIAL TECHNOLOGIES T/A NORTHAM BEARINGS	ASSORTED ITEMS FOR MAINTENANCE REPAIRS.	-	285.83
EFT21923	15/01/2016	ASLAB PTY LTD	BASECOURSE TESTING ON VARIOUS SHIRE ROADS.	-	2,483.66
EFT21924	15/01/2016	AUS RECORD	FILES & CLIPS FOR RECORDS.	-	374.00
EFT21925	15/01/2016	AUSTRALIA POST	NOVEMBER 2015 ACCOUNT FOR LIBRARY, KILLARA & ADMIN BUILDING.	-	1,393.56
EFT21926	15/01/2016	AUSTRALIAN GROWN	STOCK PURCHASES FOR VISITORS CENTRE.	-	425.04
EFT21927	15/01/2016	AUSTRALIAN TAXATION OFFICE - PAYG	PAYG PAYRUN 30/12/2015 - 12/01/2016.	-	53,960.00
EFT21928	15/01/2016	AUTOPRO NORTHAM	3 X 1W 801CH HANDHELD RADIO PACK.	-	209.97
EFT21929	15/01/2016	AV-SEC SECURITY SERVICES	SECURITY SERVICES FOR VARIOUS SHIRE BUILDINGS & EVENTS.	-	2,004.10
EFT21930	15/01/2016	AVON DEMOLITION & EARTHMOVING	MANAGEMENT OF INKPEN WASTE MANAGEMENT FACILITY FOR THE PERIOD 24/11/2015 TO 20/12/2015.	-	3,136.00
EFT21931	15/01/2016	AVON PAPER SHRED	DESTRUCTION OF ARCHIVE BOXES & SHREDDING OF CONFIDENTIAL OFFICE PAPERWORK .	-	547.80
EFT21932	15/01/2016	AVON SPICE CAFE	CATERING FOR DECEMBER ORDINARY COUNCIL MEETING 16/12/2015.	-	374.00
EFT21933	15/01/2016	AVON TELECOMS PTY LTD	SECURITY MONITORING FOR MONTH OF JANUARY FOR VARIOUS SHIRE BUILDINGS.	-	710.00
EFT21934	15/01/2016	AVON VALLEY MOWER & CHAINSAW CENTRE	CHLORINE FOR NORTHAM & WUNDOWIE SWIMMING POOLS & WATER PARK, REPAIRS TO MINOR PLANT.	-	1,813.21
EFT21935	15/01/2016	AVON VALLEY STOCK FEED & GARDEN SUPPLIES	FOOD FOR UPKEEP OF WHITE SWANS COLONY.	-	51.90
EFT21936	15/01/2016	AVON WASTE	WASTE REMOVAL FOR FORTNIGHT ENDING 31/8/2015, 11/12/2015, 24/12/2015 & 08/01/2016.	-	155,054.31
EFT21937	15/01/2016	BLACKWELL PLUMBING PTY LTD	PLUMBING REPAIRS AT VARIOUS SHIRE PROPERTIES.	-	564.30
EFT21938	15/01/2016	BOUNCY FUN CASTLES	HIRE OF BOUNCY CASTLE FOR XMAS PARTY.	-	580.00
EFT21939	15/01/2016	C.Y.O'CONNOR INSTITUTE	CERTIFICATE III AGED CARE TRAINEE FOR JOANNE FRENCH.	-	64.94
EFT21940	15/01/2016	CARROLL & RICHARDSON-	NEW AUSTRALIAN FLAG & HANDWAVE FLAGS FOR AUSTRALIA DAY.	-	453.50

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		FLAGWORLD PTY LTD		
EFT21941	15/01/2016	CENTRAL DISTRICTS AIRCONDITIONING PLUMBING & ELECTRICAL	CLEAN COILS ON AIR CONDITIONERS IN ADMIN BUILDING.	- 140.00
EFT21942	15/01/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	- 463.72
EFT21943	15/01/2016	COCA-COLA AMATIL (AUST) PTY LTD	REFRESHMENTS FOR NORTHAM SWIMMING POOL CANTEEN.	- 618.74
EFT21944	15/01/2016	COLIN DUNCAN GRANT	MONTHLY CLEANING OF NORTHAM DISTRICT SES OFFICES FOR DECEMBER 2015.	- 110.00
EFT21945	15/01/2016	CONTRAFLOW PTY LTD	LOCAL GOVERNMENT TMP FOR AVON RIVER FESTIVAL.	- 165.00
EFT21946	15/01/2016	COUNTRY COPIERS NORTHAM	STATIONARY FOR LIBRARY & VISITORS CENTRE.	- 131.90
EFT21947	15/01/2016	COURIER AUSTRALIA	FREIGHT CHARGES FOR ADMIN, DEVELOPMENT SERVICES & LIBRARY FOR THE PERIOD 30/11/2015 TO 18/12/2015.	- 117.41
EFT21948	15/01/2016	DANIEL JOHN RODNEY HENDRIKSEN	REIMBURSEMENT FOR POLICE CLEARANCE APPLICATION.	- 61.80
EFT21949	15/01/2016	DAVE'S TREE SERVICE	STREET TREE PRUNNING RIVERSIDE OUTLOOK, BEST VISTA, SANDMEWS, ENTRANCE AVE, HEAL CRT, OTTAWAY DR, WALKWAY BETWEEN SANDMEWS & JESSUP & YALBAROO RD.	- 2,640.00
EFT21950	15/01/2016	DRACO AIR PTY LTD	INSTALL FUJITSU AIR CONDITIONER AT FLUFFY DUCKS CHILD CARE CENTRE.	- 4,342.59
EFT21951	15/01/2016	DUN & BRADSTREET AUSTRALIA	EXTERNAL SOLICITORS COSTS - CHRISTOPHER CHARLES SHANNON.	- 583.61
EFT21952	15/01/2016	DUNNING INVESTMENTS PTY LTD	FUEL PURCHASES FOR MONTH OF DECEMBER 2015.	- 20,337.24
EFT21953	15/01/2016	E FIRE & SAFETY	SERVICE FIRE EXTINGUISHERS AT VARIOUS SHIRE BUILDINGS.	- 4,681.60
EFT21954	15/01/2016	EP PROPERTY CARE SERVICES	GARDEN MAINTENANCE TO NORTHAM SWIMMING POOL FOR NOVEMBER 2015.	- 257.40
EFT21955	15/01/2016	FIRE MITIGATION SERVICES	FIRE MIGRATION SERVICES TO REVIEW FIRE MANAGEMENT PLAN FOR THE HAWKE AV PROPOSED SUBDIVISION IN BAKERS HILL.	- 255.00
EFT21956	15/01/2016	FLAT OUT FREIGHT	FREIGHT CHARGES FOR VISITORS CENTRE.	- 62.20
EFT21957	15/01/2016	FM SURVEYS	SURVEY OF MARKED UP POINTS ON NORTHAM TOWNSITE DRAINAGE.	- 770.00
EFT21958	15/01/2016	FRAMESWEST	MANUFACTURE & FIT POST TO SWIMMING POOL COVER & FIT HANDRAIL TO TIERED SEATING AT HENRY ST OVAL.	- 2,391.40
EFT21959	15/01/2016	FULTON HOGAN INDUSTRIES PTY LTD	SPRAY SEAL KATRINE RD & EMULSION.	- 13,124.10

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EFT21960	15/01/2016	GEOFFREY LEONARD HOWARD	RATES INCENTIVE PRIZE COMPETION 2015/2016 \$200 PRIZE DONATED BY THE AVON VALLEY ADVOCATE.	-	200.00
EFT21961	15/01/2016	GLENN STUART BEVERIDGE	REPAIRS TO VARIOUS SHIRE BUILDINGS.	-	6,258.50
EFT21962	15/01/2016	GRASS VALLEY TAVERN	GIFT VOUCHER FOR BUSHFIRE BRIGADE VOLUNTEER OF THE MONTH - RICHARD MARRIS.	-	150.00
EFT21963	15/01/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LIMITED	PROFESSIONAL SERVICES PROVIDED BY CARY GREEN EXECUTIVE MANAGER CORPORATE SERVICES.	-	5,979.24
EFT21964	15/01/2016	HOST AUTO REPAIRS	REPAIRS TO FIRE BRIGADE VEHICLES.	-	410.95
EFT21965	15/01/2016	IMMACU SWEEP	STREET SWEEPING TOWN CENTRE FOOTPATHS FOR THE PERIOD 19/10/2015 TO 24/11/2015.	-	7,524.00
EFT21966	15/01/2016	INLAND PLUMBING & TOTAL RETICULATION	RETICULATION PARTS FOR VARIOUS SHIRE GARDENS.	-	79.48
EFT21967	15/01/2016	ISOBEL ROBERTS	STOCK PURCHASES FOR THE VISITORS CENTRE.	-	185.00
EFT21968	15/01/2016	IXOM OPERATIONS PTY LTD	CHLORINE GAS FOR NORTHAM SWIMMING POOL & CHLORINE SERVICE FEE FOR THE PERIOD OF 1/10/2015 TO 31/12/2015..	-	3,498.79
EFT21969	15/01/2016	JACOBUS NIEUWOUDT	REIMBURSEMENT FOR POLICE CLEARANCE.	-	61.80
EFT21970	15/01/2016	JACQUELINE UTBER	REIMBURSEMENT FOR PRESCRIPTION GLASSES BROKEN ON JOB.	-	220.00
EFT21971	15/01/2016	JAYNE MCINNES	CLEANING OF SENIORS HALL FOR THE PERIOD 23/11/2015 TO 30/12/2015.	-	700.00
EFT21972	15/01/2016	JIM MCKENZIE PTY LTD	LOCATE SERVICES ON SOUTHERN BROOK.	-	1,072.50
EFT21973	15/01/2016	KATHERINE STEWART	X7 COPIES OF FAMOUS ANIMALS VOLUME 1" FOR LIBRARY."	-	70.00
EFT21974	15/01/2016	KLEENWEST DISTRIBUTORS	CHEMICAL ORDER FOR KILLARA DAY CENTRE.	-	173.25
EFT21975	15/01/2016	LOCAL GOVERNMENT MANAGERS AUSTRALIA WA DIVISION INC	LGMA EXECUTIVE MANAGEMENT PROGRAM 2016 COURSE REGISTRATION FOR ROSS RAYSON & COLIN YOUNG.	-	3,900.00
EFT21976	15/01/2016	LOUI'S PLANT HIRE	RE-DIRECT STORMWATER & PVC PIPING & CONCRETE PATHS & PRAM RAMPS AT AVAS CARPARK & APRON ON CROSSOVER ON DOCTORS DRIVE.	-	5,060.00
EFT21977	15/01/2016	MARKETFORCE	ADVERTISING IN NEWSPAPERS FOR OCTOBER & DECEMBER.	-	8,099.46
EFT21978	15/01/2016	MATHEW MACQUEEN	REPAIR STANDPIPES & WATER TANKS.	-	948.00
EFT21979	15/01/2016	MAXXIA PTY LTD	PAYROLL DEDUCTIONS	-	514.32
EFT21980	15/01/2016	MAYBERRY HAMMOND & CO	LEASE AGREEMENT FOR C.Y.O'CONNOR INSTITUTE & WUNDOWIE TENNIS CLUB.	-	1,061.06
EFT21981	15/01/2016	METRO BEVERAGE CO	REFRESHMENTS TO BE SOLD AT	-	163.30

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		PTY LTD	NORTHAM REC CENTRE.	
EFT21982	15/01/2016	MIDALIA STEEL	STEEL DRAINAGE PRODUCTS FOR SOUTHERN BROOK.	- 895.51
EFT21983	15/01/2016	MOORE STEPHENS (WA) PTY LTD	AUDIT SERVICES PROVIDED RESPECT TO THE YEAR ENDED 30 JUNE 2015.	- 15,532.00
EFT21984	15/01/2016	MORRIS PEST & WEED CONTROL	BAIT FOR RODENTS AT VARIOUS SHIRE BUILDINGS.	- 2,177.25
EFT21985	15/01/2016	NAVMAN WIRELESS PTY LTD	MONTHLY SUBSCRIPTION FEE FOR SATELLITE SERVICE.	- 483.78
EFT21986	15/01/2016	NORTHAM & DISTRICTS GLASS SERVICE	REPLACEMENT OF BROKEN GLASS AT VARIOUS SHIRE BUILDINGS.	- 432.30
EFT21987	15/01/2016	NORTHAM BETTA HOME LIVING	REPLACEMENT TOMTOM GPS FOR RANGERS.	- 219.00
EFT21988	15/01/2016	NORTHAM CARPETS PTY LTD	INSTALL BLINDS AT UNIT 4 KURINGAL VILLAGE.	- 1,250.00
EFT21989	15/01/2016	NORTHAM CENTRAL NEWSAGENCY	NEWSPAPERS FOR ADMIN BUILDING FOR THE PERIOD 01/12/2015 TO 04/01/2015.	- 49.50
EFT21990	15/01/2016	NORTHAM FAMILY PRACTICE	PRE-EMPLOYMENT MEDICAL EXAMINATION.	- 236.50
EFT21991	15/01/2016	CANCELLED PAYMENT		
EFT21992	15/01/2016	NORTHAM HARDWARE	ASSORTED ITEMS FOR MAINTENANCE REPAIRS.	- 31.90
EFT21993	15/01/2016	NORTHAM MAZDA	30,000KM SERVICE FOR MAZDA CX9 N4082.	- 337.72
EFT21994	15/01/2016	NORTHAM MITRE 10 SOLUTIONS	ASSORTED ITEMS FOR MAINTENANCE REPAIRS.	- 1,398.87
EFT21995	15/01/2016	NORTHAM TOY LIBRARY	RENEWAL OF MEMBERSHIP FOR 2016 (EXPIRES 30/6/2017).	- 60.00
EFT21996	15/01/2016	NORTHAM TOYOTA	40,000KM SERVICE TO ISUZU MUX N10721.	- 850.00
EFT21997	15/01/2016	NORTHAM VETERINARY CENTRE	ANIMAL DISTRUCTION & DISPOSAL.	- 761.05
EFT21998	15/01/2016	OCLC (UK) LTD	AMLIB ANNUAL MAINTENANCE SUBSCRIPTION FOR THE PERIOD 01/12/2015 TO 30/06/2016.	- 192.50
EFT21999	15/01/2016	OFFICEWORKS SUPERSTORES PTY LTD	EPSON WORKFORCE WF-3640 WIRELESS PRINTER FOR LIBRARY.	- 203.95
EFT22000	15/01/2016	OXTER SERVICES	CEMETERY INVOICING FOR THE FORTNIGHT ENDING 11 DECEMBER 2015 & GARBAGE BAGS FOR DEPOT.	- 2,189.61
EFT22001	15/01/2016	PANDA CHINESE RESTAURANT & TAKEAWAY	CATERING FOR COUNCIL FORUM MEETING ON 21/10/2015.	- 216.00
EFT22002	15/01/2016	PERFECT COMPUTER SOLUTIONS PTY LTD	RESOLVED COMPUTER ISSUES IN VARIOUS SHIRE BUILDINGS.	- 6,902.50
EFT22003	15/01/2016	PFD FOOD SERVICES PTY LTD	FOOD FOR NORTHAM SWIMMING POOL.	- 2,227.95
EFT22004	15/01/2016	PHONOGRAPHIC PERFORMANCE COMPANY OF AUSTRALIA LTD	AUTO FITNESS CLASSES - V1 LICENCE FOR 01/01/2016 - 31/12/2016.	- 113.85

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EFT22005	15/01/2016	PRESTIGE ALARMS	SECURITY UPGRADES AT TO ADMIN BUILDING WINDOWS.	-	2,090.00
EFT22006	15/01/2016	PROFESSIONAL LOCKSERVICE	UPGRADE LOCKS ON VARIOUS SHIRE BUILDINGS.	-	3,501.38
EFT22007	15/01/2016	PROSPECTORS SUPPLIES PTY LTD	ITEMS REQUIRED FOR SEARCH OPERATIONS & FOR NAVIGATION FOR SES.	-	749.89
EFT22008	15/01/2016	QUAD SERVICES PTY LTD	CLEANING AT VARIOUS SHIRE BUILDINGS FOR DECEMBER 2015.	-	3,697.13
EFT22009	15/01/2016	RED DOT STORES	STORY TIME BOOKS - SANTA GIFTS FOR LIBRARY.	-	79.80
EFT22010	15/01/2016	ROCLA PIPELINE PRODUCTS	DRAINAGE MATERIALS FOR INSTALLATION ON WERRIBEE ROAD & SOUTHERN BROOK RD.	-	5,312.20
EFT22011	15/01/2016	SETH WILLIAM TUCKER T/A TUCKERBUILT	PAVING IN BOULEVARD - CLEAN PAVERS, SCREED & RELAY PAVING TO MATCH EXISTING AROUND POWER DOME.	-	880.00
EFT22012	15/01/2016	SIMON NEVILL PUBLICATIONS	STOCK PURCHASES FOR VISITORS CENTRE.	-	198.91
EFT22013	15/01/2016	SLATER-GARTRELL SPORTS	STARTING GUN DOUBLE HAMMER FOR JUBILEE OVAL.	-	136.40
EFT22014	15/01/2016	SPECIALISED TREE SERVICE	ARBORICULTURAL WORK AT BERNARD PARK REMOVING SELECTED TREES.	-	600.00
EFT22015	15/01/2016	SPORTSPOWER NORTHAM	GIFT CARDS FOR CHRISTMAS GIFTS & STAFF UNIFORMS.	-	2,045.40
EFT22016	15/01/2016	STAPLES AUSTRALIA PTY LIMITED	STATIONARY FOR ADMIN BUILDING.	-	1,172.99
EFT22017	15/01/2016	STATE LIBRARY OF WESTERN AUSTRALIA	WUNDOWIE LIBRARY LOST/DAMAGED BOOKS.	-	56.10
EFT22018	15/01/2016	STEPHEN JAMES GRAY	FUEL REIMBURSEMENT FOR 1BNP584 - BUSH FIRE BRIGADE VEHICLE.	-	51.50
EFT22019	15/01/2016	STEWART & HEATON CLOTHING CO.PTY LTD	PPE EQUIPMENT FOR THE FIRE BRIGADES.	-	454.20
EFT22020	15/01/2016	THE WORKWEAR GROUP	UNIFORM FOR STAFF MEMBERS.	-	514.01
EFT22021	15/01/2016	TOTAL GREEN RECYCLING PTY LTD	RECLYCLING OF ELECTRONIC EQUIPMENT.	-	2,358.40
EFT22022	15/01/2016	TRISLEY'S HYDRAULIC SERVICES PTY LTD	ANNUAL SERVICE TO NORTHAM SWIMMING POOL.	-	7,802.30
EFT22023	15/01/2016	TYREPOWER	REPLACE TYRES TO VARIOUS SHIRE VEHICLES.	-	786.75
EFT22024	15/01/2016	VJZOO	BUIDLING PROJECTION ON TWO BUILDINGS FOR 14 NIGHTS WITH 12,000 LUMENS PROJECTORS, INCLUDING BASIC CONTENT DEVELOPMENT.	-	53,922.00
EFT22025	15/01/2016	WA RANGERS ASSOCIATION INC	RENEWAL OF MEMBERSHIP FOR RANGERS FOR THE PERIOD 01/01/2016 31/12/2016.	-	100.00
EFT22026	15/01/2016	WADE GORDON ASHMAN	FIREBREAKS COMPLETED FOR VARIOUS PROPERTIES.	-	1,430.00

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EFT22027	15/01/2016	WESTERN AUSTRALIAN TREASURY CORPORATION	GOVERNMENT GUARANTEE FEE ACCURAL REPORT - TRADE DETAIL FOR THE PERIOD ENDING 31/12/2015.	-	8,429.24
EFT22028	15/01/2016	WESTERN IRRIGATION PTY LTD	INVESTIGATE HIGH PRESSURE FAULTS AT BERNARD PARK.	-	871.20
EFT22029	15/01/2016	WESTSIDE FIRE SERVICES	REPLACE BROKEN MCP GLASS & RESET SYSTEM.	-	209.00
EFT22030	15/01/2016	WUNDOWIE SPRINGS PTY LTD WUNDOWIE ONE STOP	RETICULATION PARTS FOR VARIOUS SHIRE BUILDINGS.	-	151.59
EFT22031	22/01/2016	A COUNTRY PRACTICE	CAT STERILISATION FEES FOR SHIRE 9 CATS.	-	1,100.00
EFT22032	22/01/2016	ABBOTT & CO PRINTERS	ANIMAL IMPOUND BOOKS FOR RANGER SERVICES.	-	775.50
EFT22033	22/01/2016	APPLIED INDUSTRIAL TECHNOLOGIES T/A NORTHAM BEARINGS	PARTS FOR VARIOUS SHIRE VEHICLES.	-	153.11
EFT22034	22/01/2016	AUSTRALIA POST	AUSTRALIA POST ACCOUNT FOR MONTH OF DECEMBER 2015.	-	1,565.46
EFT22035	22/01/2016	AUTOPRO NORTHAM	GIFT VOUCHERS FOR STAFF CHRISTMAS GIFTS.	-	700.00
EFT22036	22/01/2016	AVON DEMOLITION & EARTHMOVING	MANAGEMENT OF INKPEN WASTE MANAGEMENT FOR THE PERIOD 22/8/2015 TO 3/1/2016.	-	3,341.00
EFT22037	22/01/2016	AVON VALLEY CONSTRUCTION	MAINTENANCE REPAIRS TO UNIT 7 KURINGAL VILLAGE.	-	1,727.00
EFT22038	22/01/2016	AVON VALLEY CONTRACTORS	OLD CARAVAN PARK TOILET BLOCK DEMOLITION.	-	8,624.00
EFT22039	22/01/2016	AVON VALLEY MOWER & CHAINSAW CENTRE	PUREX POOL CHLORINE FOR WUNDOWIE SWIMMING POOL & ENGINE MOUNTS FOR PLATE COMPACTOR.	-	469.24
EFT22040	22/01/2016	AVON VALLEY NISSAN	PURCHASE OF NISSAN NAVARA UTE FOR PARKS & GARDENS & CARRY OUT 30,000KM SERVICE ON N.11069 - PN1409.	-	22,154.47
EFT22041	22/01/2016	AVW ELECTRICAL	REPAIR ELECTRICAL CHARGER AT BAKER HILLS FIRE SHED.	-	265.10
EFT22042	22/01/2016	BAKERS HILL PROGRESS & RECREATION ASSOCIATION	ANNUAL SHIRE BUDGET ALLOCATION FOR 2015/2016 FOR AUSTRALIA DAY & SHIRE ALLOCATION.	-	8,052.00
EFT22043	22/01/2016	BENARA NURSERIES	LOMANDRA PLANTS FOR PARKING BAYS.	-	396.00
EFT22044	22/01/2016	BLACKWELL PLUMBING PTY LTD	REPAIRS AT VARIOUS SHIRE BUILDINGS.	-	718.70
EFT22045	22/01/2016	BMT JFA CONSULTANTS PTY LTD	CONSULTANCY WORK ON TOWN POOL DREDGING PROPOSAL.	-	13,931.78
EFT22046	22/01/2016	BOUNCY FUN CASTLES	HIRE OF BOUNCY CASTLE & OPERATOR FOR MOVIES AT TWILIGHT AT WUNDOWIE OVAL ON 16/01/2016.	-	638.00
EFT22047	22/01/2016	BRETT WILLIAM GRAHAM	REIMBURSEMENT FOR POLICE CLEARANCE APPLICATION.	-	61.80

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EFT22048	22/01/2016	CADD'S FASHIONS	UNIFORMS FOR ALL DEPOT STAFF FOR 2015/2016.	-	8,992.25
EFT22049	22/01/2016	CANNON HYGIENE AUSTRALIA PTY LTD	SANITARY UNITS SUPPLIED IN VARIOUS SHIRE BUILDINGS.	-	344.51
EFT22050	22/01/2016	CCS STRATEGIC MANAGEMENT	NORTHAM RECREATION FACILITIES DEVELOPMENT PLAN REVIEW.	-	8,303.90
EFT22051	22/01/2016	CJD EQUIPMENT PTY LTD	REPAIRS TO VARIOUS SHIRE VEHICLES.	-	1,278.23
EFT22052	22/01/2016	CONTRAFLOW PTY LTD	TMP FOR CHRISTMAS EVENT 2015.	-	495.00
EFT22053	22/01/2016	COUNTRY COPIERS NORTHAM	STATIONERY FOR VARIOUS SHIRE BUILDINGS.	-	435.10
EFT22054	22/01/2016	COVS PARTS PTY LTD	BAG OF RAGS FOR DEPOT.	-	57.20
EFT22055	22/01/2016	DEPARTMENT OF ENVIRONMENT REGULATION	DER QUARTERLY LEVY PAYMENT FOR OCT-DEC 2015.	-	3,509.62
EFT22056	22/01/2016	E FIRE & SAFETY	SERVICE OF FIRE EXTINGUISHERS AT VARIOUS SHIRE BUILDINGS.	-	720.50
EFT22057	22/01/2016	FRAMECOR	SUPPLY OF HANGTRAC RAILING & ART HANGING SYSTEMS.	-	3,450.00
EFT22058	22/01/2016	FRAMESWEST	REPAIR & REFIT PULL OUT STEP TO BUS KILLARA 3.	-	434.50
EFT22059	22/01/2016	GARPEN PTY LTD	9HP PULL START MOTOR - REPLACEMENT ENGINE FOR CRICKET WICKET ROLLER.	-	345.00
EFT22060	22/01/2016	GREENSEA HOLDINGS	HAZARD REDUCTION AT VARIOUS PROPERTIES.	-	2,337.50
EFT22061	22/01/2016	HOLCIM AUSTRALIA PTY LTD	CONCRETE POUR FOR DRAINAGE ON SOUTHERN BROOK.	-	1,818.30
EFT22062	22/01/2016	LANDGATE	RURAL UV'S CHARGEABLE SCHEDULE R2015/16 DATE 31/10/2015 TO 11/12/2015.	-	64.00
EFT22063	22/01/2016	LLOYDS EARTHMOVING	2/3 M3 LANDSCAPE MIX FOR VERGE MAINTENANCE.	-	60.00
EFT22064	22/01/2016	MARK FERNIHOUGH	RATES REFUND FOR ASSESSMENT A10192.	-	1,600.00
EFT22065	22/01/2016	MARKETFORCE	ADVERTISING IN VARIOUS NEWSPAPERS.	-	5,634.95
EFT22066	22/01/2016	MATHEW MACQUEEN	MOBILE PHONE USE OVER THE 2015/2016 FIRE SEASON AS OF (BFAC MINUTES).	-	500.00
EFT22067	22/01/2016	MCLEODS BARRISTERS & SOLICITORS	LEGAL FEES FOR VARIOUS MATTERS.	-	3,240.05
EFT22068	22/01/2016	NETSIGHT	MONTHLY SUBSCRIPTION FOR JANUARY.	-	663.30
EFT22069	22/01/2016	NORTHAM BETTA HOME LIVING	LOGITECH MOUSE FOR CEO & CEO LAPTOP.	-	59.90
EFT22070	22/01/2016	NORTHAM MITRE 10 SOLUTIONS	ASSORTED ITEMS FOR MAINTENANCE REPAIRS.	-	2,423.75
EFT22071	22/01/2016	NORTHAM TOWING SERVICE	TOW THREE VEHICLES FROM VERGE (COLLINS PLACE TO NORTHAM) & SIMS RD.	-	407.00
EFT22072	22/01/2016	OCLC (UK) LTD	AMLIB SIP2 CONNECTIVITY MODULE WITH A 2-5 LICENCE FOR LIBRARY.	-	3,300.00
EFT22073	22/01/2016	OXTER SERVICES	CONSUMABLES FOR VARIOUS SHIRE BUILDINGS.	-	905.66

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EFT22074	22/01/2016	PAULA LEA DUFF	REFUND OF DOG REGISTRATION.	-	14.06
EFT22075	22/01/2016	PERFECT COMPUTER SOLUTIONS PTY LTD	UPGRADES OF COMPUTER SOFTWARE AT LIBRARY.	-	680.00
EFT22076	22/01/2016	PFD FOOD SERVICES PTY LTD	FOOD FOR NORTHAM SWIMMING POOL.	-	1,983.05
EFT22077	22/01/2016	PRIME MEDIA GROUP	NORTHAM ADVERT SERIES IN PARTNERSHIP WITH NORTHAM CHAMBER OF COMMERCE & AVON INDUSTRIAL PARK.	-	569.80
EFT22078	22/01/2016	PROMAPP SOLUTIONS LIMITED	MONTHLY SUBSCRIPTION FOR MONTH OF DECEMBER 2015.	-	1,122.00
EFT22079	22/01/2016	RADIOWEST BROADCASTERS PTY LTD	RADIO ADS FOR CHRISTMAS ON FITZGERALD EVENT 2015.	-	1,155.00
EFT22080	22/01/2016	RC SODABLAST	HIGH PRESSURE CLEAN SOUND SHELL & REMOVE GRAFFITI AT BERNARD PARK TOILETS.	-	990.00
EFT22081	22/01/2016	RED DOT STORES	CONSUMABLES FOR VARIOUS SHIRE BUIDINGS.	-	65.95
EFT22082	22/01/2016	RETAIL DECISIONS (COLES)	COLES PURCHASES FOR DECEMBER 2015 FOR ADMIN, KILLARA, ENGINEERING & REC CENTRE.	-	2,308.51
EFT22083	22/01/2016	RICOH AUSTRALIA	PRINTER CARTRIDGE FOR LICENCING PRINTER.	-	143.00
EFT22084	22/01/2016	ROADS2000	VARIOUS FOOTPATH WORK & ASPHALT SUPPLIED.	-	104,719.65
EFT22085	22/01/2016	SLAV'S CLEANING SERVICE	CLEANING OF VARIOUS SHIRE BUILDINGS FOR MONTH OF DECEMBER 2015.	-	9,016.01
EFT22086	22/01/2016	SNAKES HARMFUL & HARMLESS	SNAKE AWARENESS EDUCATION FOR STUDENTS X 4 ON 20 OCTOBER 2015.	-	528.00
EFT22087	22/01/2016	SQUIRE PATTON BOGGS (AU)	NATIVE TITLE CLAIMS SNC#1(WAD6006/2003) & SNC#2 (WAD6012/2003) LOCAL GOVERNMENTS FOR 01/12/2015 TO 22/12/2015.	-	37.81
EFT22088	22/01/2016	ST JOHN AMBULANCE AUSTRALIA	PROVIDE FIRST AID COURSE FOR NORTHAM VBFB ON 28/11/2015.	-	1,680.00
EFT22089	22/01/2016	THE WORKWEAR GROUP	UNIFORM FOR STAFF.	-	144.10
EFT22090	22/01/2016	THOMPSONS LAWN MOWING	FIREBREAKS COMPLETED FOR VARIOUS PROPERTIES.	-	920.00
EFT22091	22/01/2016	VINCELEC	INSTALL EXIT SIGNS & SECURITY LIGHTS AT KILLARA.	-	1,991.30
EFT22092	22/01/2016	VODAFONE	MESSAGING SERVICES FOR BRIGADES & SES FOR THE PERIOD 01/01/2016 TO 31/01/2016.	-	758.71
EFT22093	22/01/2016	WA CONTRACT RANGER SERVICES	CAT IMPOUND & TEMPORARY CARE FOR DECEMBER 2015.	-	880.00
EFT22094	22/01/2016	WA LIBRARY SUPPLIES	LOCKABLE DVD CASES FOR LIBRARY.	-	858.00
EFT22095	22/01/2016	WA NATURALLY PUBLICATIONS	STOCK PURCHASES FOR VISITORS CENTRE.	-	41.70

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EFT22096	22/01/2016	WALLIS TIMBER FLOORS	SANDING & SEALING FLOORS AT MEMORIAL HALL.	-	7,685.00
EFT22097	22/01/2016	WAY SIGNS	3 SIGNS FOR CLACKLINE STANDPIPE.	-	528.00
EFT22098	22/01/2016	WESTWIDE AUTO ELECTRICS & AIR CONDITIONING	REPLACE ABS ACTUATOR AFTER ELECTRICAL FAULT ON PN1222.	-	3,600.00
EFT22099	22/01/2016	WHEATBELT SAFETYWEAR	PPE EQUIPMENT FOR STAFF.	-	180.00
EFT22100	25/01/2016	PROBLEMS SOLVED N SOLUTIONS FOUND PTY LTD	NUISANCE & DANGEROUS DOG ASSESMENT & ATTENDANCE AT DOGS DAY OUT ON 06/01/2016 FOR DEMONSTRATION & PRESENTATION..	-	500.00
EFT22101	29/01/2016	JR & A HERSEY PTY LTD	PPE FOR DEPOT STAFF.	-	605.00
EFT22102	29/01/2016	ALL-WAYS FOODS	CANTEEN STOCK FOR NORTHAM SWIMMING POOL.	-	3,096.79
EFT22103	29/01/2016	ANDY'S PLUMBING SERVICE	MODIFY VENTING TO PLUMBING AT OLD TOWN BUILDING.	-	259.00
EFT22104	29/01/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	-	25.80
EFT22105	29/01/2016	AUSTRALIAN TAXATION OFFICE - PAYG	PAYG PAYRUN 13/1/2016 TO 26/1/2016.	-	57,710.00
EFT22106	29/01/2016	AV-SEC SECURITY SERVICES	ALARM ATTENDANCE AT VARIOUS SHIRE BUILDINGS.	-	302.50
EFT22107	29/01/2016	BAKERS HILL TAVERN	GIFT VOUCHER FOR VBFB MEMBER OF THE MONTH.	-	150.00
EFT22108	29/01/2016	BLACKWELL PLUMBING PTY LTD	INSTALL & TEST BACKFLOW DEVICE TO NORTHAM AIRFIELD & REC CENTRE.	-	997.00
EFT22109	29/01/2016	BRENDON ROBERT RUTTER	REIMBURSEMENT FOR POLICE CLEARANCE APPLICATION.	-	61.80
EFT22110	29/01/2016	BURGESS RAWSON (WA) PTY LTD	WATER USAGE FROM SULLAGE WASTE POINT FOR THE PERIOD 13/11/2015 TO 14/1/2016.	-	43.49
EFT22111	29/01/2016	CENTRAL MOBILE MECHANICAL REPAIRS	REMOVE DRAIN & REPAIR CRACKS IN DRAIN GRID AT CNR GORDON & BURNSIDE ST NORTHAM ON 30/11/2015 & FIT NEW DECK BELT ON HUSQUAVANA RIDE ON MOWER. .	-	511.50
EFT22112	29/01/2016	CHAMPION MUSIC PTY LTD	ENTERTAINMENT FOR CHRISTMAS EVENT AT FITZGERALD STREET.	-	1,045.00
EFT22113	29/01/2016	CHIDLOW WATER CARRIERS	FILL FIRE TANKS AT VARIOUS LOCATIONS.	-	1,750.00
EFT22114	29/01/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	-	463.72
EFT22115	29/01/2016	COCA-COLA AMATIL (AUST) PTY LTD	STOCK FOR NORTHAM SWIMMING POOL CANTEEN.	-	2,556.29
EFT22116	29/01/2016	COLIN DUNCAN GRANT	CLEANING AT NORTHAM DISTRICT SES FOR JANUARY 2016.	-	110.00
EFT22117	29/01/2016	COURIER AUSTRALIA	FREIGHT CHARGES FOR DEPOT WEEK ENDING 15/01/2016.	-	9.26

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EFT22118	29/01/2016	DEBBIE HUGHES - PERTH FACE PAINTING COMPANY	HIRE OF FACE PAINTERS FOR CHRISTMAS ON FITZGERALD.	-	799.92
EFT22119	29/01/2016	E FIRE & SAFETY	SERVICE FIRE EXTINGUISHERS AT VARIOUS SHIRE BUILDINGS.	-	1,029.60
EFT22120	29/01/2016	GARRY SHEPHERDSON	TELEPHONE ALLOWANCE FOR MOBILE PHONE USE OVER 2015/2016 FIRE SEASON.	-	500.00
EFT22121	29/01/2016	GEOFF HESFORD ENGINEERING	CONSULTING SERVICES FOR NORTHAM RECREATION CENTRE ON AIRCONDITING OPTIONS.	-	11,220.00
EFT22122	29/01/2016	GLENN STUART BEVERIDGE	REPAINT ALL DECKING & HANDRAILS AT VISITORS CENTRE & RIVERS EDGE CAFE.	-	2,167.00
EFT22123	29/01/2016	HAYDN TRANSPORT	FREIGHT CHARGES FROM CHADSON ENGINEERING TO REC CENTRE.	-	33.00
EFT22124	29/01/2016	HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LIMITED	PROFESSIONAL SERVICES PROVIDED BY CARY GREEN EXECUTIVE CORPORATE MANAGER FOR WEEK ENDING 17/01/2016.	-	3,369.65
EFT22125	29/01/2016	HIRE KING	HIRE OF SNOW MACHINE FOR CHRISTMAS STREET PARTY.	-	375.00
EFT22126	29/01/2016	HOST AUTO REPAIRS	REPAIRS TO FIRE BRIGADE VEHICLES.	-	4,937.15
EFT22127	29/01/2016	LLOYD INVESTMENT GROUP PTY LTD	SOUND & LIGHTING & STAGE FOR CHRISTMAS ON FITZGERALD & AUSTRALIA DAY CONCERT.	-	2,400.00
EFT22128	29/01/2016	LOUI'S PLANT HIRE	DOCTORS DRIVE BACKFILL FOOTPATH VERGES & DRIVEWAYS	-	2,750.00
EFT22129	29/01/2016	MAL ROEDIGER NOMINEES PTY LTD	REIMBURSEMENT OF ELECTRICITY CHARGES FOR 182 FITZGERALD STREET, NORTHAM STATEMENT 2067772 (45%) & STATEMENT 2069399.	-	134.01
EFT22130	29/01/2016	MATHEW MACQUEEN	CLACKLINRE FIRE SHED - DAMAGE TO LEACH DRAIN INSTALL 50MM GALVANISED RAILING TO THREE SIDES OF LEACH DRAIN TO PREVENT ACCESS.	-	880.00
EFT22131	29/01/2016	MAXXIA PTY LTD	PAYROLL DEDUCTIONS	-	514.32
EFT22132	29/01/2016	METRO BEVERAGE CO PTY LTD	STOCK SUPPLIES FOR RECREATION CENTRE.	-	160.20
EFT22133	29/01/2016	NORTHAM & DISTRICTS GLASS SERVICE	REPLACE WINDOWS AT VARIOUS SHIRE BUILDINGS.	-	1,320.00
EFT22134	29/01/2016	NORTHAM DISCOUNT DRUG STORE	CLIENT MEDICATION.	-	14.59
EFT22135	29/01/2016	NORTHAM FAMILY PRACTICE	PRE-EMPLOYMENT MEDICAL EXAMINATION.	-	236.50
EFT22136	29/01/2016	OXTER SERVICES	MAINTENANCE FOR BAKERS HILL & GRASS VALLEY TOWNSITES FOR THE PERIOD 30/11/2015 TO 01/01/2016.	-	1,914.00
EFT22137	29/01/2016	PAULL & WARNER BODY BUILDERS PTY LTD	REPLACEMENT COMPASS FOR SES FIRE & RESCUE.	-	1,016.40
EFT22138	29/01/2016	PICNIC TABLES HIRE	HIRE OF 6 TRADIONAL PINE PICNIC	-	1,410.00

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			TABLES & PALLET BENCHES.	
EFT22139	29/01/2016	PROFESSIONAL LOCKSERVICE	REPLACE LOCKS AT VISITORS CENTRE & SUPPLY PADLOCKS.	- 1,353.11
EFT22140	29/01/2016	PUBLIC TRANSPORT AUTHORITY OF WESTERN AUSTRALIA (TRANS WA)	TICKET SALES FROM 01/12/2015 TO 31/12/2015.	- 60.41
EFT22141	29/01/2016	QUBE LOGISTICS	TRANSPORT OF CHLORINE FOR NORTHAM SWIMMING POOL.	- 824.29
EFT22142	29/01/2016	QUIN'S GOURMET BUTCHERS	SAUSAGES FOR AUSTRALIA DAY EVENT.	- 400.00
EFT22143	29/01/2016	R & JT CONTRACTORS PTY LTD	REPAIRS TO DAMAGED WATER PIPE ON BROOME TERRACE.	- 969.18
EFT22144	29/01/2016	RACHEL JADE GUNN	REIMBURSEMENT FOR POLICE CLEARNANCE APPLICATION.	- 61.80
EFT22145	29/01/2016	ROADSWEST ENGINEERING GROUP WA PTY LTD	REPLACE BRIDGE 615 ON CLYDESDALE ROAD.	- 8,030.00
EFT22146	29/01/2016	SETH WILLIAM TUCKER T/A TUCKERBUILT	REPAIRS TO VARIOUS SHIRE PROPERTIES.	- 3,203.75
EFT22147	29/01/2016	ST JOHN AMBULANCE AUSTRALIA (WA) INC.	FIRST AID COVER FOR AMBULANCE FOR WUNDOWIE MOVIE IN THE PARK 16/01/2016.	- 335.50
EFT22148	29/01/2016	STERIHEALTH SERVICES PTY LTD	SHARPS DISPOSAL AT VARIOUS SHIRE PUBLIC TOILETS.	- 432.82
EFT22149	29/01/2016	SWAN EVENT HIRE	HIRE OF MARQUEE & EXTENSION CORD FOR CHRISTMAS ON FITZGERALD.	- 6,225.50
EFT22150	29/01/2016	THE LIONS CLUB OF NORTHAM	STOCK FOR NORTHAM VISITORS CENTRE.	- 264.00
EFT22151	29/01/2016	THE RIVERSIDE HOTEL	CATERING FOR COUNCIL MEETING ON 20/01/2015.	- 340.00
EFT22152	29/01/2016	THE WEST AUSTRALIAN	ADVERTISED IN THE WEST AUSTRALIAN 12/11/2015.	- 550.00
EFT22153	29/01/2016	THE WORKWEAR GROUP	UNIFORMS FOR STAFF.	- 175.21
EFT22154	29/01/2016	WRIGHT EXPRESS AUSTRALIA PTY LTD (PUMA ENERGY)	FUEL USED BY FIRE BRIGADES & WUNDOWIE DEPOT STAFF PURCHASED AT EL CABALO.	- 471.10
			<b>TOTAL EFT MUNICIPAL</b>	<b>- 1,082,754.75</b>
34408	06/01/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	- 25.80
34409	06/01/2016	LOCAL GOVERNMENT & RACECOURSE EMPLOYEES UNION	PAYROLL DEDUCTIONS	- 41.00
34410	06/01/2016	PERTH ENERGY PTY LTD	ELECTRICITY CHARGES FOR 182 FITZGERALD STREET NORTHAM ACCOUNT #601148.	- 93.14
34411	06/01/2016	PETTY CASH	PETTY CASH RECOUP FOR ADMIN.	- 478.55
34412	06/01/2016	SHIRE OF NORTHAM	PAYROLL DEDUCTIONS	- 1,300.00

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34413	15/01/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	-	25.80
34414	15/01/2016	JOHN ROEDIGER NEVON NOMINEES PTY LTD	REIMBURSEMENT OF WATER USE & SERVICE CHARGE ACCOUNT FOR MAIN STREET HERITAGE INVESTMENT POP UP SHOP AT 182 FITZGERALD STREET NORTHAM ACCOUNT 90079207298 BILL ID 0174 ISSUED 11/11/2015.	-	341.66
34415	15/01/2016	LEANDRA JOY WALKER	DEPOSIT ON COMMUNITY BUS - CANCELLED 18/12/2015	-	50.00
34416	15/01/2016	LOCAL GOVERNMENT & RACECOURSE EMPLOYEES UNION	PAYROLL DEDUCTIONS	-	41.00
34417	15/01/2016	LYDIA DEVOS	DOG DECEASED REFUND REGISTRATION UNTIL 2018.	-	21.25
34419	15/01/2016	SHIRE OF NORTHAM	PAYROLL DEDUCTIONS	-	1,582.00
34420	15/01/2016	SYNERGY	ELECTRICITY FOR VARIOUS SHIRE PROPERTIES FOR THE PERIOD 03/9/2015 TO 24/12/2015.	-	24,881.04
34421	15/01/2016	TELSTRA CORPORATION	TELEPHONE ACCOUNTS FOR VARIOUS SHIRE BUILDINGS.	-	6,817.70
34422	15/01/2016	WATER CORPORATION	WATER USE & SERVICE FOR VARIOUS SHIRE PROPERTIES FOR THE PERIOD 24/10/2015 TO 25/12/2015.	-	13,943.36
34423	15/01/2016	SHIRE OF NORTHAM	REGISTRATION ON VARIOUS SHIRE VEHICLES.	-	454.90
34424	22/01/2016	GEOFF MAUCLINE	RETURN OF PLANNING & BUILDING FEES AS APPLICATION CANNOT BE APPROVED P2156 & BA15262.	-	242.00
34425	22/01/2016	PERTH ENERGY PTY LTD	ELECTRICITY CHARGES FOR MAIN STREET HERITAGE INVESTMENT POP UP SHOP AT 182 FITZGERALD STREET NORTHAM STATEMENT NO: 2072788 FOR ACCOUNT NO: 601148.	-	408.17
34426	22/01/2016	SYNERGY	ELECTRICITY CHARGES FOR VARIOUS SHIRE PROPERTIES FOR THE PERIOD NOVEMBER TO JANUARY 2016.	-	25,558.00
34427	22/01/2016	TELSTRA CORPORATION	VARIOUS TELEPHONE ACCOUNTS FROM DECEMBER 2015 TO FEBRUARY 2016.	-	4,970.77
34428	22/01/2016	WATER CORPORATION	WATER USE & SERVICE CHARGES FOR VARIOUS SHIRE PROPERTIES FOR PERIOD THE PERIOD OCTOBER TO JANUARY 2016.	-	18,501.97
34429	27/01/2016	PETTY CASH	NORTHAM POOL FLOAT	-	300.00
34430	29/01/2016	LOCAL GOVERNMENT & RACECOURSE EMPLOYEES UNION	PAYROLL DEDUCTIONS	-	41.00
34431	29/01/2016	SHIRE OF NORTHAM	PAYROLL DEDUCTIONS	-	1,300.00
34432	29/01/2016	SYNERGY	GROUPED ELECTRICITY ACCOUNT FOR ASSORTED SHIRE PROPERTIES.	-	10,184.90

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34433	29/01/2016	TELSTRA CORPORATION	VARIOUS TELEPHONE ACCOUNTS FOR DECEMBER 2015 TO JANUARY 2016.	-	112.27
34434	29/01/2016	WATER CORPORATION	WATER USE & SERVICE CHARGES FOR VARIOUS SHIRE PROPERTIES FOR PERIOD OF OCTOBER TO JANUARY 2016.	-	12,689.62
			<b>TOTAL MUNICIPAL CHEQUES</b>	-	<b>124,405.90</b>
DD9404.1	14/01/2016	TENNANT AUSTRALIA	LEASE FEE CLEANING EQUIPMENT JANUARY 2015 NORTHAM RECREATION CENTRE	-	1,067.00
DD9437.1	12/01/2016	WA SUPER	PAYROLL DEDUCTIONS	-	24,120.64
DD9437.2	12/01/2016	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	-	226.52
DD9437.3	12/01/2016	AMG UNIVERSAL SUPER	SUPERANNUATION CONTRIBUTIONS	-	340.87
DD9437.4	12/01/2016	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	-	57.83
DD9437.5	12/01/2016	QSUPER	SUPERANNUATION CONTRIBUTIONS	-	179.08
DD9437.6	12/01/2016	AUSTRALIAN SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-	2,075.87
DD9437.7	12/01/2016	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	-	400.80
DD9437.8	12/01/2016	CONCEPT ONE THE INDUSTRY SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-	178.79
DD9437.9	12/01/2016	ZURICH AUSTRALIA LIMITED	SUPERANNUATION CONTRIBUTIONS	-	244.42
DD9462.1	11/01/2016	BANKWEST	EMES - MASTERCARD 21/11/15 TO 21/12/15	-	459.78
DD9462.1	11/01/2016	BANKWEST	CEO - MASTERCARD 21/11/15 TO 21/12/15	-	474.84
DD9462.1	11/01/2016	BANKWEST	EMDS - MASTERCARD 21/11/15 TO 21/12/15	-	211.90
DD9462.1	11/01/2016	BANKWEST	EMCOMMS - MASTERCARD 21/11/15 TO 21/12/15	-	955.70
DD9462.1	11/01/2016	BANKWEST	FOREIGN TRANSACTION FEE	-	0.82
DD9478.1	26/01/2016	WA SUPER	PAYROLL DEDUCTIONS	-	24,729.00
DD9478.2	26/01/2016	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	-	226.52
DD9478.3	26/01/2016	AMG UNIVERSAL SUPER	SUPERANNUATION CONTRIBUTIONS	-	344.20
DD9478.4	26/01/2016	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	-	66.44
DD9478.5	26/01/2016	QSUPER	SUPERANNUATION CONTRIBUTIONS	-	179.61
DD9478.6	26/01/2016	AUSTRALIAN SUPER PTY LTD	SUPERANNUATION CONTRIBUTIONS	-	2,204.10
DD9478.7	26/01/2016	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	-	468.49
DD9478.8	26/01/2016	CONCEPT ONE THE INDUSTRY SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	-	240.85
DD9478.9	26/01/2016	ZURICH AUSTRALIA LIMITED	SUPERANNUATION CONTRIBUTIONS	-	244.42
DD9437.10	12/01/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-	672.23

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DD9437.11	12/01/2016	(THE QUEENSLAND LOCAL GOVERNMENT SUPERANNUATION BOARD) LG SUPER	SUPERANNUATION CONTRIBUTIONS	-	266.73
DD9437.12	12/01/2016	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	-	304.59
DD9437.13	12/01/2016	EWRAP SUPER	SUPERANNUATION CONTRIBUTIONS	-	113.99
DD9478.10	26/01/2016	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	-	797.34
DD9478.11	26/01/2016	(THE QUEENSLAND LOCAL GOVERNMENT SUPERANNUATION BOARD) LG SUPER	SUPERANNUATION CONTRIBUTIONS	-	266.73
DD9478.12	26/01/2016	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	-	854.03
DD9478.13	26/01/2016	EWRAP SUPER	SUPERANNUATION CONTRIBUTIONS	-	147.18
			<b>TOTAL DIRECT DEBITS</b>	-	<b>63,121.31</b>
PAYROLL	12/01/2016	SHIRE OF NORTHAM MAIN PAY RUN	SHIRE OF NORTHAM EMPLOYEES PAYROLL.	-	197,879.15
PAYROLL	26/01/2016	SHIRE OF NORTHAM MAIN PAY RUN	SHIRE OF NORTHAM EMPLOYEES PAYROLL.	-	203,181.55
			<b>TOTAL PAYROLL</b>	-	<b>401,060.70</b>
			<b>TOTAL EFT MUNICIPAL</b>	<b>-\$</b>	<b>1,082,754.75</b>
			<b>TOTAL CHEQUE MUNICIPAL</b>	<b>-\$</b>	<b>124,405.90</b>
			<b>TOTAL DIRECT DEBITS</b>	<b>-\$</b>	<b>63,121.31</b>
			<b>TOTAL PAYROLL</b>	<b>-\$</b>	<b>401,060.70</b>
			<b>TOTAL</b>	<b>-\$</b>	<b>1,671,342.66</b>

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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The payment of cheque numbers 34408 to 34434 from Municipal Fund (dated 1<sup>st</sup> January 2016 to 31<sup>st</sup> January 2016), and the payment of Electronic Funds Transfer numbers EFT21898 to EFT22154 and Direct Debits 9404.1 and 9437.1 to 9437.13 and 9462.1 and 9478.1 to 9478.13 have been made in accordance with delegated authority reference number (M/F/F/Regs LGA 1995 S5.42)

Municipal Bank Vouchers 34408 – 34434	\$ 124,405.90
Municipal Bank Electronic Fund Transfer EFT21898 to EFT22154	\$ 1,082,754.75
Trust Bank Electronic Fund Transfer Direct Debit Fund Transfer 9404.1 and 9437.1 to 9437.13 and 9462.1 and 9478.1 to 9478.13	\$ 63,121.31
Municipal Bank Electronic Fund Transfer Payroll 12/01/2016	\$ 197,879.15
Municipal Bank Electronic Fund Transfer Payroll 26/01/2016	\$ 203,181.55
 TOTAL	 \$ 1,671,342.66

**CERTIFICATION OF THE PRESIDENT**

I hereby certify that this schedule of account covering Vouchers and Electronic Funds Transfer payments as per above and totalling \$1,671,342.66 was submitted to the Ordinary Meeting of Council on Wednesday, 17 February 2016.

\_\_\_\_\_ CERTIFICATION OF THE PRESIDENT

**CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER**

This schedule of accounts paid covering Vouchers and Electronic Funds Transfer payments as per above and totalling \$1,671,342.66 was submitted to each member of the Council on Wednesday, 17 February 2016, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

\_\_\_\_\_ CHIEF EXECUTIVE OFFICER

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**13.3.2 FINANCIAL STATEMENTS TO 31 DECEMBER 2015**

Name of Applicant:	Internal Report
File Ref:	2.1.3.4
Officer:	Zoe Macdonald / Colin Young
Officer Interest:	Nil
Policy:	Nil
Voting:	Simple Majority
Date:	5 February 2016

**PURPOSE**

The Statement of Financial Activity for the period ending 31 December 2015 is included as a separate attachment to this Agenda and includes the following reports:

- Statement of Financial Activity;
- Acquisition of Assets;
- Disposal of Assets;
- Information on Borrowings;
- Reserves;
- Net Current Assets;
- Rating Information;
- Trust Funds;
- Operating Statements;
- Balance Sheet;
- Financial Ratio;
- Budget to Actual Material Variance; and
- Bank Reconciliation

**RECOMMENDATION / COUNCIL DECISION**

**Minute No: C.2648**

**Moved: Cr Little**

**Seconded: Cr Antonio**

**That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 31 December 2015.**

**CARRIED 9/0**

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**SHIRE OF NORTHAM**  
**MONTHLY STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015**

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# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

**SHIRE OF NORTHAM  
STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015**

	NOTE	December 2015 Actual \$	December 2015 Y-T-D Budget \$	Projected 2015/2016 Budget \$	Variances Actuals to Budget \$	Variances Actual Budget to Y-T-D %
<b>Operating</b>						
<b>Revenues/Sources</b>	8					
Governance		57,966	27,372	54,800	30,594	111.77%
General Purpose Funding Other		922,445	1,095,524	2,190,082	(173,079)	(15.80%)
General Purpose Funding Rates		8,615,720	4,290,660	8,582,323	4,325,060	100.80%
Law, Order, Public Safety		106,451	521,994	1,044,095	(415,543)	(79.61%)
Health		26,236	24,996	50,000	1,240	4.96%
Education and Welfare		716,851	666,498	1,333,066	50,353	7.55%
Housing		17,871	23,220	46,465	(5,349)	(23.04%)
Community Amenities		1,987,360	1,234,908	2,469,929	752,452	60.93%
Recreation and Culture		260,382	1,511,514	3,023,244	(1,251,132)	(82.77%)
Transport		1,239,588	922,322	2,277,699	317,266	34.40%
Economic Services		250,963	287,118	574,419	(36,155)	(12.59%)
Other Property and Services		53,957	27,084	54,200	26,873	99.22%
		14,255,790	10,633,210	21,700,322	3,622,580	34.07%
<b>(Expenses)/(Applications)</b>	8					
Governance		(622,506)	(631,245)	(1,201,997)	8,739	1.38%
General Purpose Funding		(122,726)	(182,418)	(364,868)	59,692	32.72%
Law, Order, Public Safety		(544,142)	(592,207)	(1,131,201)	48,065	8.12%
Health		(187,422)	(149,096)	(296,919)	(38,326)	(25.71%)
Education and Welfare		(682,165)	(751,911)	(1,502,295)	69,746	9.28%
Housing		(50,901)	(54,371)	(105,856)	3,470	6.38%
Community Amenities		(1,425,787)	(1,709,629)	(3,419,277)	283,842	16.60%
Recreation & Culture		(2,329,686)	(2,201,447)	(4,285,143)	(128,239)	(5.83%)
Transport		(4,117,910)	(2,457,734)	(4,760,181)	(1,660,176)	(67.55%)
Economic Services		(921,075)	(1,066,517)	(2,036,106)	145,442	13.64%
Other Property and Services		(183,374)	(51,998)	(27,040)	(131,376)	(252.66%)
		(11,187,694)	(9,848,573)	(19,130,883)	(1,339,121)	13.60%
<b>Adjustments for Non-Cash (Revenue) and Expenditure</b>						
(Profit)/Loss on Asset Disposals	2	25,603	72,015	144,029	(46,412)	64.45%
Movement in Accrued Interest		0	0	0	0	0.00%
Movement in Accrued Salaries and Wages		0	0	0	0	0.00%
Movement in Deferred Pensioner Rates/ESL		0	0	0	0	0.00%
Movement in Employee Benefit Provisions		(102,889)	0	0	(102,889)	0.00%
Depreciation on Assets		3,752,027	1,631,778	3,263,710	2,120,249	(129.93%)
<b>Capital Revenue and (Expenditure)</b>						
Purchase Land Held for Resale	1	0	0	0	0	0.00%
Purchase Land and Buildings	1	(36,280)	(3,402,847)	(3,402,847)	3,366,567	98.93%
Purchase Plant and Equipment	1	(543,249)	(1,279,054)	(1,279,054)	735,805	57.53%
Purchase Furniture and Equipment	1	0	0	0	0	#DIV/0!
Purchase Bush Fire Equipment	1	0	(460,000)	(460,000)	460,000	100.00%
Purchase Playground Equipment	1	0	0	0	0	0.00%
Purchase Infrastructure Assets - Roads	1	(679,145)	(3,350,383)	(3,350,383)	2,671,238	79.73%
Purchase Infrastructure Assets - Bridges	1	(182,255)	0	(260,000)	(182,255)	
Purchase Infrastructure Assets - Footpaths	1	(363,520)	(265,098)	(611,151)	(98,422)	(37.13%)
Purchase Infrastructure Assets - Drainage	1	(323,508)	(1,010,772)	(1,010,772)	687,264	0.00%
Purchase Infrastructure Assets - Parks & Ovals	1	(403,961)	(649,264)	(649,264)	245,303	37.78%
Purchase Infrastructure Assets - Airfields	1	0	0	0	0	#DIV/0!
Purchase Infrastructure Assets - Streetscape	1	(157,236)	(132,174)	(264,371)	(25,062)	(18.96%)
Purchase Infrastructure Assets - Other	1	(176,746)	(410,042)	(410,042)	233,296	56.90%
Proceeds from Disposal of Assets	2	48,182	172,321	344,642	(124,139)	72.04%
Repayment of Debentures	3	(103,468)	(105,060)	(210,154)	1,592	1.52%
Proceeds from New Debentures	3	0	0	0	0	0.00%
Advances to Community Groups		0	0	0	0	0.00%
Self-Supporting Loan Principal Income	3	14,821	15,050	30,099	(229)	0.00%
Transfers to Restricted Assets (Reserves)	4	(62,993)	(963,385)	(963,385)	900,392	93.46%
Transfers from Restricted Asset (Reserves)	4	0	1,858,061	1,858,061	(1,858,061)	0.00%
Transfers from Restricted Asset (Other)		0	0	0	0	#DIV/0!
ADD Net Current Assets July 1 B/Fwd	5	5,911,724	5,911,724	5,919,675	0	0.00%
LESS Net Current Assets Year to Date	5	9,808,431	4,024	4,024	9,804,407	243,648.28%
		53,518	(1,586,517)	1,254,208	1,640,035	(103.37%)

This statement is to be read in conjunction with the accompanying notes.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

---

#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>1. ACQUISITION OF ASSETS</b>		
The following assets have been acquired during the period under review:		
<b><u>By Program</u></b>		
<b>Governance</b>		
CEO Vehicle	0	55,000
<b>Law, Order &amp; Public Safety</b>		
CESM Vehicle	33,115	40,000
Brigade Appliance -3.4 Grass Valley	0	335,000
Brigade Appliance - Light Tanker Irishtown BFB	0	125,000
Inkpen Fireshed	0	280,851
Clackline/Muresk Fire Shed	20,229	51,975
Electronic Conversion of Standpipe	0	12,500
Ranger Vehicle	0	35,000
Ranger Vehicle	0	25,000
CCTV - Fitzgerald St & Peel Tce	0	24,200
<b>Health</b>		
Snr EHO Vehicle	0	35,000
<b>Education &amp; Welfare</b>		
NRCP Vehicle	31,454	38,500
Fluffy Ducks Patio & Power Relocation	0	10,455
Land & Buildings - Respite Centre Construction	14,801	19,852
<b>Community Amenities</b>		
Gate House - Inkpen Landfill	0	10,000
Drainage - Bernard Park Supertowns	4,015	338,026
Drainage - Town Centre Stage 2	0.0	0
Area Drainage	88,586.1	232,513
Drainage CLGF 12/13	700	
Aerators - Supertowns	79,224	241,123
Snr EHO Vehicle	40,271	35,000
Avon Mall Streetscaping	35,861	148,138
Buildings Cemetery	0	0
Cemetery Drainage	0	2,769
Cemetery Lot Development	0	18,600

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>1. ACQUISITION OF ASSETS (Continued)</b>		
<b><u>By Program (Continued)</u></b>		
<b>Recreation and Culture</b>		
Land & Building - Replace Balcony	0	178,200
Northam Pool Bowl Tiles	569	14,000
Filter - Wundowie Pool	0	24,600
Rec Centre Air Conditioning	0	500,000
Rec Centre Additional Exit Doors	0	25,000
Bakers Hill Golf & Tennis - Kitchen	0	60,365
EMCommS Vehicle	39,482	40,000
George Nuich Park *	136,562	85,895
Play Equipment Wundowie	0	9,796
Play Equipment Jubilee Oval	0	0
Install Cricket Pitch - Jubilee Oval	13,360	27,000
Henry Street Oval Fencing WAFL Grant	0	3,223
Free Standing Stackable Seating	0	3,580
BMX Lighting	0	20,000
Bert Hawke Drainage	0	40,000
Bert Hawke Lighting	0	20,000
Wundowie Skate Park	135,771	194,032
Henry Street Oval Drainage	0	6,780
Playground POS Improvements	98,260	178,069
Parks Seating & Play Equipment	5,757	40,000
Retic Wundowie Oval	14,252	20,889
Drink Fountain - Rec Centre	5,280	5,500
Railway Precinct Upgrade	0	49,284
AVVVA - Building Renewal	0	42,000
AVVVA - Kitchen Refurbishment	0	36,365
Aboriginal & Environmental Building	0	2,100,000
Carpark/ Drop Zone Old Railway Station	84,262	70,376

\*George Nuich Park will receive a revised budget of \$150,000 with reduced funding from Public Open Space

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>1. ACQUISITION OF ASSETS (Continued)</b>		
<b><u>By Program (Continued)</u></b>		
<b>Transport</b>		
Northam Depot Relocation Feasibility	0	10,000
Footpath Construction	336,551	530,253
Rural Drainage	0	106,570
GEH Deproclamation Funds	104,127	60,726
Southern Brook Road RRG 15/16	1,481	249,244
Jennapullin Road RRG 15/16	32,966	82,067
Roadworks - General Construction	228,571	596,917
Bridge Construction	182,255	260,000
Roadworks - Roads to Recovery	62,875	1,158,217
Roadworks - Supplementary Funding	86	237,917
Laneway Land Acquisition	1,250	28,500
Roadworks - Blackspot Funding	6,103	223,556
Infra Development - Super Towns	0	14,962
Roadworks - Gravel Sheeting	205,237	619,203
Kerb Renewal	25,023	107,574
Culvert Renewal	12,674	46,018
Footpath Renewal	26,968	80,898
Plant & Equipment - Road Plant Purchases	398,927	915,554
<b>Economic Services</b>		
Christmas Decorations	9,113	17,436
Information Bays	37,112	35,857
Signs Tower - GEH	0	10,000
Building Mtc Supervisor Vehicle	0	25,000
Snr Building Surveyor Vehicle	0	35,000
Bakers Hill Water Project	31,416	25,000
Wundowie Stormwater Harvest	198,791	262,645
Car Park Medical Centre	82,560	49,314
	2,865,900	11,697,884

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

1. ACQUISITION OF ASSETS (Continued)	December 2015 Actual \$	2015/2016 Budget \$
<b><u>By Class</u></b>		
Land Held for Resale	0	0
Land and Buildings	36,280	3,402,847
Plant and Equipment	543,249	1,279,054
Furniture and Equipment	0	0
Bush Fire Equipment	0	460,000
Playground Equipment	0	0
Infrastructure Assets - Roads	679,145	3,350,383
Infrastructure Assets - Footpaths	363,520	611,151
Infrastructure Assets - Bridges & Culverts	182,255	260,000
Infrastructure Assets - Drainage	323,508	1,010,772
Infrastructure Assets - Parks & Ovals	403,961	649,264
Infrastructure Assets - Airfields	0	0
Infrastructure Assets - Streetscape	157,236	264,371
Infrastructure Assets - Other	176,746	410,042
	2,865,900	11,697,884

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

2. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

<u>By Program</u>	Written Down Value		Sale Proceeds		Profit(Loss)	
	December 2015 Actual \$	2015/2016 Budget \$	December 2015 Actual \$	2015/2016 Budget \$	December 2015 Actual \$	2015/2016 Budget \$
<b>Governance</b>						
PN1315 CEO Vehicle (N4082) MV1315	0.00	46,647	0.00	29,000	0.00	(17,647)
<b>Law, Order, Public Safety</b>						
PN1315 CESM Vehicle (N4056) MV1303	23,134	25,001	9,091	10,000	(14,043)	(15,001)
PN1223 Ranger Vehicle (N4021) MV1228	0.00	20,019	0.00	10,000	0.00	(10,019)
PN1304 Ranger Vehicle (N4057) MV1304	0.00	21,552	0.00	10,000	0.00	(11,552)
<b>Health</b>						
PN1215 SEHO Vehicle (N10734) MV1218	0.00	15,995	0.00	13,000	0.00	(2,995)
<b>Community Amenities</b>						
PN1208 Snr Planner Vehicle (N10714) MV1208	0.00	12,000	0.00	12,000	0.00	0
PN1301 SV6 Commodore Sedan (N4030) MV1302	23,101	24,726	17,727	20,000	(5,374)	(4,726)
<b>Recreation &amp; Culture</b>						
PN1306 EMCommS Vehicle (N4092) MV1305	27,550	29,437	21,364	20,000	(6,186)	(9,437)
<b>Transport</b>						
PN0812 Wundowie Truck (N3647) 9216	0.00	25,000	0.00	31,045	0.00	6,045
PN1201 Flocon (N008) MV1201 & MV1202	0.00	90,751	0.00	73,427	0.00	(17,324)
P5029 Quad Bike (N5173) 9029	0.00	7,417	0.00	7,276	0.00	(141)
PN0905 Ride on Mower (N3779) 9240	0.00	22,169	0.00	8,211	0.00	(13,958)
P5017 Dynapac Vibrating Roller (N9166) 9017	0.00	3,794	0.00	3,047	0.00	(747)
PN1009 Two Way Tip Truck (N3885) RP1009	0.00	111,342	0.00	50,000	0.00	(61,342)
PN1205 Reticulation Utility (N10709) MV1206	0.00	8,635	0.00	12,636	0.00	4,001
Flail Mower Wundowie	0.00	0	0.00	5,000	0.00	5,000
<b>Other Economic Services</b>						
PN1221 Building Mtc Vehicle (N10728) MV1213	0.00	11,752	0.00	10,000	0.00	(1,752)
PN1219 Snr Building Surveyor Vehicle (N3433) MV1224	0.00	12,434	0.00	20,000	0.00	7,566
	73,785	488,671	48,182	344,642	(25,603)	(144,029)

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

#### 2. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

<u>By Class</u>	Written Down Value		Sale Proceeds		Profit(Loss)	
	December 2015	2015/2016	December 2015	2015/2016	December 2015	2015/2016
	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$
<b>Plant &amp; Equipment</b>						
PN1315 CEO Vehicle (N4082) MV1315	0	46,647	0	29,000	0	(17,647)
PN1315 CESH Vehicle (N4056) MV1303	23,134	25,001	9,091	10,000	(14,043)	(15,001)
PN1223 Ranger Vehicle (N4021) MV1228	0	20,019	0	10,000	0	(10,019)
PN1304 Ranger Vehicle (N4057) MV1304	0	21,552	0	10,000	0	(11,552)
PN1215 SEHO Vehicle (N10734) MV1218	0	15,995	0	13,000	0	(2,995)
PN1208 Snr Planner Vehicle (N10714) MV1208	0	12,000	0	12,000	0	0
PN1306 EMCommS Vehicle (N4092) MV1305	27,550	29,437	21,364	20,000	(6,186)	(9,437)
PN0812 Wundowie Truck (N3647) 9216	0	25,000	0	31,045	0	6,045
PN1201 Flocon (N008) MV1201 & MV1202	0	90,751	0	73,427	0	(17,324)
P5029 Quad Bike (N5173) 9029	0	7,417	0	7,276	0	(141)
PN0905 Ride on Mower (N3779) 9240	0	22,169	0	8,211	0	(13,958)
P5017 Dynapac Vibrating Roller (N9166) 9017	0	3,794	0	3,047	0	(747)
PN1009 Two Way Tip Truck (N3885) RP1009	0	111,342	0	50,000	0	(61,342)
PN1205 Reticulation Utility (N10709) MV1206	0	8,635	0	12,636	0	4,001
Flail Mower Wundowie	0	0	0	5,000	0	5,000
PN1301 SV6 Commodore Sedan (N4030) MV1302	23,101	24,726	17,727	20,000	(5,374)	(4,726.00)
PN1221 Building Mtc Vehicle (N10728) MV1213	0	11,752	0	10,000	0	(1,752)
PN1219 Snr Building Surveyor Vehicle (N3433) MV1224	0	12,434	0	20,000	0	7,566
	73,785	488,671	48,182	344,642	(25,603)	(144,029)

#### Summary

Profit on Asset Disposals  
Loss on Asset Disposals

December 2015	2015/2016
Actual	Budget
\$	\$
0	22,612
(25,603)	(166,641)
<u>(25,603)</u>	<u>(144,029)</u>

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

**3. INFORMATION ON BORROWINGS**

(a) Debenture Repayments

Particulars	Principal 1-Jul-15	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		2015/2016 Budget \$	2015/2016 Actual \$	2015/2016 Budget \$	2015/2016 Actual \$	2015/2016 Budget \$	2015/2016 Actual \$	2015/2016 Budget \$	2015/2016 Actual \$
<b>Recreation &amp; Culture</b>									
Loan 208 - Northam Country Club **	25,270	0	0	4,919	2,414	20,351	22,856	1,938	1,021
Loan 219 - Northam Bowling Club **	94,923	0	0	25,180	12,407	69,743	82,516	5,752	3,089
Loan 223 - Recreation Facilities	579,122	0	0	102,423	50,447	476,699	528,675	37,485	19,718
Loan 224 - Recreation Facilities	976,294	0	0	36,236	17,829	940,058	958,465	69,264	35,023
<b>Transport</b>									
Loan 221 - Airstrip Upgrade	37,519	0	0	11,749	5,784	25,770	31,735	2,435	1,320
<b>Economic Services</b>									
Loan 225 - Victoria Oval Purchase	798,785	0	0	29,647	14,587	769,138	784,198	56,671	28,655
	2,511,913	0	0	210,154	103,468	2,301,759	2,408,445	173,545	88,826

**Note:** \*\* indicates self - supporting loans

All other debenture repayments are to be financed by general purpose revenue.

Loan 221 - No longer a self supporting loan to Northam Aero Club now financed by general purpose revenue.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

#### 3. INFORMATION ON BORROWINGS (Continued)

(b) New Debentures - 2015/16

The Shire of Northam does not propose to raise any new debenture in 2015/16.

(c) Unspent Debentures

Council had no unspent debenture funds as at 30th June 2015, it is not expected to have any unspent debenture funds as at 30th June 2016.

(d) Overdraft

Council has not utilised an overdraft facility during the financial year although an overdraft facility of \$100,000 with the Bank of Western Australia does exist. It is not anticipated that this facility will be required to be utilised during 2015/16.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>4. RESERVES - CASH BACKED</b>		
<b>(a) Aged Accomodation Reserve</b>		
Opening Balance	255,465	255,465
Interest	2,613	6,324
Amount Set Aside / Transfer to Reserve	0	15,900
Amount Used / Transfer from Reserve	0	(41,380)
	258,078	236,309
<b>(b) Employee Liability Reserve</b>		
Opening Balance	494,602	494,602
Interest	5,058	12,213
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(18,500)
	499,660	488,315
<b>(c) Housing Reserve</b>		
Opening Balance	242,782	242,782
Interest	2,483	5,995
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	245,265	248,777
<b>(d) Reticulation Scheme Reserve</b>		
Opening Balance	48,750	48,750
Interest	499	1,204
Amount Set Aside / Transfer to Reserve	0	40,000
Amount Used / Transfer from Reserve	0	0
	49,249	89,954
<b>(e) Office Equipment Reserve</b>		
Opening Balance	122,458	122,458
Interest	1,252	3,024
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	123,710	125,482
<b>(f) Plant &amp; Equipment Reserve</b>		
Opening Balance	600,754	600,754
Interest	6,144	15,999
Amount Set Aside / Transfer to Reserve	0	488,965
Amount Used / Transfer from Reserve	0	(678,212)
	606,898	427,506
<b>(g) Recreation Reserve</b>		
Opening Balance	18,131	18,131
Interest	185	448
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(18,579)
	18,316	0
<b>(h) Road &amp; Bridgeworks Reserve</b>		
Opening Balance	547,453	547,453
Interest	5,599	13,479
Amount Set Aside / Transfer to Reserve	0	10,000
Amount Used / Transfer from Reserve	0	(187,180)
	553,052	383,752

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>4. RESERVES - CASH BACKED</b>		
<b>(i) Refuse Site Reserve</b>		
Opening Balance	228,755	228,756
Interest	2,339	5,649
Amount Set Aside / Transfer to Reserve	0	150,105
Amount Used / Transfer from Reserve	0	0
	<u>231,094</u>	<u>384,510</u>
<b>(j) Regional Development Reserve</b>		
Opening Balance	873,646	873,646
Interest	8,935	21,573
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(80,000)
	<u>882,581</u>	<u>815,219</u>
<b>(k) Speedway Reserve</b>		
Opening Balance	134,967	134,968
Interest	1,380	3,333
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>136,347</u>	<u>138,301</u>
<b>(l) Community Bus Replacement Reserve</b>		
Opening Balance	31,138	31,139
Interest	318	769
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>31,456</u>	<u>31,908</u>
<b>(m) Septage Pond Reserve</b>		
Opening Balance	324,006	324,006
Interest	3,314	8,001
Amount Set Aside / Transfer to Reserve	0	26,415
Amount Used / Transfer from Reserve	0	0
	<u>327,320</u>	<u>358,422</u>
<b>(n) Killara Reserve</b>		
Opening Balance	168,620	154,372
Interest	1,724	7,000
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(30,000)
	<u>170,345</u>	<u>131,372</u>
<b>(o) Stormwater Drainage Projects Reserve</b>		
Opening Balance	27,441	27,441
Interest	281	1,067
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>27,722</u>	<u>28,508</u>

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>4. RESERVES - CASH BACKED (Continued)</b>		
<b>(p) Recreation and Community Facilities Reserve</b>		
Opening Balance	810,814	810,813
Interest	8,292	20,022
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(431,296)
	<u>819,106</u>	<u>399,539</u>
<b>(q) Administration Office Reserve</b>		
Opening Balance	671,050	671,050
Interest	6,863	16,570
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>677,913</u>	<u>687,620</u>
<b>(r) Council Buildings &amp; Amenities Reserve</b>		
Opening Balance	130,204	130,203
Interest	1,332	3,215
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(100,000)
	<u>131,536</u>	<u>33,418</u>
<b>(s) River Town Pool Dredging Reserve</b>		
Opening Balance	283,686	283,686
Interest	2,901	7,005
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(223,600)
	<u>286,587</u>	<u>67,091</u>
<b>(t) Parking Facilities Construction Reserve</b>		
Opening Balance	123,583	123,582
Interest	1,264	3,586
Amount Set Aside / Transfer to Reserve	0	75,000
Amount Used / Transfer from Reserve	0	(49,314)
	<u>124,847</u>	<u>152,854</u>
<b>(u) Art Collection Reserve</b>		
Opening Balance	21,219	21,219
Interest	217	524
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>21,436</u>	<u>21,743</u>
<b>Total Cash Backed Reserves</b>	<u><u>6,222,517</u></u>	<u><u>5,250,600</u></u>
Total Interest	62,993	157,000

All of the above reserve accounts are to be supported by money held in financial institutions.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	December 2015 Actual \$	2015/2016 Budget \$
<b>4. RESERVES - CASH BACKED (Continued)</b>		
<b>Summary of Transfers to Cash Backed Reserves</b>		
<b>Transfers to Reserves</b>		
Aged Accomodation Reserve	2,613	22,224
Employee Liability Reserve	5,058	12,213
Housing Reserve	2,483	5,995
Reticulation Scheme Reserve	499	41,204
Office Equipment Reserve	1,252	3,024
Plant & Equipment Reserve	6,144	504,964
Recreation Reserve	185	448
Road & Bridgeworks Reserve	5,599	23,479
Refuse Site Reserve	2,339	155,754
Regional Development Reserve	8,935	21,573
Speedway Reserve	1,380	3,333
Community Bus Replacement Reserve	318	769
Septage Pond Reserve	3,314	34,416
Killara Reserve	1,724	7,000
Stormwater Drainage Projects Reserve	281	1,067
Recreation and Community Facilities Reserve	8,292	20,022
Administration Office Reserve	6,863	16,570
Council Buildings & Amenities Reserve	1,332	3,215
River Town Pool Dredging Reserve	2,901	7,005
Parking Facilities Construction Reserve	1,264	78,586
Art Collection Reserve	217	524
	<u>62,993</u>	<u>963,385</u>
<b>Transfers from Reserves</b>		
Aged Accomodation Reserve	0	(41,380)
Employee Liability Reserve	0	(18,500)
Housing Reserve	0	0
Reticulation Scheme Reserve	0	0
Office Equipment Reserve	0	0
Plant & Equipment Reserve	0	(678,212)
Recreation Reserve	0	(18,579)
Road & Bridgeworks Reserve	0	(187,180)
Refuse Site Reserve	0	0
Regional Development Reserve	0	(80,000)
Speedway Reserve	0	0
Community Bus Replacement Reserve	0	0
Septage Pond Reserve	0	0
Killara Reserve	0	(30,000)
Stormwater Drainage Projects Reserve	0	0
Recreation and Community Facilities Reserve	0	(431,296)
Administration Office Reserve	0	0
Council Buildings & Amenities Reserve	0	(100,000)
River Town Pool Dredging Reserve	0	(223,600)
Parking Facilities Construction Reserve	0	(49,314)
Art Collection Reserve	0	0
	<u>0</u>	<u>(1,858,061)</u>
<b>Total Transfer to/(from) Reserves</b>	<u>62,993</u>	<u>(894,676)</u>

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

#### FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

#### 4. RESERVES (Continued)

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

**Aged Accomodation Reserve**

Provision of future capital works requirements for aged units at Kuringal Village, Wundowie, and other sites within the Shire of Northam.

**Employee Liability Reserve**

Provision for employees future liability commitments, ie annual leave, long service leave requirements and negotiated gratuities and sickness payouts.

**Housing Reserve**

Reserve established for future construction of Community Housing in Wundowie.

**Reticulation Scheme Reserve**

Provision for future replacement/upgrading of water reuse and reticulation infrastructure. Funds not expected to be used in a set period as further transfer to the reserve account are expected as funds are utilised.

**Office Equipment Reserve**

Acquisition and upgrading of Council offices, furniture, computers and general equipment. Funds not expected to be used in a set period as further transfer to the reserve account are expected as funds are utilised.

**Plant & Equipment Reserve**

Acquisition and upgrading of Council works plant and general equipment in accordance with plant replacement program. Funds not expected to be used in a set period as further transfer to the reserve account are expected as funds are utilised.

**Recreation Reserve**

Purpose - Development and improvement of recreation and sporting facilities within the Shire of Northam. It is anticipated that this reserve will be fully utilised in 2015/16.

**Road & Bridgeworks Reserve**

Provision for upgrading of road and bridge infrastructure within the Shire of Northam. Funds not expected to be used in a set period as further transfer to the reserve account are expected as funds are utilised.

**Refuse Site Reserve**

Purpose - Development of Refuse Sites and related infrastructure and equipment, including provision for future replacement facility and/or site. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

**Regional Development Reserve**

Purpose - To provide for future projects whereby a broader range of development ideas may be required to be encouraged on a regional basis, in consultation with other stakeholders and/or Local Governments. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

**Speedway Reserve**

Purpose - To provide funds for possible future rehabilitation works required at the Northam Speedway site on Fox Road Northam. No date has been specified for the use of this Reserve.

**Community Bus Replacement Reserve**

Purpose - To provide funds for future replacement of the Shire of Northam Community Buses. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

#### 4. RESERVES (Continued)

##### **Septic Pond Reserve**

Purpose - To provide for funds for future upgrades and maintenance to septic ponds and related infrastructure. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

##### **Killara Reserve**

Purpose - To provide a fund for surplus funds from Killara Operations and a restricted cash for and unspent Killara Grants. No date has been specified for the use of this Reserve.

##### **Stormwater Drainage Projects Reserve**

Purpose - To provide funds for stormwater drainage projects. No date has been specified for the use of this Reserve.

##### **Recreation and Community Facilities Reserve**

Purpose - To provide fund for Recreation and Public Facilities within the Shire of Northam. No date has been specified for the use of this Reserve. 2% of net rates levied each year set aside for the provision of recreation and sport facilities.

##### **Administration Office Reserve**

Purpose - To provide a fund for the expansion or relocation of the Shire of Northam Administration Centre. No date has been specified for the use of this Reserve.

##### **Council Buildings & Amenities Reserve**

Purpose - Provision for maintenance and upgrading of Council buildings and amenities. Funds not expected to be used in a set period as further transfer to the reserve account are anticipated.

##### **River Town Pool Dredging Reserve**

Purpose - Provision for dredging and maintenance of the River Town Pool. Funds not expected to be used in a set period as further transfers to the reserve account are anticipated.

##### **Parking Facilities Construction Reserve**

Purpose - Provision for future car parking facilities. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

##### **Art Collection Reserve**

Purpose - Provision for the care and maintenance of the Shire of Northam's art collection, including acquisitions and disposal. Funds are not expected to be used in a set period as further transfers to the reserve account are anticipated.

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**SHIRE OF NORTHAM**

**NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY**

**FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015**

	<b>December 2015 Actual \$</b>	<b>2014/2015 Financial Report \$</b>	<b>2015/2016 Budget \$</b>
<b>5. NET CURRENT ASSETS</b>			
<b>Composition of Estimated Net Current Asset Position</b>			
<b>CURRENT ASSETS</b>			
Cash - Unrestricted	6,006,032	3,118,600	200,000
Cash - Restricted Unspent Grants	1,652,141	2,107,310	0
Cash - Restricted Unspent Loans	0	0	0
Cash - Restricted Reserves	6,222,517	6,159,524	5,250,600
Self Supporting Loan	15,277	(5,322)	
Sundry Debtors	108,955	1,277,154	1,141,850
Rates - Current	3,010,327	1,136,116	0
Pensioners Rates Rebate	115,877	16,222	0
Provision for Doubtful Debts	(124,729)	(124,729)	0
GST Receivable	0	175,694	0
Accrued Income/Prepayments	0	11,693	0
Inventories	0	30,222	10,000
	<u>17,006,397</u>	<u>13,902,483</u>	<u>6,602,450</u>
<b>LESS: CURRENT LIABILITIES</b>			
Sundry Creditors	(838,567)	(1,207,536)	(2,159,557)
Rates Income in Advance	(62,274)	0	0
GST Payable	0	(104,067)	0
Accrued Salaries & Wages	0	0	0
Accrued Interest on Debentures	(35,862)	(35,862)	0
Payroll Creditors	0	(202,109)	0
Accrued Expenditure	0	0	0
Withholding Tax Payable	0	0	0
Payg Payable	114,143	(26,147)	0
Loan Liability	(106,683)	(210,153)	
Provision for Annual Leave	(454,669)	(534,837)	
Provision for Long Service Leave	(297,881)	(320,601)	
Other Payables	0	0	0
	<u>(1,681,793)</u>	<u>(2,641,312)</u>	<u>(2,159,557)</u>
<b>NET CURRENT ASSET POSITION</b>	<b>15,324,604</b>	<b>11,261,171</b>	<b>4,442,893</b>
Less: Cash - Reserves - Restricted	(6,222,517)	(6,159,524)	(5,250,600)
Less: Cash - Unspent Grants - Restricted	0	0	0
Add: Current Loan Liability	106,683	210,153	223,416
Add: Leave Liability Reserve	499,660	494,602	488,315
Add: Budgetted Leave	100,000	100,000	100,000
<b>ESTIMATED SURPLUS/(DEFICIENCY) C/FWD</b>	<b><u>9,808,431</u></b>	<b><u>5,906,402</u></b>	<b><u>4,024</u></b>

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2015/2016 Rate Revenue \$	2015/2016 Interim Rates \$	2015/2016 Back Rates \$	2015/2016 Total Revenue \$	2015/2016 Budget \$
<b>General Rate</b>								
00 Non-Rateable	0.0000	700	3,343,912	0	(1,743)	0	(1,743)	0
01 GRV-Townsites Residential	10.5571	2,988	37,552,380	3,964,443	1,182	0	3,965,625	3,981,043
02 GRV-Northam Commercial/Industrial	11.6252	248	11,255,466	1,308,470	0	0	1,308,470	1,309,570
05 Agricultural Local	0.5679	519	160,924,000	913,888	65,348	(1,255)	977,981	918,988
06 Agricultural Regional	0.4706	208	111,632,000	525,340	0	0	525,340	530,440
07 Rural Small Holdings	0.6474	546	95,829,000	620,397	0	0	620,397	623,497
<b>Sub-Totals</b>		5,209	420,536,758	7,332,538	64,787	(1,255)	7,396,070	7,363,538
		<b>Minimum</b>						
		<b>\$</b>						
01 GRV-Northam Town Gen	865	914	4,211,349	791,475	0	0	791,475	790,610
02 GRV-Northam Town Diff	865	48	185,998	41,520	0	0	41,520	41,520
05 Agricultural Local	865	136	11,523,418	117,640	0	0	117,640	117,640
06 Agricultural Regional	865	205	23,189,539	177,325	0	0	177,325	177,325
07 Rural Small Holdings	865	106	13,223,000	91,690	0	0	91,690	91,690
<b>Sub-Totals</b>		1,409	52,333,304	1,219,650	0	0	1,219,650	1,218,785
							8,615,720	8,582,323
Ex-Gratia Rates							0	12,900
Excess Rate Receipts							(158,077)	0
<b>Totals</b>				8,552,188	64,787	(1,255)	8,457,643	8,595,223

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

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#### SHIRE OF NORTHAM

#### NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

#### FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

#### 6. RATING INFORMATION (Continued)

All land except exempt land in the Shire of Northam is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2015/16 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

**SHIRE OF NORTHAM**  
**MINUTES**  
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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

7. TRUST FUNDS

Funds held at balance date over which the Municipality has no control and which are not included in this statement are as follows:

Detail		Balance 01-Jul-15 \$	Amounts Received \$	Amounts Paid (\$)	Balance \$
Town Hall Bond	1	1,500	500	(1,000)	1,000
Lesser Hall Bond	2	900	1,500	(1,500)	900
Nomination Deposits	4	0	640	(480)	160
Library Deposits & Income	5	0	0	0	0
POS - Cash in Lieu	6	338,929	3,090	0	342,019
Bonds - Building	7	34,500	0	0	34,500
Crossovers - Bond	9	86,392	0	0	86,392
Recreation Centre Bond	11	400	2,500	(2,000)	900
Facilities - Bonds	18	200	0	0	200
Footpath/Kerbing Deposit	22	96,500	9,000	(11,500)	94,000
Retentions	26	169,175	21,679	(56,611)	134,243
Sundry Trust	27	13,310	0	0	13,310
Building & Construction (E	29	0	26,264	(22,574)	3,690
Builders Reg Board Levy	30	0	23,885	(20,382)	3,503
Standpipe Key	31	6,900	350	(150)	7,100
Resited Dwellings	32	37,200	303	0	37,503
Deposits-Extractive Indust	33	261,548	2,737	0	264,285
Other	34	15,747	1,206	(100)	16,853
Other - Rental Bond	35	200	0	(200)	0
Bonds - Animal Traps	36	130	167	(167)	130
Storm Damage Donations	38	175	0	0	175
		<u>1,063,706</u>	<u>93,821</u>	<u>(116,664)</u>	<u>1,040,863</u>

**SHIRE OF NORTHAM**  
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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

8. OPERATING STATEMENT

	December		
	2015	2015/2016	2014/2015
	Actual	Budget	Actual
	\$	\$	\$
<b>OPERATING REVENUES</b>			
Governance	57,966	54,800	99,624
General Purpose Funding	9,538,165	10,772,405	14,635,200
Law, Order, Public Safety	106,451	1,044,095	431,881
Health	26,236	50,000	38,907
Education and Welfare	716,851	1,333,066	1,233,363
Housing	17,871	46,465	44,286
Community Amenities	1,987,360	2,469,929	3,594,743
Recreation & Culture	260,382	3,023,244	722,954
Transport	1,239,588	2,277,699	1,459,102
Economic Services	250,963	574,419	1,528,375
Other Property and Services	53,957	54,200	78,198
<b>TOTAL OPERATING REVENUE</b>	<b>14,255,790</b>	<b>21,700,322</b>	<b>23,866,634</b>
<b>OPERATING EXPENSES</b>			
Governance	622,506	1,201,997	1,217,592
Wundowie Skate Park	122,726	364,868	355,250
Law, Order, Public Safety	544,142	1,131,201	1,087,825
Health	187,422	296,919	375,458
Education and Welfare	682,165	1,502,295	1,376,796
Housing	50,901	105,856	102,994
Community Amenities	1,425,787	3,419,277	3,021,439
Recreation & Culture	2,329,686	4,285,143	3,952,063
Transport	4,117,910	4,760,181	4,646,373
Economic Services	921,075	2,036,106	1,827,167
Other Property and Services	183,373	27,040	210,182
<b>TOTAL OPERATING EXPENSE</b>	<b>11,187,693</b>	<b>19,130,883</b>	<b>18,173,139</b>
*George Nuich Park will receive a revised budget of \$150,000 with reduced funding from Public Open Space			
<b>RESULTING FROM OPERATIONS</b>	<b>3,068,097</b>	<b>2,569,439</b>	<b>5,693,495</b>

**SHIRE OF NORTHAM**  
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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

9. BALANCE SHEET

	December 2015 Actual \$	2014/2015 Actual \$
<b>CURRENT ASSETS</b>		
Cash Assets	13,880,690	11,385,434
Receivables	3,125,708	2,633,780
Inventories	0	30,221
<b>TOTAL CURRENT ASSETS</b>	<u>17,006,398</u>	<u>14,049,435</u>
<b>NON-CURRENT ASSETS</b>		
Receivables	400,038	435,458
Inventories	0	0
Land and Buildings	16,575,350	16,574,100
Property, Plant and Equipment	40,488,154	40,558,374
Infrastructure	<u>189,735,678</u>	<u>190,623,664</u>
<b>TOTAL NON-CURRENT ASSETS</b>	<u>247,199,220</u>	<u>248,191,596</u>
<b>TOTAL ASSETS</b>	<u>264,205,618</u>	<u>262,241,031</u>
<b>CURRENT LIABILITIES</b>		
Payables	822,561	1,722,670
Interest-bearing Liabilities	106,683	207,198
Provisions	<u>752,550</u>	<u>855,439</u>
<b>TOTAL CURRENT LIABILITIES</b>	<u>1,681,794</u>	<u>2,785,307</u>
<b>NON-CURRENT LIABILITIES</b>		
Interest-bearing Liabilities	2,301,760	2,301,760
Provisions	<u>158,484</u>	<u>158,484</u>
<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>2,460,244</u>	<u>2,460,244</u>
<b>TOTAL LIABILITIES</b>	<u>4,142,038</u>	<u>5,245,551</u>
<b>NET ASSETS</b>	<u>260,063,580</u>	<u>256,995,480</u>
<b>EQUITY</b>		
Retained Surplus	82,920,950	79,915,843
Reserves - Cash Backed	6,222,517	6,159,524
Reserves - Asset Revaluation	<u>170,920,113</u>	<u>170,920,113</u>
<b>TOTAL EQUITY</b>	<u>260,063,580</u>	<u>256,995,480</u>

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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SHIRE OF NORTHAM

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

10. FINANCIAL RATIO

	2016 YTD	2015	2014	2013
Current Ratio	7.72	2.52	1.43	1.82
Self Supporting Loan		15277.25	-5322.01	

The above rates are calculated as follows:

Current Ratio equals 
$$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

**SHIRE OF NORTHAM**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015**

	NOTE	December 2015 Actual \$	December 2015 Y-T-D Budget \$	Projected 2015/2016 Budget \$	Variances Actuals to Budget \$	Variations Actual Budget to Y-T-D %	
<b>Operating</b>							
<b>Revenues/Sources</b>							
	8						
Governance		57,966	27,372	54,800	30,594	111.77%	Insurance rebate greater than expected
General Purpose Funding Other		922,445	1,095,524	2,190,082	(173,079)	(15.80%)	Grants Commission Funding timing
General Purpose Funding Rates		8,615,720	4,290,660	8,582,323	4,325,060	100.80%	Rates levied in August, budget timing error to be adjusted
Law, Order, Public Safety		106,451	521,994	1,044,095	(415,543)	(79.61%)	Timing on DFES capital grant funding new plant, BFB and SES Operating Grant
Health		26,236	24,996	50,000	1,240	4.96%	
Education and Welfare		716,851	666,498	1,333,066	50,353	7.55%	
Housing		17,871	23,220	46,465	(5,349)	(23.04%)	
Community Amenities		1,987,360	1,234,908	2,469,929	752,452	60.93%	Rates levied in August for bin charges for the year, budget to be amended
Recreation and Culture		260,382	1,511,514	3,023,244	(1,251,132)	(82.77%)	Timing on grant income NSRF, AVVA and the Balcony on the Town Hall budget change to be made
Transport		1,239,588	922,322	2,277,699	317,266	34.40%	Timing on grant income MRWA, RRG and Blackspot Funding, budget amendment to be made
Economic Services		250,963	287,118	574,419	(36,155)	(12.59%)	Additional revenue for the Avon Festival
Other Property and Services		53,957	27,084	54,200	26,873	99.22%	Additional insurance claims received
		<u>14,255,790</u>	<u>10,633,210</u>	<u>21,700,322</u>	<u>3,622,580</u>	<u>34.07%</u>	
<b>(Expenses)/(Applications)</b>							
	8						
Governance		(622,506)	(631,245)	(1,201,997)	8,739	1.38%	
General Purpose Funding		(122,726)	(182,418)	(364,868)	59,692	32.72%	
Law, Order, Public Safety		(544,142)	(592,207)	(1,131,201)	48,065	8.12%	
Health		(187,422)	(149,096)	(296,919)	(38,326)	(25.71%)	
Education and Welfare		(682,165)	(751,911)	(1,502,295)	69,746	9.28%	Timing of Community sponsorship, higher depreciation charges
Housing		(50,901)	(54,371)	(105,856)	3,470	6.38%	
Community Amenities		(1,425,787)	(1,709,629)	(3,419,277)	283,842	16.60%	Additional Pool Expenses and Depreciation expensed, will be amended in the budget
Recreation & Culture		(2,329,686)	(2,201,447)	(4,285,143)	(128,239)	(5.83%)	
Transport		(4,117,910)	(2,457,734)	(4,760,181)	(1,660,176)	(67.55%)	Additional depreciation expenses
Economic Services		(921,075)	(1,066,517)	(2,036,106)	145,442	13.64%	Timing on budget allocations
Other Property and Services		(183,373)	(51,998)	(27,040)	(131,375)	(252.65%)	Insurance payments paid, will level back incoming months
		<u>(11,187,693)</u>	<u>(9,848,573)</u>	<u>(19,130,883)</u>	<u>(1,339,120)</u>	<u>13.60%</u>	
<b>Adjustments for Non-Cash (Revenue) and Expenditure</b>							
(Profit)/Loss on Asset Disposals	2	25,603	72,015	144,029	(46,412)	64.45%	Timing of Asset disposals
Movement in Accrued Interest		0	0	0	0	0.00%	
Movement in Accrued Salaries and Wages		0	0	0	0	0.00%	
Movement in Deferred Pensioner Rates/ESL		0	0	0	0	0.00%	
Movement in Employee Benefit Provisions		(102,889)	0	0	(102,889)	0.00%	
Depreciation on Assets		3,752,027	1,631,778	3,263,710	2,120,249	(129.93%)	Fair Valuation increased the value of the assets and thus annual depreciation charges. The budget review will amend this.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

**SHIRE OF NORTHAM  
STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015**

	NOTE	December 2015 Actual \$	December 2015 Y-T-D Budget \$	Projected 2015/2016 Budget \$	Variances Actuals to Budget \$	Variances Actual Budget to Y-T-D %	
<b>Operating</b>							
<b>Capital Revenue and (Expenditure)</b>							
Purchase Land Held for Resale	1	0	0	0	0	0.00%	
Purchase Land and Buildings	1	(36,280)	(3,402,847)	(3,402,847)	3,366,567	98.93%	Timing on building works
Purchase Plant and Equipment	1	(543,249)	(1,279,054)	(1,279,054)	735,805	57.53%	Timing on plant purchases
Purchase Furniture and Equipment	1	0	0	0	0	0.00%	
Purchase Bush Fire Equipment	1	0	(460,000)	(460,000)	460,000	100.00%	Timing unknown for supply by DFES
Purchase Playground Equipment	1	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Roads	1	(679,145)	(3,350,383)	(3,350,383)	2,671,238	79.73%	Timing on budget allocations
Purchase Infrastructure Assets - Bridges	1	(182,255)	0	(260,000)	(182,255)	#DIV/0!	Quotes obtained - project to be carried forward
Purchase Infrastructure Assets - Footpaths	1	(363,520)	(265,098)	(611,151)	(98,422)	(37.13%)	Timing on budget allocations
Purchase Infrastructure Assets - Drainage	1	(323,508)	(1,010,772)	(1,010,772)	687,264	67.99%	Timing on budget allocations
Purchase Infrastructure Assets - Parks & Ovals	1	(403,961)	(649,264)	(649,264)	245,303	37.78%	Timing on budget allocations
Purchase Infrastructure Assets - Airfields	1	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Streetscape	1	(157,236)	(132,174)	(264,371)	(25,062)	(18.96%)	
Purchase Infrastructure Assets - Other	1	(176,746)	(410,042)	(410,042)	233,296	56.90%	Timing on budget allocations
Proceeds from Disposal of Assets	2	48,182	172,321	344,642	(124,139)	72.04%	Assets not disposed of
Repayment of Debentures	3	(103,468)	(105,060)	(210,154)	1,592	1.52%	
Proceeds from New Debentures	3	0	0	0	0	0.00%	
Advances to Community Groups		0	0	0	0	0.00%	
Self-Supporting Loan Principal Income	3	14,821	15,050	30,099	(229)	1.52%	
Transfers to Restricted Assets (Reserves)	4	(62,993)	(963,385)	(963,385)	900,392	93.46%	
Transfers from Restricted Asset (Reserves)	4	0	1,858,061	1,858,061	(1,858,061)	100.00%	
Transfers from Restricted Asset (Other)		0	0	0	0	0.00%	
ADD Net Current Assets July 1 B/Fwd	5	5,906,402	5,906,402	5,919,675	0	0.00%	
LESS Net Current Assets Year to Date	5	9,808,431	4,024	4,024	9,804,407	243648.28%	
<b>Amount Raised from Rates</b>	6	<b>11,287,457</b>	<b>(1,591,839)</b>	<b>1,254,208</b>	<b>12,879,296</b>	<b>(809.08%)</b>	

This statement is to be read in conjunction with the accompanying notes.

# SHIRE OF NORTHAM

## MINUTES

### ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016

**BANK RECONCILIATION STATEMENT**  
Period Ending 31st December 2015

	Muni Fund Shire	Trust Fund Shire	Reserve A/c Shire	Unspent DRD DRAINAGE FUNDS Shire
<b>Balance as per Bank Statements</b>				
ANZ	2645-61899	\$ 67,232.26		
Business Bonus	028-0331279	\$1,763,315.85		
ANZ		\$1,838,000.00		
Bendigo Bank - Term Deposit	1781271	\$2,500,000.00		
Muni Operating A/C	028-5350119	\$69,835.92		
WA TREASURY BANK		\$612,351.68		
Term Deposit (Trust)T183	028-036059-9		\$27,154.15	
Term Deposit (Trust)T396	028-0387254		\$34,903.92	
ANZ Term Deposit (Trust) POS	9975-02546		\$342,019.18	
Term Deposit (Trust) Extractive Industry	028-695773-2		\$95,385.58	
Term Deposit (Trust)T376 & T440	028-0392516		\$82,561.95	
Term Deposit (Trust)T527	028-0386517		\$24,279.11	
Trust Operating A/C	028-5350143		\$325,982.47	
Term Deposit (Trust T701)	028-0397045		\$42,460.03	
Term Deposit (Trust T823)	028-0403591		\$30,307.33	
Term Deposit ( Trust 825)	028-0403583		\$30,303.29	
Business Bonus(Reserve)	028-0364535			\$1,437,435.90
Term Dep Term Deposit	028-0390108			\$683,710.73
ANZ Term Deposit	997465749			\$2,040,918.06
Term Deposit	028-0400828			\$2,060,452.07
WATC OCDF	066-040 19300000			\$1,039,788.96
<b>Total As Per Bank Statements</b>	<b>\$6,650,735.51</b>	<b>\$1,035,357.01</b>	<b>\$6,222,516.76</b>	<b>\$1,039,788.96</b>
<b>Plus</b>				
Outstanding Deposits	5,680.46	9,929.31		
Outstanding Dep (Trust)				
Outstanding Dep ( Muni)				
	<b>\$5,680.46</b>	<b>\$9,929.31</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Less</b>				
Unpresented Cheques	(41,561.83)	(4,424.22)		
	<b>(\$41,561.83)</b>	<b>(\$4,424.22)</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Adjustments</b>				
Transfer from Muni to Reserve				
Transfer from Reserve to Muni				
Transfer of bank fee charges Unspent Grants				
<b>Bank Statement Balance after Adjustments</b>	<b>\$6,614,854.14</b>	<b>\$1,040,862.10</b>	<b>\$6,222,516.76</b>	<b>\$1,039,788.96</b>
<b>General Ledger Accounts</b>				
111000010 MUNI BANK	6,002,502.46			
1111800010 Trust Bank		1,040,862.10		
1111001010 Short Term Investment	612,351.68			
1111501010 Reserve Inv Bank			6,222,516.76	
1111002010 Unspent Grant				\$1,039,788.96
<b>Balance Per General Ledger Accounts</b>	<b>\$6,614,854.14</b>	<b>\$1,040,862.10</b>	<b>\$6,222,516.76</b>	<b>\$1,039,788.96</b>
<b>IMBALANCE</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Prepared by *J.A. Becker* Confirmed by *[Signature]*  
 POSITION: SENIOR FINANCE OFFICER POSITION: ACCOUNTANT

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**13.4. COMMUNITY SERVICES**

Nil.

**13.5. ENGINEERING SERVICES**

Nil.

**14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14.1 BUDGET CONSIDERATION 2016/17 – FREE SKIP BIN SERVICE**

Cr Williams has given notice for the following motion;

**MOTION / COUNCIL DECISION**

**Minute No: C.2649**

**Moved: Cr Williams**

**Seconded: Cr Proud**

**That Council request the Chief Executive Officer to obtain quotes to extend the free skip bin service (one per year) to include all households throughout the Shire of Northam and present these as part of the Shire of Northam Annual Budget 2016/17 Considerations list.**

**CARRIED 8/1**

**COMMENT / BACKGROUND**

The free service provided to the residents of Northam townsite is a residual one from pre-Shire/Town amalgamation which has been continued for those town residents only. This continues to be, for many residents, frustrating evidence of a continuing 'divide' between town and Shire.

Skip bins are provided for community use in other towns in the Shire for a few weeks at a given date, a couple of times a year. Most able bodied residents are of the opinion, however, that if they have to load up a trailer, ute, whatever, with their rubbish to take it elsewhere and then unload it again, they may as well take it to a refuse site, particularly if they live out of the town, whilst many elderly and frail people find it too difficult.

This matter was up for consideration in last year's budget but was unsuccessful.

**SHIRE OF NORTHAM**  
**MINUTES**  
**ORDINARY COUNCIL MEETING HELD ON 17 FEBRUARY 2016**

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**14.2 BUDGET CONSIDERATION 2016/17 – BAKERS HILL DRAINAGE STUDY**

Cr Rumjantsev has given notice for the following motion;

**MOTION / COUNCIL DECISION**

**Minute No: C.2650**

**Moved: Cr Rumjantsev**

**Seconded: Cr Davidson**

**That Council request the Chief Executive Officer to obtain quotes to undertake a detailed drainage study of the Koojemma, Carlin Valley, Redcourte, Glenmore, Bakers Hill districts and present these as part of the Shire of Northam Annual 2016 / 2017 Budget considerations list.**

**CARRIED 8/1**

**COMMENT / BACKGROUND**

From the beginning, the Bakers Hill subdivisions (approx. 1992) by developers, there was never any detailed history, specific drainage works included in the plans, except for property crossovers. Hence there can be severe major problems the moment an occurrence of 25 ml of rain falls in a considerably short space of time, during any season. Problems such as the undermining of buildings, destruction of fences, washouts of driveways and road flooding which leaves gravel and silt deposits across roads.

Outcomes

Solutions that could be considered would include correct table drains/deep spoon shaped roadside gutters to both sides of the roads/streets that are correctly lined with gradient rocks (as per the new estate on Bach and Carlin Rd), regular removal of litter build-up. E.g. In the case of the high end of Carlin Rd the table drains/gutters to have calmers installed to slow the water and for the entry to the creek-bed to be curved away from the pipe crossing thus alleviating the sluicing straight onto the pipe which has resulted in severe wash away and a safety issue for road traffic including school buses on a bi daily basis.

From a study property owners could also be instructed on the best ways to calm water flow through their own properties not only for their own comfort but also consideration for the neighbours.

It has become very apparent that whether it's considered climate change or global warming the rainfall pattern is no longer as it was 25 years ago in terms of severe weather, with spring and summer, are also the most significant periods of the year for Western Australia with increased risk for bushfire, tropical cyclones, heat waves, and more frequent severe thunderstorms and considered heavier rain occurrences. Already this season, there have been severe thunderstorms that have affected several regions

**SHIRE OF NORTHAM**  
**MINUTES**  
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within the Shire of Northam, with associated structural damage, damaging hail and flash flooding.

**15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**15.1. Elected Members**

Nil.

**15.2. Officers**

Nil.

**16. CONFIDENTIAL ITEMS**

Nil.

**17. DECLARATION OF CLOSURE**

There being no further business, the Shire President, Cr S B Pollard declared the meeting closed at 6.48pm.

"I certify that the Minutes of the Ordinary Meeting of Council held on Wednesday, 17 February 2016 have been confirmed as a true and correct record."

\_\_\_\_\_ President

\_\_\_\_\_ Date