



MINUTES

ORDINARY MEETING OF COUNCIL

25th November 2020
Commencing at 3:30pm

Council Chambers
Yougenup Road, Gnowangerup WA 6335

[COUNCIL'S VISION](#)

Gnowangerup Shire – A progressive, inclusive and prosperous community built on opportunity

Shire of Gnowangerup

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Gnowangerup will be held on Wednesday 25th November 2020, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:30pm.



Signed: _____

Bob Jarvis

CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

- (a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and*
- (b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.*

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Gnowangerup for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Gnowangerup 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 or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Gnowangerup during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Gnowangerup.

The Shire of Gnowangerup advises that anyone who has any application lodged with the Shire of Gnowangerup shall obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Gnowangerup in respect of the application.

These minutes are not a verbatim record but include the contents pursuant to Regulation 11 of Local Government (Administration) Regulations 1996.

Signed:  _____

Bob Jarvis
CHIEF EXECUTIVE OFFICER



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I,(1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item(3) _____

The **type** of Interest I wish to declare is (4).

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The **nature** of my interest is (5) _____

The **extent** of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)..

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

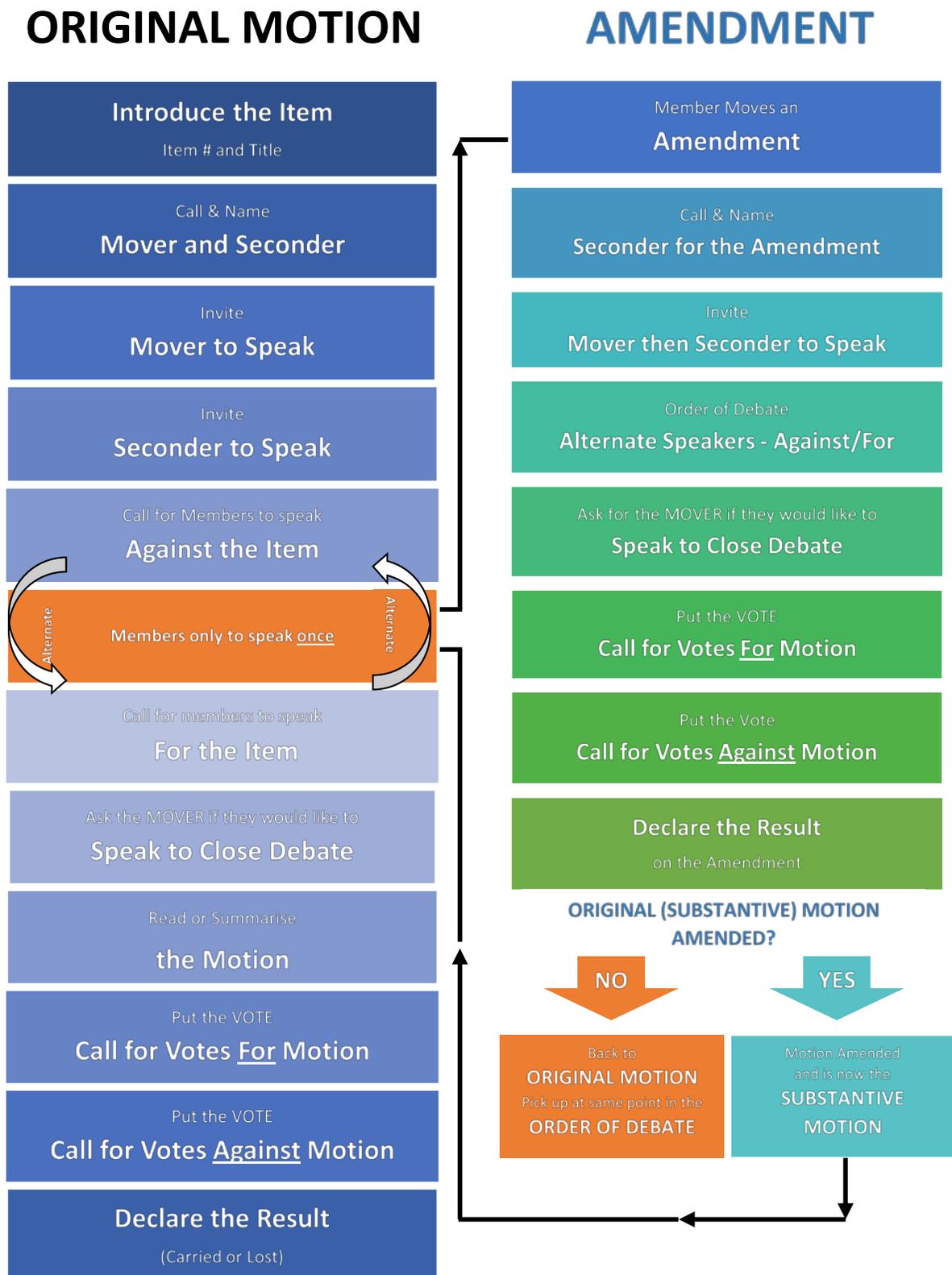
DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

Process of Motions



Slight clarification of wording of motion: A minor amendment of the motion can be done at any time through the President with the approval of the Mover and the Seconder. The Minor amendment must be minuted.

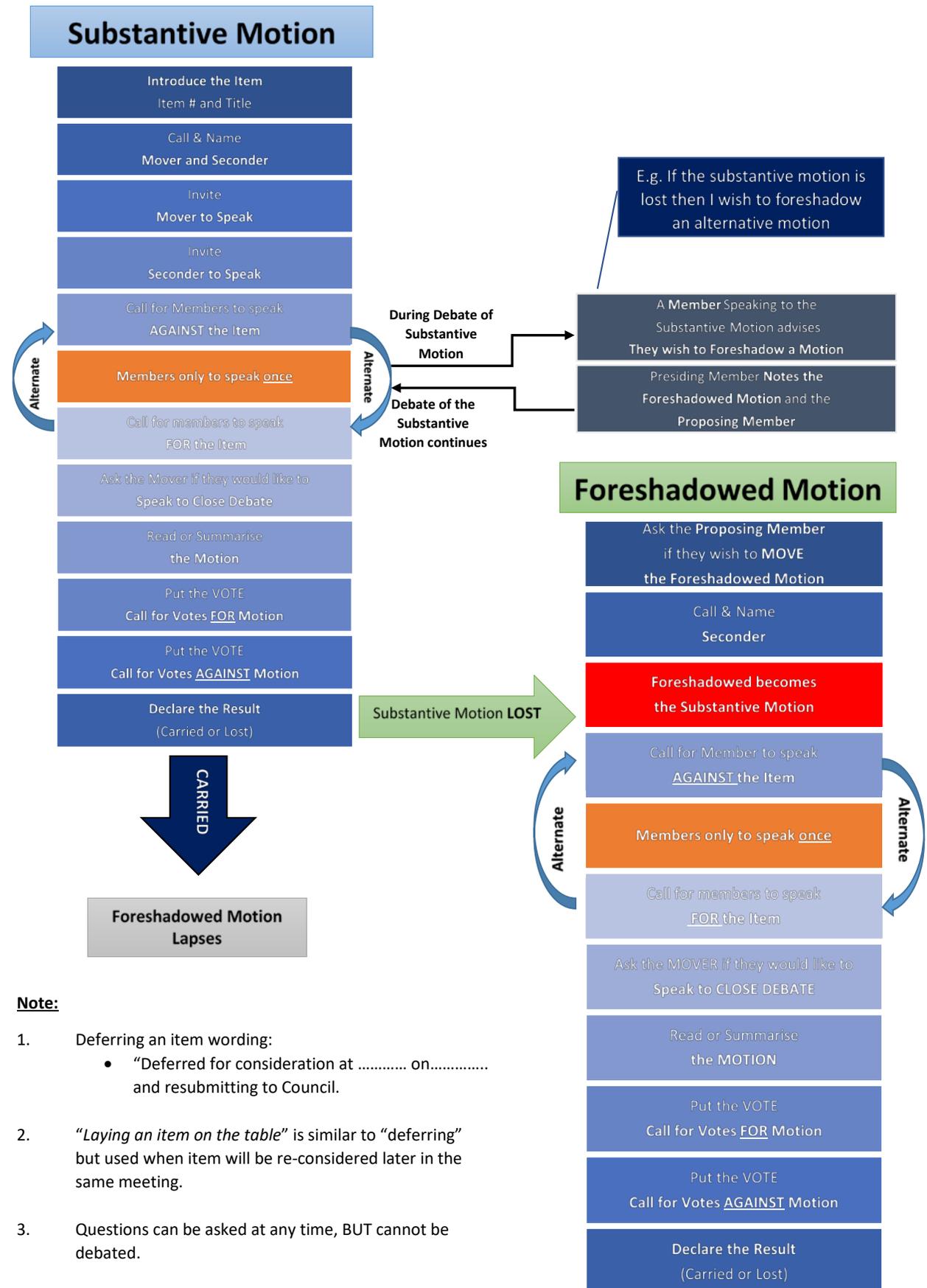


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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Fiona Gaze welcomed Councillors, staff and visitors and opened the meeting at 3:36pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

3.1 ATTENDANCE

Cr Fiona Gaze	Shire President
Cr Greg Stewart	Deputy Shire President
Cr Frank Hmeljak	
Cr Kate O’Keeffe	
Cr Michael Creagh	
Cr Shelley Hmeljak	
Cr Richard House	
Bob Jarvis	Chief Executive Officer
Ian Graham	Deputy Chief Executive Officer
Kirsty Buchanan	Community Development Coordinator
Yvette Wheatcroft	Manager of Works
Anita Finn	Executive Assistant

Visitors

R Bollard

3.2 APOLOGIES

Cr Keith House
Cr Chris Thomas

3.3 APPROVED LEAVE OF ABSENCE

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Ms Robin Bollard

Ms Bollard delivered the attached letter to Councillors and staff in response to a letter from the CEO Bob Jarvis.

She enquired why the community water tank can't be installed on one of the other suggested properties. She spoke to Peter Rundle MLA and he would push to speed up any land sales.

Shire President Fiona Gaze and CEO Bob Jarvis pointed out that the other sites mentioned by Ms Bollard are native titles and/or also have no access. There aren't any funds in the grant for building a suitable access or the cost involved transferring titles.

Fiona Gaze and Bob Jarvis explained to Ms Bollard that the tank will only hold potable water and only will be used in times of drought and in a fire event.

A response to the questions taken on notice will be sent by the CEO Bob Jarvis.

Mrs Bollard left the meeting at 3:56pm and did not return.

Ms Robin Bollard
PO Box 5495
Albany. W.A.
6330.
Mob 0429965696

23/11/2020

Questions to the Councillors in response to a letter from your CEO.

First of all let me say the last council meeting was closed to the public so there was no chance of any input from interested parties.

It was not up to Margot Byrnes to inform me as to where the community tank was to go. I believe the council should have informed the neighbour of any buildings proposed near her house.

This is a shire requirement of other ratepayers in the area in case of disapproval.

So why not tell me?

I found out only by gossip long after it had been passed by the council.

Margot Byrnes doesn't want the water tank at this site it is 30 kms from her business. In a text message to me she said "I am very discouraged and disappointed by the lack of assistance in this matter from the shire. I agree the placement of the tank at the old salt river school serves no purpose to tourism businesses at Amelup. I wish they would help us further I have just been coming up against brick walls."

Does this sound as if she approves?

Semi-trailers and water tanks sounds industrial to me. What is the buffer zone required of the council between houses and industrial areas? Kojonup is 500 metres. Not to mention visuals and noise.

I suggested the tank be near the lilly where the road works already have a large pull in area. Why not there? Let the lilly have it near them if they are so keen. They didn't know of this tank until I quizzed them about it.

Locals and myself have suggested many sites and the excuses have been many. Not flat, not enough time, not our land etc.

I am consulting with property valuers as to the effect of visuals and noise this project will have on my real estate.

I propose this project be shelved or postponed because the locals don't want it there and most businesses have adequate water supplies in the area. There is only 2 businesses that don't have adequate water and that is Mt.Trio and The Retreat.

Do you think this project has been researched enough in the first place?

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ms R.E. Bollard', written in a cursive style.

Ms R.E.Bollard

7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Cr F Hmeljak	Agenda item 12.2	Financial Interest
Cr S Hmeljak	Agenda item 12.2	Indirect Financial Interest
Ian Graham - DCEO	Agenda item 13.1	Impartiality Interest

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil

8.2 DEPUTATIONS

Nil

8.3 PRESENTATIONS

Nil

9. CONFIRMATION OF PREVIOUS MEETING MINUTES

9.1 ORDINARY MEETING OF COUNCIL MINUTES 28th OCTOBER 2020

COUNCIL RESOLUTION

Moved: Cr R House

Seconded: Cr G Stewart

1120.125 That the minutes of the Ordinary Council Meeting held on 28th October 2020 be confirmed as a true record of proceedings.

UNANIMOUSLY CARRIED: 7/0

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 ELECTED MEMBERS ACTIVITY REPORT

Date of Report: 25th November 2020

Councillors: Various

Attended the following meetings/events

Cr G Stewart:

- 20th November 2020 Meeting with GSDC
- 23rd November 2020 Great Southern Zone Meeting
- 23rd November 2020 Great Southern Regional Road Group

Cr K House:

- N/A

Cr K O’Keeffe:

- 11th November 2020 Councillor & Executive Workshop

Cr F Hmeljak:

- Nil

Cr M Creagh:

- 23rd November 2020 Great Southern Regional Road Group

Cr C Thomas:

- 11th November 2020 Councillor & Executive Workshop

Cr R House:

- 11th November 2020 Councillor & Executive Workshop
- 19th November 2020 GNP360 Group Meeting

Cr S Hmeljak:

- 11th November 2020 Councillor & Executive Workshop

Cr F Gaze:

- 9th November 2020 Borden Pavilion Meeting
- 11th November 2020 Councillor & Executive Workshop
- 16th November 2020 Blessing of the Road - CRC
- 18th November 2020 AGM GNP Family Support Association
- 20th November 2020 Meeting with GSDC

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

Nil

12. STRATEGY AND GOVERNANCE

12.1 PROPOSED STANDING ORDERS LOCAL LAW 2020

Location(s): N/A

Proponent: N/A

File Ref:

Date of Report: 30th October 2020

Business Unit: Strategy and Governance

Officer: Ian Graham – Deputy Chief Executive Officer

Disclosure of Interest: Nil

ATTACHMENTS

- Proposed Shire of Gnowangerup Standing Orders Local Law 2020

PURPOSE OF THE REPORT

For Council to authorise the preparation and advertising of the proposed revised Shire of Gnowangerup Standing Orders Local Law 2020 (Proposed Local aw).

COMMENTS

Under the Local Government Act 1995 (the Act), Local Governments are required to carry out periodic reviews of their local laws to determine whether they should be repealed or amended. As part of the Shire’s ongoing review of its local laws, the Shire’s current Standing Orders Local Law 2016 (current local law) has been identified as in need of review and amendment.

The Shire’s current Local Law has been compared against the WALGA model Local Government (Council Meetings) Local Law and various current Standing Orders/Meeting Procedures Local Laws recently adopted by other Councils in WA. A new Shire of Gnowangerup Standing Orders Local Law 2020 (proposed local law) has been prepared for consideration by the Council. Various changes, ranging from grammatical to substantive, have been made. The changes are relatively minor, noting that the Local Government Act is currently in the final stages of a review and a new Act may be in place within 2-3 years.

The substantive changes from the current 2016 Standing Orders Local Law to the proposed 2020 version include:

- Delete Clause 8.7 Protection of Employees (this is dealt with in the Shire of Gnowangerup Code of Conduct)
- Delete Clause 19.1 Common Seal – this is reported at the Information Briefing Session
- Clause 3.2 Order of Business - amended to reflect current agenda order and add “Acknowledgement of Country”
- Clauses 3.3 – 3.12 Order re-arranged to match “Order of Business”.

It is recommended that Council resolves to initiate the law-making process and authorises the CEO to commence advertising the proposed local law.

CONSULTATION

WALGA model LG Standing Orders Local Law, various current WA LG Council Standing Orders Local Laws. Workshop with Council.

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995 (s3.12 and s3.5)

Local Government (Functions & General) Regulations 1996 (Reg.3)

Section 3.5 of the Act provides the head of power for the Council to make the proposed local law. The procedure for making local laws is set out in section 3.12 of the Act and Regulation 3 of the Local Government (Functions and General) Regulations 1996.

The person presiding at a council meeting is to give notice of the purpose and effect of a proposed local law by ensuring that —

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

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

The purpose and effect of the proposed local law is as follows:

- Purpose: The purpose of the proposed local law is to provide for the orderly conduct of the proceedings and business of the Council.
- Effect: The effect of the proposed local law is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by the proposed local law unless otherwise provided in the Act, regulations or other written law.

As part of the statutory consultation process, the proposed local law is to be advertised in accordance with section 3.12(3) of the Act, by giving state-wide public notice of the local law and allowing at least six weeks for the public to make submissions. A copy of the local law is also provided to the Minister for Local Government.

Following this process, the proposed local law will then be referred back to the Council for consideration of any submissions received in relation to the local law and for the Council to resolve whether or not to make the local law by absolute majority decision. The Local Government Act 1995, Local Government (Rules of Conduct) Regulations 2007, Local Government (Administration) Regulations 1996 all interact with and compliment the Standing Orders of the Shire. The current Standing Orders Local Law 2016 will be repealed through the inclusion of Paragraph 1.4 in the new Standing Orders Local Law 2020.

PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: A Sustainable and Capable Council

Objective: Provide accountable and transparent leadership

Strategic Initiative: Continue to develop a policy framework that guides decision-making.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil. The revised Standing Orders Local Law and recommendation will provide for improved meeting procedures and legislative compliance.

CONCLUSION

Staff have reviewed and amended the Shire of Gnowangerup Standing Orders Local Law 2020 in order to comply with current legislation and practices.

VOTING REQUIREMENTS

Absolute majority.

COUNCIL RESOLUTION

Moved: Cr G Stewart

Seconded: Cr R House

1120.126 That Council:

- 1. Approves commencement of the law-making process and making of the proposed local law, for the Shire of Gnowangerup Standing Orders Local Law 2020, the purpose and effect of the local law being as follows:**
 - a. Purpose: The purpose of the proposed local law is to provide for the orderly conduct of the proceedings and business of the Council.**
 - b. Effect: The effect of the proposed local law is that all Council meetings, committee meetings, and other meetings as described in the Act, shall be governed by the proposed local law unless otherwise provided in the Act, regulations or other written law.**

- 2. Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act, by providing:-**
 - a. State-wide public notice and local public notice of the proposed local law; and**
 - b. A copy of the proposed local law and public notice to the Minister for Local Government.**

- 3. Requests that the CEO, after the close of the public consultation period, submits a report to the Council on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the Act.**

CARRIED BY ABSOLUTE MAJORITY: 7/0

SHIRE OF GNOWANGERUP

STANDING ORDERS LOCAL LAW 2020

Shire of Gnowangerup
Standing Orders Local Law 2020

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LOCAL GOVERNMENT ACT 1995

SHIRE OF GNOWANGERUP

STANDING ORDERS LOCAL LAW 2020

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

PART 1–PRELIMINARY

1.1 Citation

This local law is the *Shire of Gnowangerup Standing Orders Local Law 2020*.

1.2 Commencement

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

1.3 Application

All meetings of the Council, Committees and electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.4 Repeal

The *Shire of Gnowangerup Standing Orders Local Law 2016* published in the *Government Gazette* on **15th November 2016** is repealed.

1.5 Interpretation

(1) In these this local law, unless the contrary intention appears:

Act means the *Local Government Act 1995*;

absolute majority has the same meaning as given to it in the Act;

CEO means the Chief Executive Officer of the local government;

Committee means a Committee of the Council established under the Act;

Council means the Council of the local government;

Councillor has the same meaning as is given to it in the Act;

deputation means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

employee means an employee of the local government;

implement in relation to a decision, includes–

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take other action to give effect to the decision;

local government means the Shire of Gnowangerup;

member

- (a) in relation to the Council means the President or a Councillor; and
- (b) in relation to a Committee, means a member of the Committee;

Minister means the Minister responsible for administering the Act;

motion means a proposition presented to the Council for its deliberation;

President means the President of the local government;

Presiding Member means

- (a) in respect of the Council, the Presiding Member in accordance with the Act;
and
- (b) in respect of a Committee, the Presiding Member in accordance with the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of members present and voting;

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion; and

urgent business means business dealt with in accordance with clause 3.10.

- (2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and the Regulations.

PART 2–CALLING MEETINGS

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

The convening of Council meetings is dealt with in the Act.

2.4 Calling Committee meetings

The CEO is to call a meeting of any Committee when requested to do so verbally or in writing by—

- (a) the President or the Presiding Member of a Committee; or
- (b) any two members of the Committee; or
- (c) if so decided by the Council.

2.5 Public notice of meeting

Public notice of meetings is dealt with in the Regulations.

2.6 Production of documents

- (1) In this clause the term *document* means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information.
- (2) Upon the request of a member, made at least 8 hours before a meeting, the CEO is to make available by the commencement of the meeting, any document of the local government that relates to an item on the agenda for the meeting.
- (3) Any document requested may be made available in the Council Chamber or in a place to which members have reasonable access within the Council's administration building.
- (4) Notwithstanding subclause (1), (2) and (3), if the CEO considers that any document requested is confidential, the CEO may make it available in any circumstances necessary to protect the integrity of that document.

2.7 Conference of Committees

Any two or more Committees may confer together by mutual agreement on any matter of joint interest.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be specified in the agenda

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council or Committee.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a Committee meeting other than that specified in the agenda of the meeting, without the approval of the Presiding Member or a decision of the Committee.

- (4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that–
- (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved,

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows–
1. Opening and announcement of visitors
 2. Acknowledgement of Country
 3. Attendance/apologies/approved leave of absence
 4. Application for leave of absence
 5. Response to questions taken on notice
 6. Public question time
 7. Declarations of financial interests and interests affecting impartiality
 8. Petitions/deputations/presentations
 9. Confirmation of previous meeting minutes
 10. Announcements by Elected Members without discussion
 11. Reports for Decision
 12. Reports for Decision – Confidential Items
 13. Urgent business introduced by decision of Council
 14. Motions of which previous notice has been given
 15. Date of next meeting
 16. Closure.
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a Committee meeting is to be the order in which that business stands in the agenda of the meeting.
- (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a Committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
- (4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Public question time

- (1) Procedures for public question time are dealt with in the Act and Regulations.

- (2) A member of the public who raises a question during question time is to state his or her name and address.
- (3) Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any member or employee.

3.4 Questions by members of which due notice has been given

- (1) A question on notice is to be given by a member in writing to the CEO at least 2 clear working days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the Presiding Member.

3.5 Petitions

- (1) A petition, in order to be effective, is to—
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* if it is—
 - (i) a proposal to change the method of filling the office of President; or
 - (ii) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.
- (2) Following the presentation of a petition a member may move that the Council receive the petition and refer it to an appropriate Committee for consideration.

3.6 Deputations

- (1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.
- (2) The President, if the request is to attend a Council meeting, or the Presiding Member of the Committee, if the request is to attend a meeting of a Committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee as the case may be, or may instruct the CEO to refer the request to the Council or Committee to decide by simple majority whether or not to receive the deputation.

- (3) A deputation invited to attend a Council or Committee meeting–
 - (a) is not to exceed 3 persons, all of whom may address or respond to specific questions from the members of the Council or Committee; and
 - (b) is not to address the Council or Committee for a period exceeding 15 minutes without the agreement of the Council or the Committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a Committee is not to be decided by the Council or that Committee until the deputation has completed its presentation.

3.7 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to–
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.8 Announcements by the Presiding Member

- (1) At any meeting of the Council or a Committee the Presiding Member may announce or raise any matter of interest or relevance to the business of the Council or Committee, or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the Presiding Member not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

3.9 Matters for which meeting may be closed to members of the public

For the convenience of members of the public, the Council or Committee may identify by decision any matter on the agenda of the meeting requiring confidential consideration and that matter is to be deferred for consideration as the last item of the meeting.

3.10 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO–

- (a) with the concurrence of the President, may exclude from the agenda any notice of motion deemed to be out of order or likely to involve a breach of this local law or any other written law; or
 - (b) may after consultation with the member who gave notice of the motion make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless–
- (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.11 Urgent business approved by the Presiding Member or by decision

- (1) Subject to subclauses (2) and (3), in cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member, or by decision of the members present, be raised without notice and decided by the meeting.
- (2) Before a matter may be raised under subclause (1) the Presiding Member or a member otherwise seeking to raise the matter is to state why the matter is considered to be of extreme urgency or other special circumstance.
- (3) If a member of the Council or Committee as the case requires, objects to a matter being raised without notice, any decision of the Council or Committee in regard to that matter does not have effect unless it has been made by an absolute majority.

3.12 Attending Committee meetings as an observer

- (1) The President or a Councillor may attend any meeting of a Committee as an observer, even if the President or Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 17.2 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The President or Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2) may, with the consent of the Presiding Member, speak, but cannot vote on any motion before the Committee.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection entitlement

Members of the public have access to agenda material in the terms set out in the Regulations.

4.2 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under the Regulations, is to be—
 - (a) identified in the agenda of a Council or Committee meeting under the item “Matters for which meeting may be closed to members of the public”; and
 - (b) marked “confidential” in the agenda; and
 - (c) kept confidential by members and employees until the Council or Committee resolves otherwise.
- (2) A member or an employee who has—
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,is not to disclose such information to any person other than a member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not prevent a member or employee from disclosing information—
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

4.3 Media attendance

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public, in such part of the Council Chamber or meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

4.4 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may –

- (a) invite the person to sit beside the Presiding Member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor be recorded in the minutes.

PART 5–DISCLOSURE OF INTERESTS

5.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

PART 6–QUORUM

6.1 Quorum for meetings

The quorum for meetings is dealt with in the Act.

6.2 Loss of quorum during a meeting

- (1) If at any time during the course of a meeting of the Council or a Committee a quorum is not present–
 - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either–
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under the Act; or
 - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the Presiding Member is to suspend the proceedings of the meeting for a period of ten minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b)–
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting–
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 of this local law apply when the debate is resumed.

PART 7–KEEPING OF MINUTES

7.1 Content of minutes

The content of minutes is dealt with in the Regulations.

7.2 Preservation of minutes

Minutes including the agenda of each Council and Committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the State Records Office within the Department of Culture and the Arts, in accordance with the retention and disposal policy determined by that office from time to time.

PART 8–CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

8.1 Official titles to be used

Members of the Council are to speak of each other in the Council or Committee by their respective titles of President or Councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Members to occupy own seats

- (1) At the first meeting held after each election day, the President is to allocate a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.3 Leaving meetings

During the course of a meeting of the Council or a Committee no member is to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse reflection

No member of the Council or a Committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

8.5 Recording of proceedings

- (1) No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a Committee without the written permission of the Council.
- (2) If the Council gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.
- (3) If a member of the Council or Committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the

Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

8.6 Prevention of disturbance

- (1) Any member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the Presiding Member whenever called upon to do so.
- (2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

PART 9–CONDUCT OF MEMBERS DURING DEBATE

9.1 Members to rise

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members may rise and address the Council through the Presiding Member.

9.2 Priority

In the event of two or more members of the Council or a Committee wishing to speak at the same time, the Presiding Member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Presiding Member to take part in debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

9.4 Relevance

Every member of the Council or a Committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

9.5 Limitation of number of speeches

No member of the Council is to address the Council more than once on any motion or amendment before the Council unless they are the mover of a substantive motion in reply, raising a point of order or making a personal explanation.

9.6 Duration of speeches

All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement of a simple majority of members present, which is to be given without debate.

9.7 Members not to speak after conclusion of debate

No member of the Council or a Committee is to speak to any question after it has been put by the Presiding Member.

9.8 Members not to interrupt

No member of the Council or a Committee is to interrupt another member of the Council or Committee whilst speaking unless–

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.17; or
- (d) to move a motion under clause 11.1(e).

9.9 Re-opening discussion on decisions

No member of the Council or a Committee is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or changed.

PART 10–PROCEDURES FOR DEBATE OF MOTIONS

10.1 Permissible motions on report recommendations

A recommendation contained in a report to Council may be adopted without amendment or modification, failing which, it may be–

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to a Committee or Council for further consideration.

10.2 Motions to be stated

Any member of the Council or a Committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

10.3 Motions to be supported

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a Committee meeting, unless the motion has the support required under the Regulations.

10.4 Unopposed business

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the Presiding Member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or Committee meeting.

10.5 Only one substantive motion considered

When a substantive motion is under debate at any meeting of the Council or a Committee, no further substantive motion is to be accepted.

10.6 Breaking down of complex questions

The Presiding Member may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.7 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order–

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating in view, if any; and
- (h) mover takes right of reply which closes debate.

10.8 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.9 Member may require questions to be read

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.10 Consent of seconder required to accept alteration of wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.11 Order of amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.

10.12 Amendments must not negate original motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

10.14 Substantive motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved (subject to clause 10.12).

10.15 Withdrawal of motion or amendments

Council or a Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

10.16 Limitation of withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.17 Personal explanation

No member is to speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation. Any member of the Council or Committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or Committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

10.18 Personal explanation—when heard

A member of the Council or a Committee wishing to make a personal explanation of matters referred to by any member of the Council or Committee then speaking, is entitled to be heard immediately, if the member of the Council or Committee then speaking consents at the time, but if the member of the Council or Committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

10.19 Ruling on questions of personal explanation

The ruling of the Presiding Member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

10.20 Right of reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.21 Right of reply provisions

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

- (b) if an amendment is moved to the substantive motion, the mover of the substantive motion is to take the right of reply subject to clause 10.12, at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply; and,
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 11–PROCEDURAL MOTIONS

11.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the Council or Committee proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council or Committee now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with; and
- (g) that the Council or Committee meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under the Act.

11.2 No debate on procedural motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (d) and (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural motions - closing debate - who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

PART 12–EFFECT OF PROCEDURAL MOTIONS

12.1 Council or Committee to proceed to the next business–effect of motion

The motion in clause 11.1(a), if carried, causes the debate to cease immediately and for the Council or Committee to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Question to be adjourned–effect of motion

- (1) The motion in clause 11.1(b), if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council–
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

12.3 Council or Committee to now adjourn–effect of motion

- (1) The motion in clause 11.1(c), if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)–
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting–
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Question to be put–effect of motion

- (1) The motion in clause 11.1(d), if carried during discussion of a substantive motion without amendment, causes the Presiding Member to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) The motion in clause 11.1(d), if carried during discussion of an amendment, causes the Presiding Member to put the amendment to the vote without further debate.
- (3) The motion in clause 11.1(d), if lost, causes debate to continue.

12.5 Member to be no longer heard–effect of motion

The motion in clause 11.1(e), if carried, causes the Presiding Member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Presiding Member disagreed with–effect of motion

The motion in clause 11.1(f), if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council or Committee to meet behind closed doors–effect of motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or Committee, this motion, if carried, causes the general public and any officer or employee the Council or Committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting, the Presiding Member, unless the Council or Committee decides otherwise, is to cause the motions passed by the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes in accordance with the Act.
- (4) A person who is a Council member, a Committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

PART 13–MAKING DECISIONS

13.1 Question–when put

When the debate upon any question is concluded and the right of reply has been exercised the Presiding Member shall immediately put the question to the Council or the Committee, and, if so desired by any member of the Council or Committee, shall again state it.

13.2 Question–method of putting

If a decision of the Council or a Committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

PART 14–IMPLEMENTING DECISIONS

14.1 Implementation of a decision

- (1) If a notice of motion to revoke or change a decision of the Council or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—
 - (a) if a notice of motion to revoke or change a decision of the Council or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a Committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under the Regulations.
- (2) Implementation of a decision is only to be withheld under subclause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (3) The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—
 - (a) action has been taken to implement the decision; or
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 15—PRESERVING ORDER

15.1 The Presiding Member to preserve order

The Presiding Member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for withdrawal

A member at a meeting of the Council or a Committee may be required by the Presiding Member, or by a decision of the Council or Committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the Presiding Member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

15.3 Points of order–when to raise–procedure

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker.
- (2) Any member, who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the Presiding Member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

15.4 Points of order–when valid

The following are to be recognised as valid points of order–

- (a) that the discussion is of a matter not before the Council or Committee;
- (b) that offensive or insulting language is being used; and
- (c) drawing attention to the violation of any written law, or policy of the local government, provided that the member making the point of order states the written law or policy believed to be breached.

15.5 Points of order–ruling

- (1) The Presiding Member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.
- (2) If a member persists in any conduct that the Presiding Member had ruled out of order under this clause, the Presiding Member may direct the member to refrain from taking part in the debate of that item, other than by voting and the member must comply with that direction.

15.6 Points of order–ruling conclusive, unless dissent motion is moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of order take precedence

Notwithstanding anything contained in this local law to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Presiding Member

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council or Committee then speaking, or offering to speak, is to immediately sit down

and every member of the Council or Committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.

- (2) Subclause (1) is not to be used by the Presiding Member to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Presiding Member to adjourn without explanation to regain order

- (a) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to 15 minutes without explanation, for the purpose of regaining order.
- (b) Upon resumption, debate is to continue at the point at which the meeting was adjourned.
- (c) If, at any one meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (d) Where debate of a motion is interrupted by an adjournment under subclause (a), in the case of a Council meeting–
 - (i) the names of members who have spoken in the matter prior to the adjournment are to be recorded; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

PART 16–ADJOURNMENT OF MEETING

16.1 Meeting may be adjourned

The Council or a Committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

16.2 Limit to moving adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.

16.3 Unopposed business - motion for adjournment

On a motion for the adjournment of the Council or Committee, the Presiding Member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or a Committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum, by the Presiding Member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 17–COMMITTEES OF THE COUNCIL

17.1 Establishment and appointment of Committees

A Committee is not to be established except on a motion setting out the proposed functions of the Committee and either–

- (a) the names of the Council members, employees and other persons to be appointed to the Committee; or
- (b) the number of Council members, employees and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.

17.2 Appointment of deputy Committee members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a Committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a member of a Committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

17.3 Presentation of Committee reports

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by–

- (a) the Presiding Member of the Committee if the Presiding Member is a Council Member and is in attendance; or
- (b) a Council member who is a member of the Committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the Committee.

17.4 Reports of Committees - questions

Subject to clause 10.1, when a recommendation of any Committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendations through the Presiding Member to the Presiding Member or to any member of the Committee in attendance.

17.5 This local law applies to Committees

Where not otherwise specifically provided, this local law applies generally to the proceedings of Committees, except that the following do not apply to the meeting of a Committee–

- (a) clause 8.2, in regard to seating;
- (b) clause 9.1, in respect of the requirement to rise; and
- (c) clause 9.5, limitation on the number of speeches.

PART 18–ADMINISTRATIVE MATTERS

18.1 Suspension of this local law

- (1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more clauses of this local law.
- (2) The mover of a motion to suspend temporarily any one or more clauses of this local law is to state the clause or clauses to be suspended, and the purpose of the suspension.

18.2 Cases not provided for in this local law

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.1(f).

PART 19–ENFORCEMENT

19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000 and a daily penalty of \$100

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated _____

The Common Seal of the)
Shire of Gnowangerup)
was affixed by authority)
of a resolution of the)
Council in the presence of)

Cr Fiona Gaze
President

Bob Jarvis

Chief Executive Officer

DRAFT

Cr F Hmeljak declared a financial interest in item 12.2 as he owns land in House Street which is adjacent to the proponent and also works for AUSPAN who are the proposed builder of the shed.

Cr S Hmeljak declared an indirect financial interest in item 12.2 as her husband is employed by AUSPAN who are building the proponents extension.

Cr S Hmeljak and Cr F Hmeljak left the meeting at 4:07pm.

12.2	DEVELOPMENT APPLICATION FOR FACTORY EXTENSION AT DURAQUIP
Location:	Lot 103 Cecil Street, Gnowangerup
Proponent:	Duraquip/Cahejo Pty Ltd
File Ref:	A6091
Date of Report:	12 th November 2020
Business Unit:	Strategy & Governance
Officer:	Bob Jarvis - Chief Executive Officer Phil Shephard - Planning Officer
Disclosure of Interest:	Nil

ATTACHMENTS

- Factory extension plans

PURPOSE OF THE REPORT

To consider the development application to construct an extension to the existing machinery assembly shed for use in conjunction with the existing Duraquip operations on the site. The new shed does not achieve the 7.5m rear setback required under the Shire's Local Planning Scheme No. 2 and Council must decide whether to use its discretion to approve the application or require it to be modified to meet the scheme requirement.

BACKGROUND

Nil.

COMMENTS

Proposal

The proposal is to construct an extension to the existing machinery assembly shed for use in conjunction with the existing Duraquip operations on the site. The new shed (to be constructed adjoining the existing shed) will be 24m long by 24m wide, with 7-9m high walls to match the existing building as shown in the attached plans.

The shed extension will be sited behind the existing shed and will be setback:

- 51m from the front boundary to Cecil Street.
- Approx. 4m from the rear boundary to Lot 1 Aylmore and/or side boundary to Lot 8 Formby Street (Owned by the applicants and subject to Amendment 13 to be rezoned to Light & Service Industry).
- 55m from the eastern side boundary to Formby Street.

- 4m from the western side boundary to Lot 31 Cecil Street (Owned by the applicants and also used by Duraquip).

The shed will be constructed of steel frames with concrete floor and be clad in unspecified metal sheeting.

Site

The lot has been developed by Duraquip as a transport/agricultural manufacturing workshop and operates in conjunction with Lot 31 Cecil Street.



Existing shed on Lot 103 Cecil Street, Gnowangerup showing factory extension in red (Image Landgate Map Viewer Plus)



Street view of existing Duraquip shed on Lot 103 Cecil Street, Gnowangerup

The lot is flat and has frontage and access/egress to Cecil Street and there are no changes requested in the application. Cecil Street is sealed and kerbed with limited stormwater infrastructure available and a local road under the care and control of the Shire of Gnowangerup.

The lot has access to water supply, deep sewerage, electricity, and telecommunications infrastructure.

Zoning and Land Use/Development

The land is contained within the Industry zone under LPS2. The objectives for the Industry zone are stated in c.4.2 as:

To provide for manufacturing industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas.

The proposal to use the new shed for additional manufacturing activities falls within the definition of industry-general within LPS2 which is a 'P' permitted use within the Industry zone.

The development of the shed (i.e. construction) is required to comply with the relevant development standards and requirements of LPS2.

Clause 5.12 'Development within the Industry Zone' requires that the impact of developments within the zone ensure that any emissions (including odour, electrical interference, fumes, service, vapour, steam etc.) are contained within the zone.

Site & Development Requirements

The LPS2 requires all development satisfy the provisions in ‘Table 2 – Development Table’. Where a specific use is not mentioned, the development standards shall be determined by Council and reflect the predominant use on the zone.

The following requirements from Table 2 apply to industry-general uses:

USE	CONTROLS					
	Minimum Boundary Setback (m)			Maximum Plot Ratio	Minimum Landscaped Area %	Minimum Number of Car Parking Bays
	Front	Rear Average	Side			
industry-general	7.5	7.5	*	*	15	1 per 2 employees

* means as determined by the Shire

Setbacks

The proposed shed achieves the minimum front setback required. The required 7.5m rear setback is not achieved, however as the applicant is the owner of the affected properties (Lot 1 Aylmore Street and Lot 8 Formby Street), it is not expected they would object to the reduced setback being requested. These properties are presently zoned Residential and are subject to Amendment 13 which would include them within the Light & Service Industry Zone.

The side/rear setbacks proposed are consistent with others approved in the industrial area.

Plot Ratio

The plot ratio (including the proposed new shed) will be approximately 0.22 or 22% of the lot area.

Landscaping

No additional landscaping is proposed in the application and no request to waive/vary the requirement is contained within the application. Table 2 requires 15% of the site be landscaped and this should be placed as a condition of approval.

Car Parking

No additional car parking is proposed in the application. There are adequate areas available on-site to cater for any increase in employee or machinery parking requirements.

Matters to be considered

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

Matter to be Considered	Response
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal is considered to be consistent with the aim and provisions of TPS3 and the Industry zone.
(b) the requirements of orderly and proper planning including any	The proposal involves a permitted land use. The development of the extension achieves

Matter to be Considered	Response
<p>proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;</p>	<p>the requirements of LPS2 and generally complies with LP Policy No. 10 and is recommended to be approved subject to certain conditions being met. Adjoining Lot 1 Aylmore Street and Lot 8 Formby Street (subject to rezoning to be included within the light and service industry zone) are part of Amendment 13. The amendment is under final consideration by the WAPC.</p>
<p>(g) any local planning policy for the Scheme area;</p>	<p>The proposal is considered consistent with the objectives of the Policy and satisfies the majority of the requirements set out in Local Planning Policy No. 10 – Industrial Design Guidelines.</p>
<p>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</p>	<p>The shed extension is compatible with the use and development of the site for industry-general uses. The shed extension is compatible with the existing shed on the site and similar to other sheds constructed in the industrial area n Gnowangerup. The proposed shed achieves the minimum front setback required, however does not achieve the required 7.5m rear setback. As the applicant is the owner of the affected properties, it is not expected they would object to the reduced setback. These properties are presently zoned Residential and are subject to Amendment 13 which would include them within the Light & Service Industry Zone. The side/rear setbacks are consistent with other approved in the industrial area.</p>
<p>(n) the amenity of the locality including the following - (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</p>	<p>The shed extension and all activities undertaken within must comply with the <i>Environmental Protection (Noise) Regulations 1997</i> in relation to noise impacts. Clause 5.12 ‘Development within the Industry Zone’ also requires that the impact of any development in the industry zone ensure that any emissions are contained within the zone. The shed extension is consistent with the industrial character of the locality.</p>

Matter to be Considered	Response
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The proposal is not expected to adversely affect the natural environment or any water resources.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No vegetation will be impacted by the proposal. Some additional landscaping to comply with LPS2 development standards is required.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The land is considered suitable for the proposal and is not affected by any known natural hazard.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The land is considered suitable for the proposal.
(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	The property has existing approved access/egress from Cecil Street and no changes are proposed.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The proposal is not expected to significantly increase the amount of traffic generated to and from the site and the existing road network is considered adequate for the expected traffic. Refer also to the comments in (s) above.

CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil undertaken.

LEGAL AND STATUTORY REQUIREMENTS

Planning and Development Act 2005 & Planning and Development (Local Planning Schemes) Regulations 2015 – The application is required to be determined in accordance with the requirements of Local Planning Scheme No. 2 (LPS2) which is an operative local planning scheme under the *Planning and Development Act 2005*.

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

POLICY IMPLICATIONS

Local Planning Policy

The Shire has an adopted Local Planning Policy No. 10 – Industrial Design Guidelines which states:

The objectives of this Policy are to:

- a) Ensure the orderly and appropriate development of industrial areas in the Shire; and*
- b) Provide acceptable development standards for industrial areas in the Shire.*

LOCAL PLANNING POLICY No. 10 - Requirements

1. Exemptions from Planning Approval

- a. There are no exemptions, all development in the Light & Service Industry and Industry zones requires Planning Approval.*

2. General Requirements

- a. This Policy applies to applications for development in the Light & Service Industry and Industry zones.*
- b. Unless stipulated otherwise in the Scheme, the development standards set out in Table 1 are the minimum standards:*

	<i>Minimum Requirement</i>
<i>Parking</i>	<i>1 per 50m² gross floor area</i>
<i>Landscaping</i>	<i>10% of lot area</i>
<i>Plot Ratio</i>	<i>0.5</i>
<i>Setbacks</i>	<i>7.5m front 5.0m on one side 7.5m rear (average)</i>

c. Use of Front Setback area

- i) The front setback area is the area in front of the 'main building line' and shall generally be used only for the purposes of landscaping, car parking, access or an approved 'trade display'.*
- ii) No materials or product are to be stored in the front setback area (with the exception of an approved trade display).*
- iii) No loading and unloading of goods and materials is take place in the front setback area.*
- iv) An open storage area that is visible from a public place or street is to be screened to the satisfaction of the Shire.*

d. Building Facades

- i) The facade of the building that addresses the primary street shall be either a purpose-built office or constructed of brick, stone, concrete or glass or a combination of one or more of these materials.*
- ii) Other materials of a type and to a design approved by the Council may be permitted on a facade provided that the materials to be used are structurally and aesthetically acceptable to the Council. Zinalume cladding will generally not be acceptable.*

- e. *Carparking & Trafficable Areas*
 - i) *All car parking bays and manoeuvring areas, including the driveway access in the front setback area, being properly drained, kerbed, and sealed. All parking spaces are to be line-marked and maintained in good repair thereafter.*
 - ii) *A minimum of a 2-coat bitumen seal is requirement for car parking and manoeuvring for visitors and staff in front setback area.*
 - iii) *The dimensions of parking bays and manoeuvring areas are to comply with Australian Standard 2890.1 Off-street parking.*
 - iv) *All other parking, truck turnarounds, storage and hardstand areas may be of gravel construction constructed to ensure that dust does not cause a nuisance.*
- f. *Landscaping*
 - i) *Landscaping areas are to generally located in the front setback and down the side boundaries.*
 - ii) *A landscaping plan is to accompany any application for planning approval, and landscaping is to complement the appearance of the proposed development.*
 - iii) *Landscaping shall generally consist of lawns, gardens or the planting of trees and shrubs. The use of native and water efficient plants is encouraged.*
 - iv) *Landscaping is to be established within 3 months of the completion of the building.*
 - v) *Landscaped areas are to be reticulated and maintained at all times to the satisfaction of the Shire.*
 - vi) *With the approval of the Shire fifty (50) per cent of the landscaping requirement identified in the Scheme Text and this Policy may be met by landscaping the verge area, providing that reticulation is installed and on-going maintenance of the total road verge bordering the subject lot is undertaken. For corner lots, this credit will be eighty (80) per cent of the landscaping requirement identified in the Scheme Text where the whole of the verge is treated.*
- g. *Stormwater*
 - i) *Stormwater is to be contained on site before discharged to road or district system.*
 - ii) *The development may require oil separators or nutrient stripping infrastructure (such as retention basins) at the discretion of the Shire.*
 - iii) *The use of rainwater tanks for storage and reuse on site is encouraged.*
- h. *Fencing*
 - i) *Boundary fencing is permitted to a maximum of 2.1m.*
 - ii) *Fencing along the primary street frontage is to be visually permeable.*
 - iii) *The use of barbed wire is not permitted.*

In considering the weight to be placed upon the policy requirements, clause 2.3 'Relationship of Local Planning Policies to Scheme' of LPS2 advises:

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

The proposal is considered consistent with the objectives of the Policy and satisfies the majority of the requirements set out in Local Planning Policy No. 10 – Industrial Design Guidelines.

The proposed new shed extension will be located behind the existing shed building approved by the Shire and the external materials/colours should be required to match the existing building to comply with the Policy requirements.

IMPACT ON CAPACITY

Nil.

RISK MANAGEMENT CONSIDERATIONS

Strategic Risk Category	Compliance with statutory requirements incl. noise
Consequence Rating	Insignificant
Likelihood Rating	Unlikely
Acceptance Rating	Low
Risk Acceptance Criteria	Acceptable. Risk acceptable with adequate controls, managed by routine procedures and subject to monitoring

FINANCIAL IMPLICATIONS

The applicant has paid the required application fee of \$800 set in the Schedule of Fees and Charges 2020/2021.

STRATEGIC IMPLICATIONS

The report impacts on the following item in the Strategic Community Plan 2017 – 2027 as follows:

Strategic Focus	Built Environment and Infrastructure
Goals:	A built environment and infrastructure that supports the community and the economy
Outcome 3.1:	<ul style="list-style-type: none"> Appropriate planning and development
Strategy 3.1.2	Provide planning and development advice on land developments.

Strategic Focus	Governance and Organisation
Goals:	Proactive leadership, good governance and efficient service delivery
Outcome 5.1:	<ul style="list-style-type: none"> Strategic governance and leadership
Strategy 5.1.5	Ensure compliance with Local Laws and statutory requirements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

1 Not approve the proposal

The proposal involves a permitted land use and Council cannot refuse a “P” use because of the unsuitability of the use for the zone. Council may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme and may refuse to approve development of the land.

2 Approve the proposal

The Council can choose to approve the proposal, in part or whole, and with or without conditions.

3 Defer the proposal

The Council can choose to defer the matter for a period of time and seek additional information from the proponents, or refer the application to affected neighbouring properties, if deemed necessary to complete the assessment, before proceeding to make a decision.

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

CONCLUSION

On balance, the proposal is consistent overall with those matters set out in Clause 10.2 and the general requirements of Local Planning Scheme No. 2.

The proposed new assembly shed extension for use in conjunction with the existing Duraquip operations should be approved subject to conditions to reflect the requirements of the Scheme.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

Moved: Cr G Stewart

Seconded: Cr O’Keeffe

1120.127 That Council

Grants Development Approval for the shed extension for Duraquip (including the reduced rear setback) at Lot 103 Cecil Street, Gnowangerup subject to the following conditions:

- 1) The development to be fully implemented in accordance with the attached stamped approved plans/details (dated 12/11/2020) unless a variation has been approved in writing by the Chief Executive Officer.**
- 2) The shed extension to be clad in similar coloured materials to match the existing building.**
- 3) All stormwater runoff being retained and stored for reuse on-site.**

- 4) Upon completion of the new shed, landscaping at the front of the property is to be undertaken to the satisfaction of the Shire of Gnowangerup as determined by the Chief Executive Officer. The landscaping shall implement within 3 months of the occupation of the shed extension.
- 5) The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- 6) Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
- 7) Noise generating equipment (such as compressors) if located outside, should be placed inside an acoustic enclosure and/or on the side of the building opposite the residences.

Advice Notes:

- ***A Building Permit is required prior to any construction activity commencing.***
- ***You are reminded that all activities must comply with the Environmental Protection (Noise) Regulations 1997.***
- ***Any signage requires the separate approval of the Shire of Gnowangerup.***

UNANIMOUSLY CARRIED: 5/0

Cr S Hmeljak and Cr F Hmeljak returned to the meeting at 4:11pm.

Shire President Fiona Gaze informed Cr S Hmeljak and Cr F Hmeljak about the decision made.

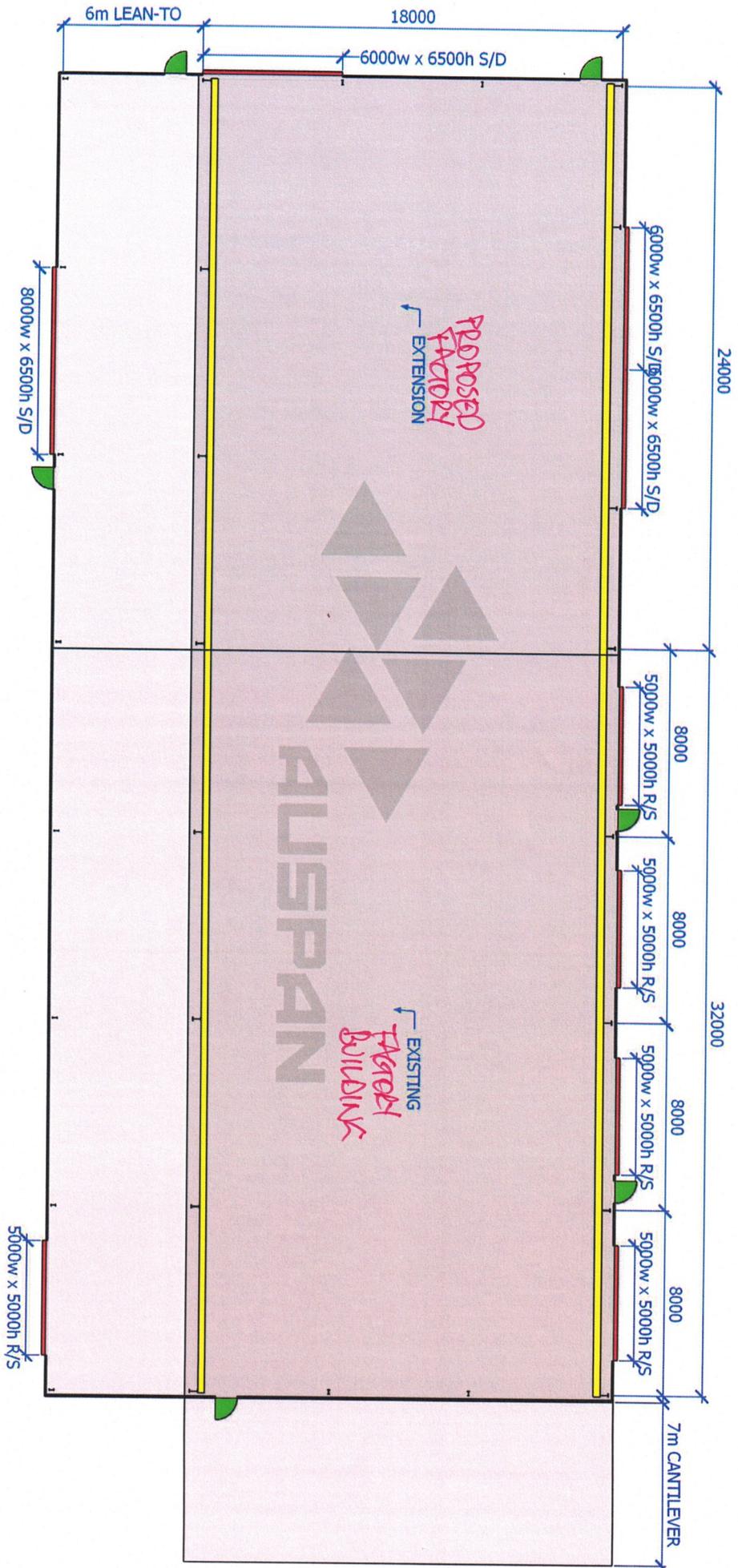


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DATE: 03/07/2020
NUMBER: 4886(2)
AREA: GNOWANGERUP, WA, 6335

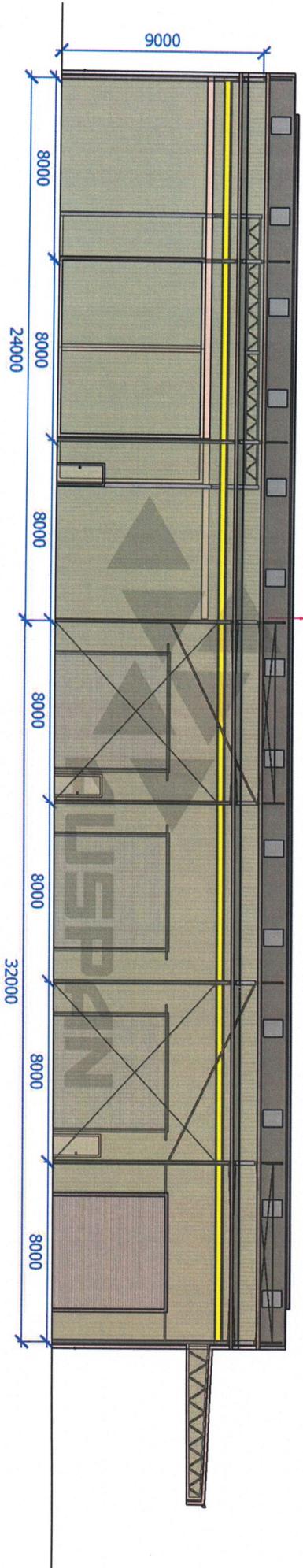
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PROPOSED FACTORY EXTENSION

EXISTING FACTORY BUILDING



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DATE: 03/07/2020
NUMBER: 4886(2)
AREA: GNOWANGERUP, WA, 6335

DRAWING NAME: SIDE DIMENSIONS

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A: P.O. BOX 21 / 23 CORBETT ST
 GNOWANGERUP, W.A. 6335

PROPOSED FACTORY EXTENSION



EXISTING FACTORY BUILDING



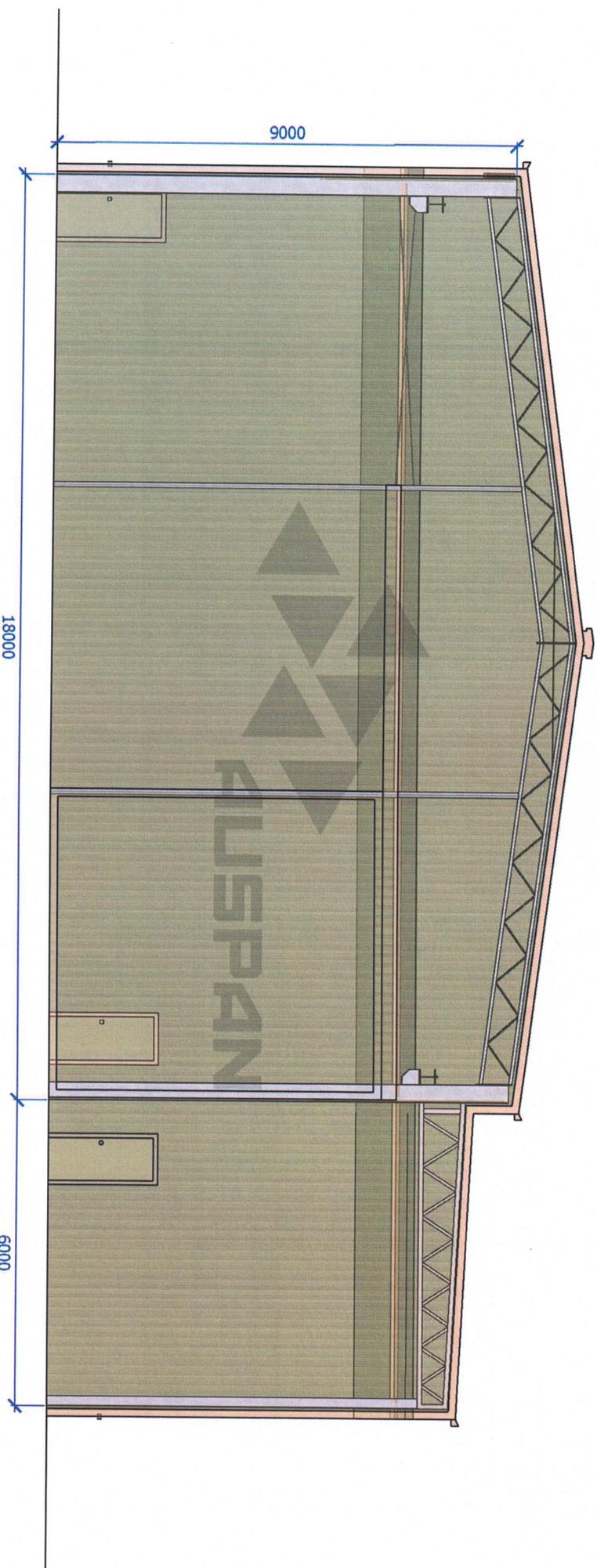
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PROJECT NAME: KIMBERLY RICHARDSON
DATE: 03/07/2020
NUMBER: 4886(2)
AREA: GNOWANGERUP, WA, 6335
DRAWING NAME: ELEVATION 2

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9000

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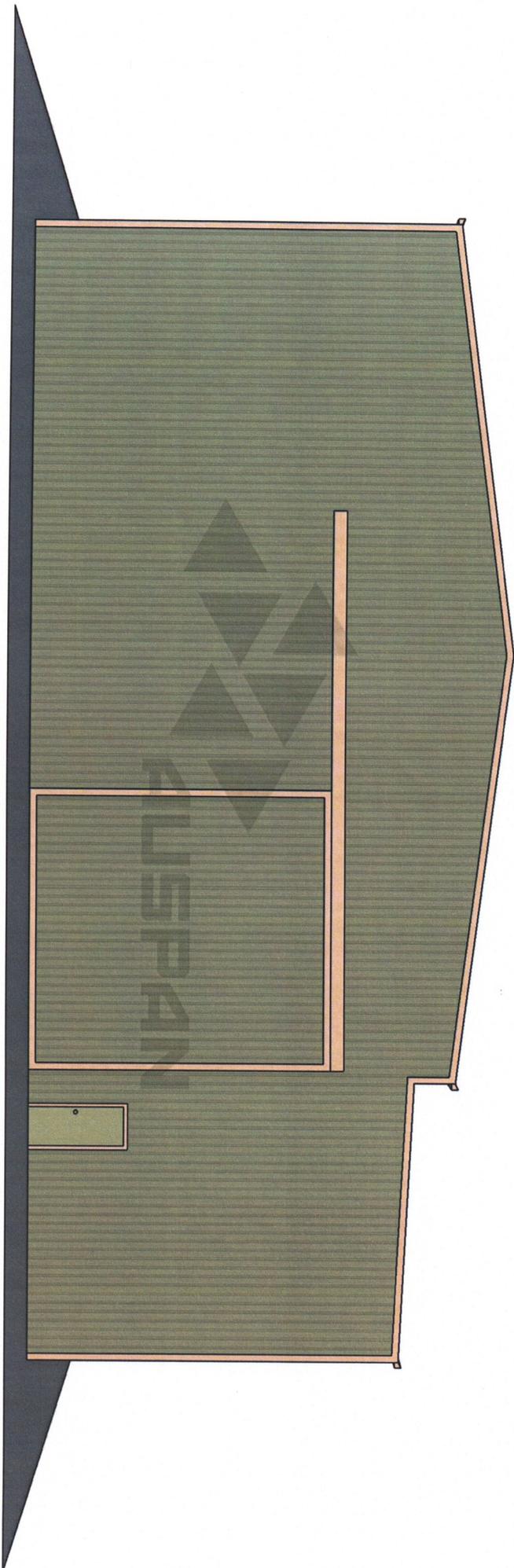
6000



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PROJECT NAME: KIMBERLY RICHARDSON
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NUMBER: 4886(2)
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DRAWING NAME: END DIMENSIONS

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PROJECT NAME: KIMBERLY RICHARDSON
DATE: 03/07/2020
NUMBER: 4886(2)
AREA: GNOWANGERUP, WA, 6335
DRAWING NAME: ELEVATION 1

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13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

Deputy Chief Executive Officer Ian Graham declared an impartiality interest in item 13.1 as his fiancé is an employee of Bendigo Bank (Tambellup Branch).

13.1 CHANGE OF SHIRE BANKING INSTITUTION

Location: N/A
Proponent: N/A
File Ref:
Date of Report: 9th November 2020
Business Unit: Corporate & Community Services
Officer: Bob Jarvis - Chief Executive Officer
Disclosure of Interest: Nil

ATTACHMENTS

- Nil

PURPOSE OF THE REPORT

For Council to approve changing the Shire banking institution from National Australia Bank (NAB) to Bendigo Bank (Tambellup and Cranbrook Community Bank).

BACKGROUND

The Shire's current banking institution is NAB. Until recently Shire staff had direct contact with the Kojonup branch of NAB. Early in 2020 NAB advised that Shire staff would now need to contact either the Bunbury or Busselton branches, rather than Kojonup. Since then Shire staff have noted a significant increase in the response time for banking service enquiries. Bendigo Bank, through their Tambellup and Cranbrook Community Bank branches, offers a significantly closer point of contact as well as significant decision-making authority at the local Branch level.

COMMENTS

Further to the above service level and contact issues, in reviewing the options for an alternative banking institution for the Shire, staff have also determined that there will be some fee cost savings resulting from a move to Bendigo Bank.

Staff have also confirmed that Bendigo Bank can provide a full range of cost effective business banking products, services and merchant facilities that meet the needs of the Shire. In addition to the local Tambellup and Cranbrook branch staff, a dedicated Transactional Banking Manager will be assigned to the Shire and online 24/7 support through the Bendigo Bank Gateway Administration portal will be available.

The Bendigo Bank Community Bank model is based on a model which results in profits being returned to local communities, through community donations, grants and sponsorships. Tambellup and Cranbrook Community Bank is very active in this within the local community.

CONSULTATION

Councillor and Executive Workshops.

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996, Reg. 8 and Reg. 19c

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The recommended change of banking institution will result in minor ongoing bank fee cost reductions, based on current fees.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: A Sustainable and Capable Council

Objective: Provide accountable and transparent leadership

Strategic Initiative: Demonstrate accountability through robust reporting that is relevant and easily accessible by the Community.

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Remain with current bank institution, current service level issues would remain and fees would remain the same.

CONCLUSION

The proposed change of banking institution is recommended to reduce bank enquiry response times, reduce fees and support a locally based banking institution.

VOTING REQUIREMENTS

Simple majority.

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr M Creagh

1120.128 That Council:

Approves a change of Shire of Gnowangerup banking institution from National Australia Bank to Bendigo Bank (Tambellup and Cranbrook Community Bank) and authorises the CEO to make suitable arrangements for the transition to be completed within the current (2020-21) financial year.

UNANIMOUSLY CARRIED: 7/0

14. INFRASTRUCTURE AND ASSET MANAGEMENT

Nil

15. STATUTORY COMPLIANCE

Nil

16. FINANCE

Nil

17. CONFIDENTIAL ITEMS

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

Nil

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on the 16th December 2020.

21. CLOSURE

The Shire President thanked Council and staff for their time and declared the meeting closed at 5:05pm.