



Shire of Bridgetown-Greenbushes

NOTICE OF STANDING COMMITTEE MEETING

Dear Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes Local Laws, Strategy, Policy & Organisation Development Standing Committee Meeting to be held in the Council Chambers on Thursday, **14 July 2011** commencing at 5.30pm.

Signed by T Clynych

Date:

7 July 2011

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AGENDA

For a Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee to be held in the Council Chambers on Thursday, 14 July 2011 commencing at 5.30pm.

Meeting to be opened by the Presiding member

Attendance & Apologies

Presiding Member	- Cr A Pratico
Councillors	- S C Hodson
	- B J Moore
	- S Moscarda
	- W M C Moyes
	- P M Scallan
	- W S Simpson
	- M T Southwell
	- B J Williams
In Attendance	- T P Clynch, CEO
	- S Carstairs , Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- G M Norris, Senior Admin Officer
Apologies	- Cr S D DeVaney
	- Cr A J Wilson

Gallery

Confirmation of Minutes

SC.01/0711 Ordinary Meeting held 9 June 2011

A motion is required to confirm the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 9 June 2011 as a true and correct record.

Announcements/Briefings by Elected Members

Notification of Disclosure of Interests

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

Consideration of Motions of Which Previous Notice has been Given

SC.02/0711 Blue LED Lights (Winter in the Blackwood)

Submitted by Cr Moore

Note: This Notice of Motion was included Council Agenda for the meeting on 30 June 2011 but was deferred via Procedural Motion for further discussion at the July Standing Committee.

Motion

That Council take no action to enforce any requirement under the Town Planning Scheme for the taking down of blue LED lights on premises within the Bridgetown Special Design Heritage Precinct and other areas.

Reasons

The lights have attracted enormous favourable public comment from locals and visitors since erection.

Bridgetown has become distinctly different to other towns, courtesy of the lights, and this will become a trademark of the town.

The lights do not have any structural affect on the buildings and therefore the enforcement of the requirement for each business to obtain a permit ignores the tourism impact they have on the town and is enforcement simply for enforcement sake.

Officer Comment

The majority of blue LED lighting erected on buildings for the 'Winter in the Blackwood Festival' are located within Town Planning Scheme No. 3 (TPS3), and specifically the Bridgetown Special Design Heritage Precinct adopted pursuant to TPS3. Some properties outside of TPS3 (ie. Larry Doust's yard on South Western Highway) are located within Town Planning Scheme No. 4 (TPS4) and are also displaying lights.

To give background to the some statutory implications, the following comments are made.

Town Planning Scheme Objectives and Policies

Under TPS3, Clause 4.1 Amenity and Tourist Development states that *"Council's objectives will be to ensure that the overall amenity of the town is retained and enhanced for the benefit of residents and in the interests of the District's tourist potential, and that the landscape values of the environment are maintained. Council's Policies will therefore be to:*

- (a) *require, by means of Scheme provisions, an appropriate standard of maintenance and visual appearance of buildings and properties within the town and its environs; and*

- (b) *encourage and permit, subject to adequate conformity with Scheme provisions, uses and activities which add to and facilitate the District's potential for tourism and recreational use."*

Under TPS3, with regard to the Commercial Zone, Clause 4.2 states *"Council's objective will be to ensure that the Town Centre continues to function effectively as the location for the District's commercial and civic activity, that the uses approved herein will be compatible with the objective, and with the enhancement of the Centre's activity and movement systems."*

Under TPS4, Clause 4.1 General Objectives and Policies states *"Council's general objective is to ensure that the Scheme protects the District's present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District's tourist potential, and for increased settlement which certain areas of the District."*

Council's General Policies will therefore be to (inter alia):

- (d) *permit, subject to adequate control, uses which add to and facilitate the District's potential for Tourism and recreational use;*
- (e) *require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;*
- (f) *protect, wherever possible and consistent with the General Objective, the District's landscape and rural character."*

Clause 4.10 of TPS4 states *"Council's objectives will be to ensure that the overall amenity of the district is retained and enhanced for the benefit of residents and in the interests of the District's tourist potential, and that the landscape values of the environment are maintained."*

Under both TPS3 and TPS4, Part VIII - Control of Advertisements, for the purpose the Schemes, *"the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council."*

Clause 8.3 of both Schemes states that *"Without limiting the generality of the matter which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent area which may be affected."*

The display of feature lighting could be deemed advertising and approval required pursuant to TPS3 of TPS4.

Heritage Issues

There are thirty one (31) places in the Bridgetown locality listed in Schedule 4 (ie. Heritage List) of TPS3, eighteen (18) of these located within the Bridgetown Special Design Heritage Precinct, discussed below.

Clause 7.1.1 of TPS3 states that *“The Council considers that the places of natural beauty and historic buildings and objects of historical or scientific interest listed in Schedule 4 should be conserved and preserved.”*

Clause 7.2 of TPS3 states that *“In addition to all other provisions of this Scheme, the approval of the Council is required for the following development on or in relation to any Schedule 4 place, building or object to:*

- (a) clear, excavate or fill any land;*
- (b) fell, remove, kill or irreparably damage any tree;*
- (c) erect any fence;*
- (d) commence or carry out any renovation, modification or demolition of any building;*
- (e) alter or remove any building or object or part thereof.”*

A number of these heritage listed places are also included on the State Register of Heritage Places, such as the Bridgetown Civic and Community Centre, Freemasons Hotel, Old Goal and Police Quarters, P & Co Packing Shed. A much larger number of places are also included in the Shire’s Municipal Inventory, recognising places and buildings of local cultural heritage significance.

In regard to the Bridgetown Special Design Heritage Precinct, generally along Hampton Street, Clause 7.5 of TPS3 states that *“Council’s objective, recognising the Precinct’s historic and townscape significant and the tourist importance of Bridgetown, is to ensure retention of the character of the Precinct as a whole and the buildings within.”*

Clause 7.5.1 of TPS3 states that *“In order to achieve the above objectives all development including:*

- demolition or removal of buildings;*
- works which affect the external appearance of a building;*
- construction of additions and outbuildings;*
- erection of a fence or a wall; and*
- development of new buildings;*

is not permitted unless written approval has been granted by Council, and in considering approval, Council will have regard to any development guidelines which have been adopted to assist in the retention of the established and recognisable character of the Precinct.”

The Shire’s Bridgetown Special Design Heritage Precinct – Statement of Planning Policy and Bridgetown Heritage Precinct: Development Guidelines, are in place to ensure that any alterations to existing buildings within the precinct are compatible with and complementary to the historical built environment.

The Policy states that “*minor exterior changes such as painting, tiling, replacement of doors and windows etc, is classified as development and thus requires Shire approval. Minor repairs or maintenance such as painting over graffiti or replacement of a broken roof tile, etc, is exempt from requiring planning approval, where undertaken in keeping with the character of the building.*”

The Guidelines include principles for designing and/or protecting street facades, where any additions “*should be complementary, consideration given to materials, massing, scale and proportions (of both the buildings as a whole and their windows, doors and other detailing).*”

New signage (which could be interpreted as feature lighting) should be “*carefully designed as a complementary element of the street façade in terms of size, location, colour, proportions, etc; and should sympathetically interpret traditional characteristics. In particular, new signs to contributory buildings should:*

- *Not be located where they would obscure or detract from a feature of the building.*
- *Retain open views into the shop and/or to displays of goods within the shopfront area.*
- *Be designed in size and proportion to complement the proportions of the place and the element on which they are mounted.*
- *Not damage significant fabric in the manner in which they are fixed (ie. any fixing holes etc should be able to be satisfactorily repaired when the sign is removed at a future date).*

For all places in the Heritage Precinct:

- *Simple modern signage is generally appropriate. Unless it is based on historical evidence, or directly linked to the function of the building, elaborate “olde worlde” styles and typefaces are not required.*
- *Modern company and business logos should not dominate the façade or detract from an appreciation of the traditional character of the street. Such signs must be adapted as necessary to be fully consistent with these guidelines.*
- *New signs should not be internally illuminated unless this is a traditional characteristic of an individual heritage place. Any external lighting should comply with the overall aims of these guidelines.*
- *The amount of signage should be limited to a level consistent with traditional coverage.” (officer’s underscore)*

Under State Planning Policy No. 3.5 – Historic Heritage Conservation, Clause 6.6 Development Control Principles states “*The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.*

The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

- *Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.*
- *Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.”*

The erection of feature lighting, whether temporary or permanent, technically requires consideration under the Shire’s Town Planning Scheme, Shire’s Heritage Policy and SPP3.5. Whilst temporary exemptions may be tolerated such as Christmas decorations, feature lighting, etc; permanent changes to heritage places warrants detailed assessment through the planning process, including where necessary, consultation with the Heritage Council of Western Australia.

Planning Comment

The erection of feature lighting such as blue LED lighting in this case, is deemed to be ‘development’ pursuant to the Planning and Development Act 2005, defined as:

“development means the development or use of any land, including –

- (a) any demolition, erection, construction, alteration or addition to any building or structure on the land;*
- (b) the carrying out on the land of any excavations or other works;*
- (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thin that –*
 - i) is likely to change the character of that place or the external appearance of any building; or*
 - ii) would constitute an irreversible alteration of the fabric of any building.”*
(officer’s underscore)

Where a place is registered on the State Register of Heritage Places, in Schedule 4 or within the Bridgetown Special Design Heritage Precinct, all development including external modifications such as feature lighting, requires planning approval pursuant to Town Planning Scheme No. 3 and the Heritage of Western Australia Act.

Council adopted the revised Heritage Precinct Development Guidelines in November 2010 to improve the regulation of development within the Precinct. Council has adopted a draft Signage Policy (although currently deferred) to regulate the control of advertising signage. The principles of both policies are to ensure that the development and amenity within the District is appropriate, being one principal function of town planning control.

Whilst Council may ‘tolerate’ the erection of feature lighting on non State Registered places, temporarily or permanently, no resolution of Council can override TPS3 or the Heritage Act to exempt requirement for development approval. Given the lighting was proposed as a trial period only for the 2011 ‘Winter in the Blackwood Festival’,

Shire staff took a pragmatic approach not to require planning approval, on the agreed basis that the lighting be removed once the festival ended.

Shire staff are aware of at least two instances of LED lighting becoming loose from fittings or broken, hanging below verandahs and onto footpaths, which may constitute a safety hazard. Without regulation over the use such lighting, particularly on a permanent basis, may leave the Shire open to liability. Shire staff are aware of one company displaying a colloquial name of a power tool range which may be considered signage, without formal approval. No action has been taken at this time pending the expected removal of the lighting post the festival.

It is the firm view of Shire staff that should owners and tenants wish to erect permanent lighting, particularly on a place of identified heritage value, that planning approval be sought to ensure the scale and design of lighting is in keeping with the architectural values of the place and to enable conditions related to safety and public liability can be enforced.

The unregulated use of feature lighting may result in inappropriate amount, style, colours or location of lighting being erected on buildings. Main Roads WA should be given an opportunity to provide comment on the display of feature lighting on main roads such as South Western Highway, Hampton Street, Steere Street, Gifford Road and Bridgetown-Boyup Brook Road, to consider any traffic safety issues.

The motion intends to remove all power from staff to undertake action to have blue LED feature lighting removed. In the instance of derelict, poorly maintained or dangerous lighting, a formal resolution of Council would then be required, subject to scheduled Council meetings.

Whilst Shire staff generally support the temporary use of feature lighting for the 'Winter in the Blackwood Festival' and perhaps even for the annual Blues at Bridgetown Music Festival, the permanent use of feature lighting, particularly on a heritage building, warrants formal assessment and issue of planning approval if deemed appropriate.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3
- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4
- Heritage of Western Australia Act 1990

Implications discussed above.

Policy Implications

- Shire of Bridgetown-Greenbushes Bridgetown Special Design Heritage Precinct – Statement of Planning Policy and associated Development Guidelines.
- State Planning Policy No. 3.5 – Historic Heritage Conservation

Implications discussed above.

Strategic Implications

2010/11-2014/15 Strategic Plan

Part 2 Economic Development - The continued economic development of a strong and diverse local economy

Strategy No. 2.2 – Develop the Shire as a tourist destination.

- Action Item 2.2.4 – Encourage and support community and private groups to stage events in the district where a demonstrable community benefit can be shown.

Strategy No. 2.5 – Make the Bridgetown Town Centre an attractive place for investment in the form of business development and local shopping.

- Action Item 2.5.3 – Ensure the maintenance of the Town Centre maintains a high level of appearance and amenity.

Part 5 – Environment – Preservation of our unique natural and built environment

Strategy 5.2 – Enhance and protect our built heritage

- Action 5.2.1 – Review the existing policy and design guidelines for the Bridgetown CBD Heritage Precinct
- Action 5.2.2 – Continue to review planning and heritage policies to offer increased protection of built and natural values.

Budget Implications – Not applicable

Fiscal Equity - Not Applicable

Whole of Life Accounting – Not applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity

Consideration must be given to appropriate forms of development on heritage identified buildings and within the Bridgetown Special Design Heritage Precinct.

Risk Management

Unregulated use of lighting within public space (ie. within a thoroughfare) raises potential for public safety and liability issues.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

SC.03/0711 Council Staff – Parking of Vehicles

Submitted by Cr Moyes

Motion

That Council create, or request the CEO to create, a working policy to ensure that the majority of Council staff (with cars) utilise the railway marshalling yards car park as agreed upon when Council was endorsing the construction of said carpark.

Reasons for Motion

- The recent motion of Cr Southwell removing the 2 hour restriction at the Shire carpark should not have the effect of then allowing Shire staff with cars to return back to the Civic Centre parking area (this has now once again caused serious congestion in this prime parking area).
- Such activity from all day parkers negates the need and benefit of this most expensive and recently almost unused carpark.
- Note on Tuesday, 28 June the author noted no cars at all in the said carpark.

Officer Comment

Currently members of staff are “encouraged” to park in the railway car park however most choose not to – instead parking in the civic centre car park closer to the administration office. Most days 2 to 3 staff chooses to park elsewhere, either in the Railway car park or on Railway Parade.

For Council to require staff to park in a specific location a formal Council policy will be required. A draft policy can be prepared and presented to a future Standing Committee meeting.

On most working days up to 14 staff would park in the civic centre car park (excluding short visits to the office by staff not based at the administration office or library). Six bays at the lower level of the car park (3 under carport and 3 others) are currently sign restricted for parking of Shire vehicles only, leaving up to 10 private and 1 Shire vehicle to park elsewhere in the car park. There are currently 23 “unrestricted” parking bays in the car park plus the area outside the car park adjacent to the railway line that is often used for parking.

Anecdotal observation of the car park has indicated that it only rarely is full. In fact during the period where parking in the car park was restricted to 2 hours only a few parking bays at a time were occupied by general users.

Statutory Environment

The Shire’s industrial relations advisor has indicated that setting parking restrictions on general or specific staff can be made a condition of employment subject to the restriction being outlined in an appropriate policy.

Policy/Strategic Implications

Part 2 - Economic Development

Outcome – the continued economic development of a strong and diverse local economy.

Strategy 2.5 – Make the Bridgetown Town Centre an attractive place for investment in the form of business development and local shopping.

Action 2.5.1 – Plan and implement the upgrading of the CBD to improve its safety and amenity (including car parking).
(High Priority)

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity

Council has previously resolved to remove all two-hour restrictions from Council car parks and encourage shop owners and their staff to park their vehicles in the new Railway Car Park. If the current motion is carried and a policy subsequently adopted, Shire staff would be unable to park in the “public” bays in the Civic Centre car park but any number of other people, including employees of other businesses, would be free to park there for an unlimited period of time.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

SC.04/0711 National Trust Paintings of District

Submitted by Cr Moyes

Motion

That Council makes enquiries to ascertain if the old canvas paintings removed from the Council Chambers in 2004/05 (very old paintings of the district owned by the National Trust) can be sought, insured and reinstalled to the Council Chambers.

Reasons for Motion

- The author believes that such old paintings of the area are well worth displaying in our Council Chambers.
- The only reason really given at the time for their removal was the cost of insurance.
- If we can get them back from National Trust they surely would be well appreciated in the district in which they were painted long ago.

Officer Comment

For approximately two years in 2003 and 2004 Council had an agreement with the National Trust of Australia (WA) for the loan of two paintings titled ‘Southampton’ and ‘Out of Balingup’.

The loan agreement imposed the following conditions on the Shire:

- *Paintings to be insured to the value of \$20,000.*
- *No lights to be left on in the room when not in use.*
- *Curtains or other window treatments to be kept closed.*
- *Only low UV globes to be used in light fittings.*
- *No lights (eg spots) to be directed onto paintings' surfaces.*
- *Paintings not to be removed without the written permission of the National Trust of Australia (WA).*

Council, at its November 2004 meeting resolved (C.03/1104):

That Council advises the National Trust of Australia (WA) that the paintings will be returned to the National Trust at the expiration of the current loan agreement.

The officer report to the November 2004 meeting advised of difficulties in ensuring absolute compliance with some of the conditions of the loan agreement, specifically ensuring that no lights were to be left on in the room when not in use; curtains or other window treatments to be kept closed, etc, as the Chambers are on occasions used by third parties.

Memory has it that some of the discussion that occurred at the November 2004 meeting centred on a view by many councillors that the paintings were unattractive and were not representative of the Shire of Bridgetown-Greenbushes in that Southampton and Balingup are located within the Shire of Donnybrook-Balingup.

The loan of the paintings was also facilitated by the relationship that existed at the time between the Shire of Bridgetown-Greenbushes and the National Trust in their joint management of Bridgedale. The Shire no longer has any role in the management of Bridgedale and its relationship with the National Trust is almost non-existent.

Statutory Environment - Nil

Policy/Strategic Implications - Nil

Budget Implications

An estimate of insurance costs can not be provided until an updated value of the paintings was determined.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

If the National Trust was receptive to the proposal any conditions associated with the loan and management of the paintings would have to be assessed at that time.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Reports of Officers

Reports of Officers have been divided into the following Categories:

- Policy
- Local Laws
- Strategy
- Organisation Development

Policy

ITEM NO.	SC.05/0711	FILE REF.	203
SUBJECT	Directional Signs Policy Review		
OFFICER	Manager Planning		
DATE OF REPORT	4 July 2011		

Attachment 1 - Current Directional Signs Policy

Attachment 2 - Revised Directional Signs Policy

OFFICER RECOMMENDATION That Council adopt the revised 'Directional Signs Policy P.1' as per Attachment 2.

Summary/Purpose

A review of the Directional Signs Policy has identified a number of necessary albeit minor changes to the Policy. A revised Policy is presented to Council for adoption.

Background

The "Planning" Section of the Policy Manual was reviewed in September 2009, with Council adopting a number of modifications to the Directional Signs Policy at that time (see Attachment 1).

A subsequent review has been undertaken, triggered by identified corrections include reference to Main Roads Western Australia requirements. The applicable Australian Standard is currently referenced in the Policy, however Main Roads standards, policies and codes take precedence over the Australian Standards in Western Australia and this has been reflected in the revised Policy.

Under Main Roads WA Policy Guide a maximum of five one word signs on a stack or lines on a sign in total including any street name plate. This is due to motorists not being able to read and/or comprehend any more words whilst in transit. This is reflected in the Australian Standard 17422 – 1994, which states:

"2.10.3.3 Legend Stack Type Advance Direction Signs should preferably be limited to five lines of legend including route names, with not more than two lines in any one

panel except that the G1-4 type sign may have up to four lines. Likewise, diagrammatic signs should be limited to a total of five items, where destination or route names.”

This standard greatly influences and relates to the design and manufacture of signage, particularly stack board signage, which is currently stated in the Shire’s Directional Signs Policy. It is recommended that the Restricted Locations section clearly states that a maximum of five directional signs are permitted on any one location, including street or route names. This will prevent occurrences of two street names signs plus five directional signs (total of seven signs) currently permitted under the Policy.

It is proposed that for reasons of consistency the word “Council” be replaced with “the Shire” on five occasions to better reflect the current exercise of discretion available to the Shire’s administration in implementing the Policy. It is also proposed to refer to “private directional advance warning” signs, as distinct from formal advance warning signs.

The proposed changes described above are detailed below:

- i. Under Section 2 ‘Road Sign Standards’ reword to read “All directional signs to be erected on road reserves must be manufactured and erected in accordance with Main Roads WA Standards, Policy and Codes, and applicable Australian Standard AS1742-5. These are standards for the whole of Western Australia and ensure continuity in road signage and tourist guidance.”
- ii. Under Section 3 ‘Types of Signs Permitted’ reword to read “Signs at road intersections to be “fingerboard” signs only, unless otherwise approved by the Shire. No “private directional advanced warning” signs will be permitted, apart from those required for safety requirements, unless otherwise approved by the Shire.”
- iii. Under Section 4 ‘Number of Signs allowed per Business’ to read “The maximum number of signs permitted to be erected on road reserves within the residential area of Bridgetown townsite is three per business. The number of signs outside Bridgetown townsite to be at the discretion of the Shire. All signs to be attached to existing street sign poles if possible.”
- iv. Under Section 5 ‘Restricted Locations’ reword the second paragraph to read “A maximum of five directional signs are permitted on any post or corner of an intersection (unless a proper stack board exists). Where a pole or intersection has five or more existing directional signs, including road name or route signage, any applications for the erection of additional directional signs will be refused.”
- v. Under Section 6 ‘Cost of Signs’ reword the first paragraph to read “Applicants will be responsible for all costs associated with planning approval, ordering, manufacture, delivery and erection of directional signs. The fees and charges for planning assessment and the manufacture/installation are listed in the Shire’s Schedule of Fees & Charges.”
- vi. Under Section 7 ‘Replacement and Maintenance of Signs’ reword the first paragraph to read “No responsibility will be taken for replacement or maintenance to missing or damaged signs by the Shire.”

Statutory Environment - Nil

Policy Implications

This item is a review of the Directional Signs Policy P.1, that forms part of the “Planning” Policy section of the Shire’s Policy Manual. Note this is separate from the “Town Planning” section of the Policy Manual as “Town Planning” policies are adopted under the Shire of Bridgetown-Greenbushes operative Town Planning Schemes and follow a statutory advertising/consultation process. “Planning” policies have no statutory framework and have the same status as all the other policies excepting those in the “Town Planning” section.

Strategic Plan Implications – Nil

Budget Implications - Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management

The reference to Main Roads WA signage standards, policy and codes in the Policy will ensure appropriate of signage reducing the Shire’s risk profile.

Continuous Improvement

Improvements to the Policy to reference Main Roads WA signage standards, policy and use of correct terminology will improve the accuracy and use of the Policy.

Delegated Authority

Nil – Approval from Council is required to adopt the revised Policy.

Voting Requirements – Simple Majority

ITEM NO.	SC.06/0711	FILE REF.	203, 767
SUBJECT	Draft Bridgetown Residential Heritage Area Policy and Development Guidelines and Regional Heritage Advisory Service Update		
OFFICER	Manager Planning		
DATE OF REPORT	4 July 2011		

Attachment 3 - Draft Bridgetown Residential Heritage Area Policy
Attachment 4 - Draft Development Guidelines
Attachment 5 - Draft Schedule of Contribution Significance

OFFICER RECOMMENDATION: That Council:

- 1. Adopt the Draft Bridgetown Residential Heritage Area Town Planning Scheme Policy, Development Guidelines and Schedule of Contribution Significance, as per Attachments 3, 4 & 5, and direct the Chief Executive Officer to proceed to public consultation in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 with a report and feedback to be presented to a future meeting of Council.*
- 2. Note that Ms Annette Green has completed her contract as Regional Heritage Advisor for the South West Region and direct the Chief Executive Officer to forward correspondence thanking Ms Green for her valuable contribution to heritage matters in the Shire of Bridgetown-Greenbushes over the past four and half years.*
- 3. Note that Ms Annabel Wills has been appointed by the Heritage Council of Western Australia as the Regional Heritage Advisor for the South West Region, with her tenure commencing on 1 July 2011.*

Summary/Purpose

The identification and protection of the cultural heritage character of Bridgetown is recognised in the Shire's Strategic Plan, Town Planning Scheme No. 3 and Town Planning Policies. A residential heritage area in proximity to the railway line has been identified and the draft Policy including Development Guidelines has been prepared for appropriate management of the values within the Policy area. The draft Policy is presented to Council to seek consent to commence public consultation.

The report is also presented to Council noting the change in the Regional Heritage Advisor for the South West Region.

Background

A report was presented to Council in December 2008 to provide an update of an 'in-house' review of the Municipal Inventory and Council resolved (in part):

"C. 12/1208 That Council:

- 3. Request the CEO to provide an interim report back to Council by June 2009 on the proposed review of the Municipal Inventory, including feedback following public consultation required by Point 2. above, along with the merits of developing a Heritage Conservation Incentives Scheme, reviewing the current Bridgetown Special Heritage Design Policy and preparing a broader Heritage Conservation Policy for the Shire."*

Council at its meeting in May 2009 considered an interim report on the Municipal Inventory review, related specifically to the inclusion of significant trees, and resolved (in part):

“C.26/0209 That Council:

5. *Request the CEO to provide an interim report back to Council by August 2009 on the review of the Municipal Inventory, including feedback following public consultation required by Point 4. above, along with the merits of developing a Heritage Conservation Incentives Scheme, reviewing the current Bridgetown Special Heritage Design Policy and preparing a broader Heritage Conservation Policy for the Shire.”*

At a Local Planning Strategy Workshop in October 2010, the Shire’s planning consultant presented draft mapping of Bridgetown, including identification of a broad heritage area for the majority of residential zoned land in Bridgetown, with a view to providing development incentives for protection of identified heritage buildings. Attending councillors were generally of the view that a more defined residential heritage area should be identified for inclusion in the Strategy.

Ms Annette Green, Regional Heritage Advisor, is contracted through the Heritage Council of Western Australia (HCWA) and in consultation with the Manager Planning, has continued work on the Municipal Inventory review. This review has identified a number of properties with links to the railway line, including residential buildings such as the former Station Master’s House (corner Spencer Street/Ethel Street), railway employee cottages (Spencer Street), and other non-residential properties such as the former Railways Institute Building (corner Rowley Street/Brockman Street), the former Returned Services League (RSL) Hall (corner Spencer Street/Rowley Street) and the former Railway Barracks (corner Spencer Street/Phillips Street).

Based on the above, the Regional Heritage Advisor undertook a preliminary heritage assessment of the infill development generally to the east and south of the railway line in Bridgetown. A largely intact group of early to mid-twentieth century (c.1915-1945) single storey, residential buildings has now been identified (see Attachment 5) forming a recognisable residential heritage area, with a strong connection to the railway line and infill development of Bridgetown during that period.

The Bridgetown Residential Heritage Area has now been defined (see Figure 1, Attachment 4) generally bounded by the railway line/Spencer Street to the west, Ethel Street to the north, Roe Street to the east, and Phillips Street to the south. As stated in the draft *Development Guidelines*, the heritage area is of considerable significance within the Bridgetown townsite as:

- A good, representative collection of the range of traditional, modest houses that were constructed as part of the consolidated growth of Bridgetown in the early to mid-twentieth century.
- An aesthetically pleasing collection of streetscapes, featuring broad views of mature plantings and traditional rooflines, and more detailed views of the traditional cottages and houses of the Inter-War period.

The purpose of the Development Guidelines is to enable the Heritage Area to continue to function and develop as a residential area while retaining its cultural heritage significance and traditional streetscape character. The format of the Guidelines matches the recently reviewed Bridgetown Special Design Character Precinct Policy: Development Guidelines, adopted in November 2010.

The Guidelines includes a comprehensive introduction, legislative and policy background, objectives and application, including specific areas such as demolition and new development requirements, building heights, roofs and colour schemes. Section 5 addresses the level of contribution that individual places have to the overall cultural heritage values of the Policy area. The identified value of individual places range from considerable to some to no contribution. Table 1 prescribes desired outcomes for places with varying contribution and Figure 1 identifies the value of each place, supported by the Schedule of Contribution Significance assessment included as Attachment A to the draft guidelines.

Detailed sketches are still required for Sections 11, 12, 13 and 14 of the Development Guidelines. A consultant has not yet been appointed to prepare these sketches, pending Council's adoption of the draft Policy and Development Guidelines for the purposes of public advertising.

Regional Heritage Advisory Service

Council should note that Ms Annette Green completed her contract as Regional Heritage Advisor for the South West Region on 30 June 2011, to pursue other private consultancy work. Ms Green has however also been appointed as a member of the Heritage Council's Regional Heritage Advisory Services Panel for ad hoc specialist services in the fields of Building Conservation and Heritage Architecture.

This panel can be accessed by all local governments (through the Office of Heritage) for short term heritage projects that fall outside of the scope of the general Regional Heritage Advisory Service.

Ms Green's replacement, Ms Annabel Wills, commenced her appointment as Regional Heritage Advisor for the South West Region as of 1 July 2011. Ms Wills has excellent heritage experience as a former employee of the Heritage Council and continues to practice as a private consultant, and will be a valuable advisor to the Shire.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3

Clause 4.1 of the Scheme Text, related to Amenity and Tourist Development, states that *"Council's objectives will be to ensure that the overall amenity of the town is retained and enhanced for the benefit of residents and in the interests of the District's tourist potential, and that the landscape values of the environment are maintained. Council's Policies will therefore be to:*

- (a) require, by means of Scheme provisions, an appropriate standard of maintenance and visual appearance of buildings and properties within the town and its environs; and*

- (b) *encourage and permit, subject to adequate conformity with Scheme provisions, uses and activities which add to and facilitate the District's potential for tourism and recreational use.*"

Clause 4.3 of the Scheme Text, applicable to the Residential zone, states that *"Council's objective will be to ensure that the residential character and amenity of the zone is retained and enhanced and that any other uses approved within the Zone under the provisions of the Scheme are compatible with this basic objective."*

Clause 3.4.1 of the Scheme Text states that *"Except as hereinafter provided no development including a material change in the use of land shall be carried out on land within the Scheme Area without the prior consent of the Council. Such consent is hereinafter referred to as 'a planning approval' and is required in addition to a building licence."*

- Heritage of Western Australia Act 1990

Where places have been entered in the State Register of Heritage Places, the advice of the Heritage Council of Western Australia must be sought by the Shire as part of the Shire's consideration of any development proposal. Advice as such is included in the draft Development Guidelines.

Policy Implications

This report relates to a full review of the Policy and Development Guidelines.

Strategic Plan Implications

Strategic Plan 2010/11 – 2014/15

Part 5 Environment – Outcome – Preservation of our unique natural and built environment.

Strategy No. 5.2 – Enhance and protect our built heritage.

- Action Item 5.2.2 – Continue to review planning and heritage policies to offer increased protection of built and natural values (Medium Priority).

Budget Implications

If Council decides to adopt the draft Policy for the purposes of public advertising, costs of approximately \$300 will be incurred for advertising and approximately \$400 for preparation of detailed sketches, with funds currently available.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity - Not applicable

Cultural Equity

Identification and adoption of Policy and Development Guidelines will improve conservation of cultural heritage places and buildings and values of the Policy area.

Risk Management – Not applicable

Continuous Improvement

A detailed investigation of the levels of contribution and preparation of the Policy and Development Guidelines by a practising qualified consultant has assisted preparation of a suitable Policy to assist making decisions to retain and/or better manage places of cultural heritage significance.

Delegated Authority

Council approval is required to adopt the draft Policy and Development Guidelines and to undertake public consultation.

Voting Requirements – Simple Majority

ITEM NO.	SC.07/0711	FILE REF.	767
SUBJECT	Review of Sea Containers and Other Similar Relocatable Storage Units Policy		
OFFICER	Manager Planning		
DATE OF REPORT	30 June 2011		

- Attachment 6 - Submissions
- Attachment 7 - Schedule of Submissions
- Attachment 8 - New Relocatable Storage Unit Policy
- Attachment 9 - Current Sea Containers & Other Similar Relocatable Storage Units Policy

OFFICER RECOMMENDATION: That Council

1. *Notes the two submissions received, as per Attachment 6, and the staff responses in the Schedule of Submissions, as per Attachment 7, in relation to the review of Sea Containers & Other Similar Relocatable Storage Units Policy.*
2. *Adopts the new Relocatable Storage Unit Policy without further amendment, as per Attachment 8, pursuant to Clause 6.7.3(a) of Town Planning Scheme No. 3 and Clause 7.6.3(a) of Town Planning Scheme No. 4.*
3. *Rescinds the Sea Containers & Other Similar Relocatable Storage Units Policy, as per Attachment 9, in accordance with Clause 6.7.3(b) of Town Planning Scheme No. 3 and Clause 7.6.2(b) of Town Planning Scheme No. 4.*

Summary/Purpose

Following the statutory public consultation process for review of Sea Containers and Other Similar Relocatable Storage Units Policy, and noting the two submissions received, the new policy is presented to Council for formal adoption.

Background

A revised Policy was presented to the Standing Committee of Council at the meeting on 8 July 2010, recommending minor changes and setting of a two year time period for the temporary use of sea containers. Council at its Ordinary Meeting on 29 July 2010 resolved that the 'Sea Containers Policy' be reviewed separately.

A motion was moved at the August 2010 meeting of Council to amend the Policy to exempt the need for planning approval for the use of sea containers in Rural, Commercial, Industrial and Service Industry zones however Council resolved:

“C.02/0810 In accordance with Standing Orders 11.1(b) the matter be deferred and referred to a future meeting of the Standing Committee, with specified additional information being provided in the form of a proposed review of the Policy as required by the resolution by the July Ordinary Meeting.”

Investigation of the appropriateness of relocatable storage units being used throughout the Shire was undertaken, with research of other local government authorities showing a varied approach is taken. Justification for changes to the Policy were presented to Standing Committee at its meeting on 10 March 2011 however for reasons of brevity have not been repeated here. At the Ordinary Meeting of Council on 31 March 2011, Council adopted the Committee recommendation and resolved:

“C.25/0311 That Council adopt the renamed Relocatable Storage Unit Policy, as per Attachment 2, in place of Sea Containers & Other Similar Relocatable Storage Units Policy, and instruct the Chief Executive Officer to commence public consultation for a 28 day period in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 and Clause 7.6.2 of Town Planning Scheme No. 4, with the matter presented to a future meeting of Council.”

In accordance with the resolution of Council the reviewed Policy was advertised for public comment for a period of 21 days with the submission period closing on 12 May 2011, with advertisements published in the local newspaper, and notices posted on the Shire noticeboards and website. Two submissions were received during the public comment period objecting to the changes, with the comments included in the Schedule of Submissions, as per Attachment 7.

The new renamed Relocatable Storage Units Policy better addresses the management of using such units throughout the Shire, improving assessment criteria and conditions, prohibiting the inappropriate use of containers within a residential environment, and confirming exemptions of approval for use of units on large rural properties. The new Policy broadens the purpose of the Policy, uses correct terminology, no longer refers to appeal rights, and includes standard conditions to assist Shire officers and proponents to understand the terms of reasonable approval.

Noting the content of the two submissions received it is recommended that Council adopt the new Relocatable Storage Units Policy and rescind the former Sea Containers and Other Similar Relocatable Storage Units Policy.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3
- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

A new Town Planning Scheme Policy can only become operative after the policy has been advertised for public comment under Clause 6.7.2 of Town Planning Scheme No. 3 (TPS3) and Clause 7.6.2 of Town Planning Scheme No. 4 (TPS4). Council must then consider any comments received and decide whether to adopt the new

policy with or without amendment, or not proceed, and/or rescind the former policy, pursuant to Clause 6.7.3 of TPS3 and Clause 7.6.3 of TPS4.

Policy

- Sea Containers and Similar Relocatable Storage Units Policy

The Policy review seeks to better regulate the use of relocatable storage units such as sea containers within the district, prohibiting them from residential areas, improving requirements for units within other applicable zones, and confirming approval exemption for units in agricultural areas.

Strategic Implications

Strategic Plan 2010/11 – 2014/15

Part 5 Environment – Outcome – Preservation of our unique natural and built environment.

Strategy No. 5.2 – Enhance and protect our built heritage.

- Action Item 5.2.2 – Continue to review planning and heritage policies to offer increased protection of built and natural values (Medium Priority).

Budget Implications

Should Council adopt the Policy advertising costs in the vicinity of \$150 would be incurred.

Fiscal Equity – Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity

The unregulated use of relocatable storage units can have a detrimental impact upon amenity.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

Ongoing review of the Policy Manual ensures that policies remain in keeping with community expectations, current trends and legal requirements. Comments have also been received from two landowners within the Shire objecting to the proposed changes, assisting consideration of the merits of the Policy review.

Delegated Authority

Nil – Final approval from Council is required to adopt the new policy and rescind the former policy.

Voting Requirements – Absolute Majority

ITEM NO.	SC.08/0711	FILE REF.	203
SUBJECT	Holiday Accommodation Policy Review		
OFFICER	Manager Planning		
DATE OF REPORT	4 July 2011		

Attachment 10 - Current Holiday Accommodation Policy
Attachment 11 - Revised Holiday Accommodation Policy

OFFICER RECOMMENDATION: That Council adopt the revised 'Holiday Accommodation Policy P.4' as per Attachment 11.

Summary/Purpose

A review of the Holiday Accommodation Policy has identified a number of necessary changes to the Policy. A revised Policy is presented to Council for adoption.

Background

The "Planning" Section of the Policy Manual was reviewed in September 2009, with Council adopting two minor modifications to the Holiday Accommodation Policy at that time. Council adopted further changes to the Policy in February 2011 to allow for development single holiday accommodation units.

A subsequent review has been undertaken, and it is recommended that corrections be made to bulleting format for consistency, commencing sentences with capitals, use of 'the Shire' or 'the Shire's' instead of Council in most (not all) occasions to reflect the discretion of the Shire administration in implementing the Policy.

It is also recommended that conditions be modified to reflect updating of smoke alarm and emergency lighting requirements, adding an extra condition to ensure turning area if provided for vehicles to leave in a forward gear, correcting the scale of development reflecting the permitted range up to five units adopted by Council in February, and deleting reference to water testing charge being included in the Fees and Charges.

The proposed changes described above are detailed below:

- vii. Under Section 2 'Policy Objective' replace 'Council' with 'the Shire' on one occasion.
- viii. Under Section 3 'Site Requirements' for sub-points (a) to (f), correctly use capitals at the start of each sentence; for sub-point (b) replace 'Council' with 'the Shire' on two occasions and for sub-points (c) and (d) replace 'Council' with 'the Shire' on one occasion.
- ix. Under Section 4 'Scale of Development' for sub-point (a), replace the word 'Council' with 'the Shire' on one occasion, for sub-point (c) reword as "Notwithstanding sub-clause 4(a), Council may refuse an application to develop up to five units of holiday accommodation and direct the applicant to initiate a rezoning to the relevant Town Planning Scheme. The basis of such a decision by the Council would be that the proposed development may raise significant environmental or social issues requiring specialist input from government agencies, greater community consultation, binding conditions of development under the Town Planning Scheme, and assessment with regard to the strategic planning of the locality."

- x. Under Section 5 ‘Development Approval’ replace the word ‘Council’ with ‘the Shire’ on one occasion.
- xi. Under Section 6 ‘Development Requirements’ change bullet points from Roman numerals to letters; add new condition (c) stating “Sufficient area for on-site manoeuvring of vehicles is to be provided to ensure all vehicles exit the property in forward gear; and re-number subsequent conditions as required.
- xii. Under Section 7 ‘Classification of Units’ for sub-points (a) and (b), correctly use capitals at the start of each sentence;
- xiii. Under Section 8 ‘Fire Safety’ for sub-point (c), reword as “Smoke alarms and emergency lighting activated by required smoke alarms must be located as marked in red on the approved plan, and installed in accordance with Building Codes of Australia (BCA) Part 3.7.2 and AS 3786 for class 1b buildings, to the satisfaction of the Shire of Bridgetown-Greenbushes. Smoke alarms are required to be connected to the consumer mains power and installed by licensed electrical contractors. A sticker developed by FESA in conjunction with the National Electrical Communications association (NECA)) must be placed in the meter box or switchboard servicing the dwelling by the licensed electrical contractor to record the date the mains powered smoke alarms were installed.”
- xiv. Under Section 9 ‘Water Supply’ for sub-point (a) reword as “Where reticulated water supply fronts a development site connection to all units will be required.”; and for sub-point (b) reword as “Where reticulated water supply is not available to the development site, rain water storage tanks may be used:
 - i) with a minimum size of 45,000 Litres per unit, with the sharing of water tanks between units permitted subject to 45,000 Litres per unit being maintained.
 - ii) provided the stored rain water is tested (eg. chlorination) to ensure it complies with the “Guidelines for Drinking Water Quality (NHMRC), and tested regularly by the Shire, for which a charge will be levied in accordance with the Shire’s Schedule of Fees and Charges.”
- xv. Furthermore under Section 9 ‘Water Supply’ for sub-point reword as “As an alternative to the supply of water through water storage tanks, the Shire may consider a supply from ground water or natural soaks subject to supporting evidence of chemical and microbiological analysis to show that the water complies with the “Guidelines for Drinking Water Quality (NHMRC)”, followed by regularly testing by the Shire, for which a charge will be levied in accordance with the Shire’s Schedule of Fees and Charges”; and delete sub-points (d) and (e).
- xvi. Under Section 10 ‘Maximum Length of Occupancy’ change bullet points from Roman numerals to letters and use capitals at the start of each sentence.

Statutory Environment - Nil

Policy Implications

This item is a review of the Holiday Accommodation Policy P.4, which forms part of the “Planning” Policy section of the Shire’s Policy Manual. Note this is separate from the “Town Planning” section of the Policy Manual as “Town Planning” policies are adopted under the Shire of Bridgetown-Greenbushes operative Town Planning Schemes and follow a statutory advertising/consultation process. “Planning” policies

have no statutory framework and have the same status as all the other policies excepting those in the “Town Planning” section.

Strategic Plan Implications – Nil

Budget Implications - Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

Improvements to the Policy to reference better building fire safety requirements and use of correct terminology will improve the accuracy and use of the Policy.

Delegated Authority

Nil – Approval from Council is required to adopt the revised Policy.

Voting Requirements – Simple Majority

Local Laws

ITEM NO.	SC.09/0711	FILE REF.	Local Law 14
SUBJECT	Keeping and Welfare of Cats Amendment Local Law 2011		
PROPONENT	Joint Standing Committee on Delegated Legislation		
OFFICER	Senior Admin Officer		
DATE OF REPORT	27 June 2011		

Attachment 12 - Keeping and Welfare of Cats Amendment Local Law 2011 as provided for public comment

Attachment 13 - Keeping and Welfare of Cats Amendment Local Law 2011 with minor drafting amendments

OFFICER RECOMMENDATION that Council proceeds with final adoption of the “Keeping and Welfare of Cats Amendment Local Law 2011” (as per Attachment 13) and proceeds with the approval process for a Local Law in accordance with Section 3.12 of the Local Government Act.

Summary/Purpose

The Joint Standing Committee on Delegated Legislation requested Council to make a number of amendments to its *Keeping and Welfare of Cats Local Law 2010* and

sought an undertaking from Council that these amendments would be made within 6 months.

Background

Concerns raised by the Joint Standing Committee during February are outlined as follows:

Definition of a Keeper of a Cat

The Committee has formed the preliminary view that Clause 3.1 of the Local Law is not authorised by the Local Government Act. The definition of “keeper” in Clause 3.1 contains a paragraph which imposes liability on a person who “*occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live*”.

The Joint Standing Committee states that as the Local Law is currently drafted, a person who has no connection to the cat in question but shares premises with another occupier who is an owner or someone who feeds and cares for a cat on a regular basis, is liable for the offences set out in the rest of the Local Law unless they can effectively invoke the defence found in clause 14.1.

It is a fundamental principle of criminal law that liability for an offence depends upon the presence of requisite elements, which consist primarily of a prescribed form of conduct accompanied by a prescribed form of mental state or fault on the part of the accused. The common law in this area is reflected in Section 7 of the *Criminal Code Act Compilation Act 1913* (the WA Criminal Code).

“When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say –

- (a) Every person who actually does the act or makes the omission which constitutes the offence;*
- (b) Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;*
- (c) Every person who aids another person in committing the offence;*
- (d) Any person who counsels or procures any other person to commit the offence.”*

The Committee is of the view that there does not appear to be sufficient connection for a person who occupies the same house as the cat in question to be considered a ‘keeper’ of that cat without being responsible for the care and control of the cat. The Committee previously raised this issue with another local government in 2009 and received an undertaking from that local government that the clause would be amended to insert the words “*who has care and control of the cat*” into its definition of ‘keeper’.

The Committee therefore has sought an undertaking from Council to amend the definition of ‘keeper’ in clause 3.1 to include the words “*who has care and control of the cat*” after the words “*ordinarily permitted to live*”.

Restriction on Keepers under the Age of 18 Years

Clause 14.1 provides the following defence for a person charged under the Local Law:

*“It is a defence to a charge of an offence if the keeper charged satisfies the court that at the time of the alleged offence some other person whom he or she can identify **over the age of 18 years** was the keeper of the cat(s). (emphasis added).*

The Committee is of the view that clause 14.1 infringes the right of a child under the age of 18 years to be a keeper of a cat. It is the Committee’s view that this offends its Terms of Reference 3.6(b) which requires the Committee to consider whether an instrument *has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorised or contemplated by the empowering enactment.*

The Joint Standing Committee requests that the words “*over the age of 18 years*” be deleted from clause 14.1.

Typographical Error in Clause 5.2

The Committee identified a typographical error in clause 5.2 of the Local Law, which although minor, affects the integrity of the Local Law and could cause confusion for residents and officers. The second sentence of clause 5.2 begins as follows:

“When this local law becomes operational, a keep or more than three (3) cats over 12 months of age will need to apply to the local government for a permit.....”

The use of the word ‘keep’ in the first half of the sentence should more appropriately read ‘keeper’ if the intention is to impose an obligation on persons who are within the definition of ‘keeper’ in the Local Law.

Officer Comment

The *Keeping and Welfare of Cats Amendment Local Law 2011*” (Attachment 12) contained the amendments that the Joint Standing Committee was seeking from Council.

At the close of the public advertising period no submissions had been received however the Department of Local Government suggested some minor drafting amendments and these have been incorporated in Attachment 13.

Purpose and Effect of the proposed Local Law

The purpose and effect of the proposed Local Law is to amend clauses 3.1, 5.2 and 14.1 as requested by the Joint Standing Committee on Delegated Legislation.

Statutory Environment

The process for making of a local law is contained in Sections 3.11 to 3.17 of the Local Government Act.

Policy/Strategic Implications - Nil

Budget Implications

The proposed Local Law will be advertised for public comment in a local paper as well as the West Australian. At the conclusion of the public comment period, the local law when adopted will be advertised in a local paper as well as being gazetted. It is anticipated the total cost will be approximately \$750.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

Strategy - Nil

Organisation Development

ITEM NO.	SC.10/0711	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	4 July 2011		

Attachment 14 - Rolling Action Sheet

OFFICER RECOMMENDATION that the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Urgent Business Approved by Decision

Responses to Elected Members Questions Taken on Notice

Elected Members Questions With Notice

[Elected Members Questions with Notice should be submitted to the Executive Assistant prior to 10.00am on the day of the Standing Committee Meeting]

Elected Members Questions Without Notice

Briefings by Officers

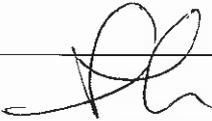
Notice of Motions for Consideration at Next Meeting

Closure

List of Attachments

Attachment	Item No.	Details
1	SC.05/0711	Current Directional Signs Policy
2	SC.05/0711	Revised Directional Signs Policy
3	SC.06/0711	Draft Bridgetown Residential Heritage Area Policy
4	SC.06/0711	Draft Development Guidelines
5	SC.06/0711	Draft Schedule of Contribution Significance
6	SC.07/0711	Submissions
7	SC.07/0711	Schedule of Submissions
8	SC.07/0711	New Relocatable Storage Unit Policy
9	SC.07/0711	Current Sea Containers & Other Similar Relocatable Storage Units Policy
10	SC.08/0711	Current Holiday Accommodation Policy
11	SC.08/0711	Revised Holiday Accommodation Policy
12	SC.09/0711	Keeping and Welfare of Cats Amendment Local Law 2011 as provided for public comment
13	SC.09/0711	Keeping and Welfare of Cats Amendment Local Law

		2011 with minor drafting amendments
14	SC.10/0711	Rolling Action Sheet

Agenda Papers checked and authorised by CEO, Mr T Clynch		7.7.11
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